



Recommendations to Enhance Wildlife Benefits of the 2018 Farm Bill

The Farm Bill is the largest source of federal funds for habitat conservation on private lands. Two-thirds of land in the lower 48 states is privately owned, and more than 40 percent of that is managed for agriculture. Many species of conservation concern, including federally protected and candidate species, depend on private lands. Conservation of these lands is essential to their recovery.

Approximately every five years, Congress reauthorizes the Farm Bill to update policy and establish initial funding levels for its programs. Defenders of Wildlife, representing more than 1.8 million members and supporters, advocates for strong conservation programs in the 2018 Farm Bill that produce measurable outcomes for wildlife. **In reauthorizing the Farm Bill, Congress must also pass legislation without provisions that undermine or eliminate federal conservation law or impair management of federal public lands.**

Defenders of Wildlife has identified 38 recommendations for enhancing wildlife benefits of the conservation programs and provisions in the 2018 Farm Bill. They are grounded in our guiding principles and based on our experience in the field and expertise in wildlife and habitat conservation.

Guiding Principles

Defenders' recommendations are based in the following guiding principles:

- Ensure that the Farm Bill does not undermine bedrock environmental laws, including the Endangered Species Act, Clean Water Act, and federal public lands management statutes.
 - Prioritize conservation of federally protected species, candidate species, state-listed species, and other priority species, such as “Species of Greatest Conservation Need” identified in State Wildlife Action Plans, in all appropriate Farm Bill programs.
 - Maximize wildlife conservation benefits by assessing and evaluating the effectiveness of programs and practices in terms of both outcomes and outputs to support informed investments in the most effective practices.
 - Strengthen programs to support climate change adaptation, adaptive management, and carbon sequestration and soil health.
 - Ensure that implementation of relevant Farm Bill programs supports prevention, control, and reduction of invasive species.
 - Support permanent or long-term conservation easements and prioritize roll-over leasing, where appropriate, to extend and enhance these conservation investments.
 - Support non-lethal predator deterrence and wildlife coexistence measures.
 - Apply best available scientific information in the administration and implementation of conservation programs.
 - Reauthorize, and maintain or increase funding levels for all conservation programs and provisions and the Conservation Technical Assistance program.
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Recommendations

Defenders' recommendations are ordered by title and program. Most conservation programs are contained in Title II of the Farm Bill.

Title I: Commodities

Livestock Indemnity Program

The Livestock Indemnity Program (LIP), administered by the Farm Services Agency, provides indemnity payments to producers for livestock losses in excess of normal mortality due to predation by reintroduced carnivores or animals protected by federal law. LIP payments are equal to 75 percent of the average fair market value of the livestock lost.

- ◆ Make tribal livestock associations, where livestock are often communally owned, eligible for LIP.

Title II: Conservation

Conservation Reserve Program

The Conservation Reserve Program (CRP) conserves and improves soil and water quality, and creates and maintains wildlife habitat by providing cost-share and rental payments for farmers to establish long-term vegetative cover on highly erodible or environmentally sensitive land that has usually previously been converted to row crops.

- ◆ Increase cost savings and effectiveness of the program by authorizing perpetual CRP easements for land enrolled in any of the CRP or NRCS habitat initiatives, land that exceeds an erodibility index of greater than 15, and land adjacent to riparian areas that should be protected as conservation buffers in perpetuity.
- ◆ Increase the acreage enrolled in Continuous Conservation Reserve Program (CCRP), Conservation Reserve Enhancement Program (CREP), and CRP Special Initiatives for various habitats.
- Amend CRP as appropriate to ensure that producers are authorized and adequately compensated for efforts to control or remove invasive species on enrolled land.
- Amend the Farmable Wetlands Program (Section 1231b(e)) of the Food Security Act of 1985 (16 U.S.C. 3831b)) within CRP by adding a new paragraph, “(5) to prevent the introduction of invasive species, avoid their spread, and control any existing invasive species, to the maximum extent practicable.”

Conservation Stewardship Program

The Conservation Stewardship Program (CSP) provides financial and technical assistance to promote the conservation and improvement of soil, water, air, energy, plant and animal life, and other conservation purposes on private working lands. Contracts (five years, with the option of extension) are based on meeting or exceeding a “stewardship threshold.” Payments are based on the actual costs of implementing conservation measures, any foregone income, and the value of the expected environmental outcomes.

