

# Policy Recommendations for the 2023 Farm Bill

Defenders of Wildlife



**W**ildlife depends on the Farm Bill. Imperiled species benefit from Farm Bill programs that support producers and the Forest Service in conserving their land. Reauthorizing the Farm Bill every five years provides an opportunity to revisit its policies, programs, and funding levels to ensure that they are serving congressional intent and the public good. Defenders of Wildlife, representing nearly 2.2 million members and supporters, provides the recommendations below to address four critical areas: the interconnected biodiversity loss and climate change crises, conflict prevention, equity, and accountability. In addition to our policy recommendations, Defenders supports increasing funding for specific conservation programs while maintaining resource levels for other programs and opposes any provisions that would circumvent, undermine, or weaken bedrock federal conservation laws.

## Biodiversity Loss and Climate Change Crises

**Mandate that Farm Bill conservation programs implemented for climate-smart purposes address the threats of both climate change and biodiversity loss.**

Considerable overlap exists between solutions to the interconnected climate and biodiversity crises.<sup>i</sup> However, some solutions that focus only on climate change, such as planting monoculture forests or exotic species, could harm biodiversity.<sup>ii</sup> NRCS could help avoid these risks by:

- Developing a national-level ranking question under the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP) that increases the score for projects that NRCS has identified as having co-benefits for climate and wildlife.
- Increasing the cost share rate to 90% for practices and enhancements with co-benefits for climate and wildlife.
- Adopting a definition of climate resilience that incorporates the role of biodiversity.<sup>iii</sup> Defining the term would enhance clarity and consistency in how NRCS implements projects that are intended to build resilience.

**Increase the cost-share rate to 90 percent for conservation practices and enhancements under EQIP and CSP that conserve landscape and climate corridors, hydrologic connectivity, and climate refugia.**

These areas allow native fish, wildlife, and plant species and ecological processes to transition among habitats and migrate to new habitats in response to changing climatic conditions.<sup>iv</sup>

**Provide national-level funding for all Working Lands for Wildlife (WLFW) initiatives.** WLFW initiatives provide opportunities for proactive voluntary conservation on

working landscapes, which help produce significant results such as avoiding ESA listing for the New England cottontail. Eight national initiatives receive funding from NRCS' national budget, but other initiatives identified by states must compete for limited state EQIP allocations, often resulting in little or no funding. Sufficient national-level funding for all WLFW initiatives would give equal treatment to state-level initiatives, reduce pressure on oversubscribed programs, ensure a reliable annual investment to conserve species, and provide regulatory predictability for producers.

**Allow the Legacy Roads and Trails (LRT) Remediation Program to more effectively remove unnecessary infrastructure in National Forests.**

The Forest Service's LRT program carries out infrastructure improvement projects such as reconstructing culverts and decommissioning unnecessary roads to protect waterways from erosion and sediment pollution, improve habitat for imperiled fish and other aquatic species, and provide additional benefits to wildlife and humans. After a successful 10-year run, the program lost funding in 2018 until the Infrastructure Investment and Jobs Act (IIJA) of 2021 officially authorized the program and appropriated it \$250 million over five years. Yet the IIJA incorporated a provision that hinders road decommissioning and failed to include a directive enforcing the Forest Service's regulatory obligation to identify a minimum road system. The Farm Bill should rectify these problems by:

- Increasing the Forest Service's ability to identify and decommission unnecessary roads, and
- Directing the Secretary of Agriculture to identify the minimum road system and unneeded roads in accordance with section 212.5(b) of title 36, Code of Federal Regulations.

**Direct the Forest Service to report on Research Natural Areas (RNAs).** RNAs are areas that represent major forest ecosystems and processes in their natural conditions, providing reference conditions for research and education on climate change, flora and fauna, and ecosystem condition and processes. Many RNAs also protect threatened and endangered species. Despite the importance of RNAs for badly needed research, education, and habitat protection, many RNAs are not marked, and RNA research is not systematically tracked, disseminated, and used to inform conservation efforts to protect landscapes and the imperiled species that depend on them. Requiring the Forest Service to review the RNA program to determine whether it is meeting its objectives would show how RNAs can better serve their conservation, research, and education purposes.

**Restore mandatory funding for the Healthy Forest Reserve Program (HFRP).** Mandatory funding for HFRP would help avoid the uncertainties of the annual appropriations process and ensure reliable and predictable funding, which the long-term commitment that the purposes of the program—species conservation and carbon sequestration—require. The 2014 Farm Bill increased authorized funding to from \$9.75 million to \$12 million. However, it also eliminated mandatory funding and the program has received *no* appropriations since then.

## Conflict Prevention

**Compensate losses caused by threatened or endangered species at 100 percent of fair market value reflecting regional and seasonal differences under the Livestock Indemnity Program (LIP),** continuing through the 5-year post-delisting monitoring period. Currently, LIP pays 75 percent of market value, which ranchers widely view as unfair and unsatisfactory. Combined with formulas that do not reflect reality on the ground, the 75 percent rate results in payments as low as 60 percent of market value, which causes ranchers to avoid the program and instead seek access to other funding sources like the Livestock Loss Demonstration Project, which comes out of the U.S. Fish and Wildlife Service (FWS) recovery budget and targets conflict prevention. Raising the reimbursement rate to 100 percent would improve engagement and fairness for ranchers.