- ◆ Improve the wildlife conservation outcomes of the program by requiring that enhancements on a minimum of 10 percent on the acreage in each state annually enrolled directly benefit wildlife.
 - Reauthorize CSP.
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Environmental Quality Incentives Program

The Environmental Quality Incentives Program (EQIP) is a voluntary program that provides agricultural producers with financial and technical assistance to plan and implement Conservation Practices established by the Natural Resources Conservation Service (NRCS).

- ◆ Increase the minimum amount of the EQIP funding allocation dedicated to Conservation Practices that address wildlife habitat resource concerns from 5 percent to 10 percent in each state.
- ◆ Direct NRCS to develop Conservation Practices for non-lethal predator deterrence and wildlife coexistence measures, and make them eligible for use under the livestock set-aside, where appropriate.
- Prohibit EQIP dollars from funding new and expanding large Confined Animal Feeding Operations (CAFOs), especially within sensitive waterways or floodplains.
- Ensure that EQIP funding for irrigation infrastructure stipulates returning saved water to in-stream flows and does not incentivize the over-consumption of water resources.
- Amend Section 1240H(a)(2) of the Food Security Act of 1985 (16 U.S.C. § 3839aa-8) by adding a new subparagraph (G): “(G) facilitate pilot testing of new technologies or innovative practices for invasive species prevention or control, including the use of fire coupled with appropriate training and technical assistance provided by the Secretary.”
- Direct NRCS to develop a “long contract pilot program” that would offer extended contracts and cost-share rates adjusted according to conservation or environmental performance that may not be realized within the typical EQIP contract timeframe.
- Authorize state NRCS offices to offer an “outcome option,” an outcome-based contract for delivery of conservation practices, where appropriate.
- Reauthorize the Conservation Innovation Grant (CIG) Initiative.

Agricultural Conservation Easement Program

The Agricultural Conservation Easement Program (ACEP) provides matching federal funds to protect agricultural land and related conservation values by limiting nonagricultural uses, and by restoring, protecting, and enhancing grasslands and wetlands.

- ◆ Prioritize funding for permanent easements over 30-year easements for the Wetland Reserve Easement component, as appropriate.
- Prioritize restoration and management funding for Grasslands of Special Environmental Significance.
- Eliminate the waiver for the impervious surface limitation, and eliminate the exemption for waste storage and treatment facilities from the impervious surface limitation.

Regional Conservation Partnership Program

The 2014 Farm Bill established the Regional Conservation Partnership Program (RCP) to support locally-led conservation efforts by engaging producers in collaborative and entrepreneurial partnerships to take on conservation issues at regional and watershed scales. Partnership projects address problems that no single entity could manage individually, targeting and leveraging federal conservation funding for specific environments and natural resource concerns.

- ◆ Maintain the current three fund pools—National, State, and Critical Conservation Areas—and responsibly apportion available funds among these pools.
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- Provide the U.S. Department of Agriculture with the necessary technical assistance and administrative funds to implement the program. This amount should be a fixed percentage of RCPP funding and not be negotiated after grants are awarded to projects, as is the case now.

Emergency Watershed Protection Program

The NRCS Emergency Watershed Protection (EWP) program addresses watershed impairments that pose imminent threats to people and property. Land that has suffered damage due to flood, fire, drought, windstorm, or other natural occurrences may be eligible for the program. The Floodplain Easement option supports permanent easements to restore, protect, maintain, and enhance the functions and values of floodplains, including associated wetlands and riparian areas. These easements also help conserve fish and wildlife habitat.

- Revise the program to consider the hydrology of a floodplain in determining eligibility for landowner participation.

Administration and Funding

General administration and funding for conservation programs are contained in Title II, Subtitle G, and include technical assistance, requirements applicable to all Title II programs, and rulemaking authority.