## Equity

**Expand eligibility for LIP to tribal entities, such as livestock associations, by exempting them from LIP's adjusted gross income (AGI) limit on eligibility.** Individual tribal ranchers frequently operate as part of a tribal livestock association under their tribe's tax identification number. In most cases, a tribe's AGI is significantly greater than the limit allowed under LIP, making tribal ranchers and livestock associations whose separate tribal income would fall well below the cutoff ineligible for compensation. Not only is this situation inequitable for the producers, but it can also significantly impact wildlife because habitat for some threatened or endangered species can include millions of acres of tribal land.

**Increase EQIP and CSP set asides for beginning and socially disadvantaged farmers and ranchers from 5 to 10 percent.** NRCS defines beginning and socially disadvantaged farmers and ranchers as historically underserved clients who have limited access to capital, land and farming resources and traditionally low participation in USDA programs. Providing more financial and technical assistance for these producers would help enhance the climate resilience of their land; help them to recover from damage from drought, flood, and higher temperatures; help address current inequities in knowledge of and access to the programs; and expand the reach of conservation.

**Convert the Heirs' Property Relending Program into a grant program.** Congress created the Heirs' Property Relending Program to provide capital to producers through loans from intermediary lenders to resolve ownership and succession issues in order to produce the clear title necessary to participate in Farm Bill programs. Removing the intermediary lender from the process and creating a grant program within USDA would provide better access to the socially disadvantaged producers that need this program, greater equity in access to the conservation programs, and strengthened operations and natural resources conservation. Oversight of the NGOs that receive federal funding and assist producers with this program is needed to prevent misuse of federal funds.

## Accountability

**Require that conservation practices address a habitat resource concern to count toward the 10 percent set-aside for wildlife under EQIP.** In 2018, Congress amended the Farm Bill to require 10 percent of EQIP funding address wildlife habitat concerns. Currently, 16 practices count towards this set-aside, but in some cases these practices are employed in ways that do not benefit wildlife, thwarting congressional intent. A no-cost fix is for NRCS to count an eligible practice towards the set-aside only when it addresses a resource concern related to inadequate habitat.

**Allocate one percent of total annual funding available for new enrollments from all major Title II conservation programs for measurement, evaluation, and reporting of program outcomes.** We lack adequate data to determine whether the Farm Bill's sizable investment in conservation is paying off. The NRCS Conservation Effects Assessment Project (CEAP) provides a sound model for how to conduct such an analysis. Applying CEAP, in coordination with relevant partner agencies and organizations, to analyze the environmental effects of conservation practices and programs on cropland, grazing lands, wetlands and for wildlife, in addition to carbon sequestration, would help ensure that the taxpayers' investment in the conservation programs are having the intended outcomes for wildlife, other natural resources, and agricultural operations.

**Direct NRCS to report on the impact of the Swampbuster provision on preventing the conversion of wetlands to cropland and other agricultural uses.** The Swampbuster provision is intended to discourage the conversion of wetlands to cropland by reducing crop subsidies. However, in 2022, the Government Accountability Office recommended that USDA improve Swampbuster enforcement.<sup>v</sup> The NRCS study would benefit from the CEAP assessments related to wetlands and wildlife.

<sup>i</sup> See Pörtner et al. (2021) for more detail on why the mutual reinforcing of climate change and biodiversity loss means that satisfactorily resolving either issue requires consideration of the other. *IPBES-IPCC co-sponsored workshop report on biodiversity and climate change*; IPBES and IPCC.

[https://ipbes.net/sites/default/files/2021-06/20210609\\_workshop\\_report\\_embargo\\_3pm\\_CEST\\_10\\_june\\_0.pdf](https://ipbes.net/sites/default/files/2021-06/20210609_workshop_report_embargo_3pm_CEST_10_june_0.pdf)

<sup>ii</sup> See Pörtner et al. (2021) for more detail on why reforestation with monocultures, especially with exotic tree species, can contribute to climate change mitigation but are often detrimental to biodiversity and do not have clear benefits for adaptation. *IPBES-IPCC co-sponsored workshop report on biodiversity and climate change*; IPBES and IPCC.

[https://ipbes.net/sites/default/files/2021-06/20210609\\_workshop\\_report\\_embargo\\_3pm\\_CEST\\_10\\_june\\_0.pdf](https://ipbes.net/sites/default/files/2021-06/20210609_workshop_report_embargo_3pm_CEST_10_june_0.pdf)

<sup>iii</sup> See IPCC (2022) for the Intergovernmental Panel on Climate Change (IPCC) definition of “resilience” as the capacity of social, economic and ecosystems to cope with a hazardous event or trend or disturbance, responding or reorganizing in ways that maintain their essential function, identity, and structure as well as biodiversity in case of ecosystems while also maintaining the

capacity for adaptation, learning, and transformation. *Summary for Policymakers* [Pörtner et al., (eds.)]. In: *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the IPCC* [Pörtner et al., (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA, pp. 3–33.

[https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_SummaryForPolicymakers.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf)

<sup>iv</sup> See Dreiss et al. (2022) for more detail on why shifting climatic conditions present challenges and opportunities for biodiversity conservation; why as the effects of climate change accelerate (e.g., increasing temperatures and changing precipitation patterns and amounts); why species may need to migrate to more suitable habitat; and, why it is important that refugia and movement corridors be identified and conserved. *Environ. Res. Lett.* 17 024033.

<https://iopscience.iop.org/article/10.1088/1748-9326/ac4f8c>

<sup>v</sup> GAO (2022). “Farm Programs: USDA Should Take Additional Steps to Ensure Compliance with Wetland Conservation Provisions.” <https://www.gao.gov/products/gao-21-241>