- ◆ Prioritize conservation of federally protected species, candidate species, state-listed species and other priority species, such as Species of Greatest Conservation Need identified in State Wildlife Action Plans, in all appropriate Farm Bill programs.
 - ◆ Provide for assessment and evaluation of outcomes for Farm Bill conservation programs, as proposed in H.R. 4751, the Healthy Fields and Farm Economies Act.
 - ◆ Strengthen programs to support climate change adaptation, adaptive management, and carbon sequestration and soil health.
 - ◆ Apply best available scientific information in the administration and implementation of conservation programs.
 - ◆ Encourage the Secretary, as appropriate, to implement conservation programs to (1) conserve landscape corridors and hydrologic connectivity, where native fish, wildlife, and plant species and ecological processes can transition between habitats, in order to conserve native biodiversity and support resiliency against impacts from a range of stressors; (2) support data sharing across agencies and organizations; and (3) use conservation practices that protect and restore landscape corridors and hydrologic connectivity.
 - ◆ Direct the U.S. Department of Agriculture to adopt a native vegetation standard that promotes and prioritizes the use of ecologically appropriate and diverse mixes of native vegetation for all agricultural conservation practices and programs wherever possible, allowing for exceptions for situations in which non-native vegetation is more suitable for meeting resource needs.
 - Amend Section 1261(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3861(b)) establishing the State Technical Committees by adding to direct state offices to ensure that State Technical Committee meetings are conducted at least semi-annually.
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Title VIII: Forestry

Healthy Forest Reserve Program

The Healthy Forests Reserve Program (HFRP), administered by NRCS, provides landowners with 10-year restoration agreements and 30-year or permanent easements for certain conservation actions. Some enrollees may avoid regulatory restrictions under the Endangered Species Act by restoring or improving habitat on their forestland for a specified period of time. Enrolled lands must restore, enhance or measurably increase the recovery of endangered or threatened species, improve biological diversity or increase carbon storage.

- ◆ Reauthorize the program with mandatory funding.
- Make land that has already been restored and providing current wildlife benefits eligible for long-term or permanent easements.

Title XI: Crop Insurance

Conservation Compliance, Sod saver, Swampbuster and Sodbuster

Conservation compliance refers to conservation accountability provisions that require producers to undertake a basic level of soil and wetland conservation on vulnerable lands in exchange for farm program benefits, including commodity support, crop insurance and other subsidies, production loans, and conservation program payments. The 2014 Farm Bill re-linked these conservation compliance provisions to crop insurance premium subsidies (16 U.S.C. §§ 3811, 3812, 3821). “Sodbuster” and “swampbuster” are conservation compliance provisions from the original 1985 Farm Bill that provide certain farm program benefits to producers in exchange for a minimum level conservation on highly erodible land and/or agreeing not to convert wetlands to crop production. “Sod saver” is a provision added to the 2008 Farm Bill and amended in the 2014 Farm Bill that reduces incentives to convert native prairie to cropland by reducing crop insurance subsidies. The provision currently only applies to six states across the Prairie Pothole Region.

- ◆ Maintain the statutory link between crop insurance and conservation compliance.
 - ◆ Expand the sod saver provision nationwide.
 - ◆ Close the existing loophole (7 U.S.C. § 7333(a)(4)(B)) in the sod saver provision that allows producers to convert native sod without being subject to sod saver.
 - ◆ Track acres of native sod converted to cropland by require producers to certify to the Farm Service Agency the amount and location of acreage of native sod converted via an existing automated crop certification system.
 - Retain the current swampbuster and sodbuster provisions related to highly erodible land and wetlands.
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Conservation Technical Assistance

Through the Conservation Technical Assistance (CTA) program, NRCS and its partners provide assistance to private landowners with enrolling in conservation programs, resource assessment and conservation planning. CTA can help landowners and land users maintain and improve fish and wildlife habitat. NRCS funds a large portion of its staff through the CTA program.

- ◆ Maintain or increase discretionary funding or authorize mandatory funding for the CTA program to enhance customer experience.

Technical Service Providers

Technical Service Providers (TSPs) are individuals or businesses that offer technical expertise in conservation planning and design for a variety of conservation activities. TSPs are hired by farmers, ranchers, private businesses, nonprofit organizations, or public agencies to provide these services on behalf of NRCS. TSPs must be certified by NRCS.

- ◆ Amend the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a-g) to require a nationwide assessment and evaluation of program delivery by TSPs every five years.

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