

# Sportsmen’s Priorities for Conservation and Access in the 2018 Farm Bill

The mission of the Theodore Roosevelt Conservation Partnership is *to guarantee all Americans quality places to hunt and fish* by uniting and amplifying the voices of our 54 organizational partners in order to strengthen federal policy and funding. TRCP’s 24-member Agriculture and Wildlife Working Group, a subset of the larger partnership, works specifically to balance the needs of production agriculture and private landowners with the needs of fish and wildlife, while sustaining and enhancing economically important recreational access to private lands. This work is done primarily around the federal farm bill, the single-largest source for private lands conservation funding. The current farm bill is due for reauthorization in 2018.

The Sportsmen’s Priorities for Conservation and Access in the 2018 Farm Bill considers the major conservation areas we expect to see in legislation, whether as specific programs (i.e. the Conservation Reserve Program) or common themes (i.e. forestry concerns impact multiple programs), and includes recommendations that Congress might address through statutory amendments or other instruction to the U.S. Department of Agriculture, such as report language. The Priorities were developed over the course of several months of consensus-building discussions, and incorporates the diverse recommendations, feedback, and advice of the AWWG member organizations. The Priorities are intended to help unite and amplify the voices of hunters, anglers, and conservationists whose outdoor traditions depend on the policies and funding provided through the farm bill.

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## **Agricultural Conservation Easement Program**

- Restore/increase baseline funding for ACEP to no less than \$500 million annually over the next 10 years.
  - The Congressional Budget Office should consider crop insurance and commodity program payments foregone when scoring Wetland Reserve Easement (ACEP-WRE) acre enrollment.
- Improve leverage opportunities and landowner match flexibility by at least:
  - Allowing non-USDA federal funds to be used as eligible match for ACEP contracts;
  - Allowing a “forests of special environmental significance” designation to receive up to 75 percent of federal cost share assistance (on par with existing “grasslands of special significance”); and
  - Allowing landowners to donate the entire 25% matching fund requirement on ACEPs that qualify for “Grasslands and Forests of Special Environmental Significance.”
- Improve landowner participation by at least:
  - For forest landowners, including explicit recognition of forest land eligibility. Clarify that Agricultural Land Easements (ACEP-ALE) can be on up to 100 percent forest land (i.e. elimination of the 2/3 forest acreage limit).
  - For nongovernmental organization (NGO) owned land, clarifying that NGO-owned land is eligible, and that an eligible entity may purchase an ACEP-ALE on NGO-owned land where the NGO intends to sell (temporary hold), for purposes of a NGO facilitating a “buy-protect-sell” transactional model for conservation. The Natural Resources Conservation Service should neither require the NGO to sell the land before the eligible entity can purchase the easement, nor to have a contract in place with another landowner during the ACEP-ALE application, and should allow a minimum of five years for the NGO to sell the land.
- Improve management and streamline contracting on new and existing ACEP tracts, through actions including:
  - Allowing more true Reserved Grazing Rights on ACEP-WRE, particularly in the Northern Great Plains, that include local stakeholder input, and maintain cultural, historical, and natural resource values;
  - Allowing a greater percentage of USDA funds to be used for third party endowment needs on ACEP-ALEs—the current administrative cap is cost prohibitive and does not reflect true costs;
  - Improving and streamlining current contracting complexities with participating landowners (i.e., offering a “combo” or “mixed-use” easement option that contains grass and cropland);
  - Improving eligible entity participation by adding a “co-eligible entity process,” so that the transactional roles of purchasing an ACEP-ALE can be filled by two separate entities, with one entity responsible for pre-closing activities, and the other for post-closing activities; and
  - Exploring opportunities to promote more new and innovative “working land” options that are compatible with farming, ranching, wildlife habitat, and local resource concerns.
- Remove/waive 10% county cap limitations for ACEP-WRE, while maintaining the overall 25% county cap for land that can be enrolled in WRE and CRP, as well as maintain current Class V wetland soil exemptions in capped counties.
- Address other miscellaneous or local/regional issues including:
  - Streamlining ACEP by modifying federal “right of enforcement” provisions on easements that are intended to prevent condemnation of protected agricultural lands. The Department of Justice does not currently enforce this option and this federal interest can cause delays in reviewing and closing ACEP-ALE projects; and
  - Promoting opportunities and incentives to sell protected ACEP-ALEs to beginning farmers and ranchers and other underserved groups.

## **Conservation Compliance, Sodsaver, and Crop Insurance**

- Continue the linkage between conservation compliance and farm program benefits, maintain the law, and improve implementation, through enhancing public accountability and transparency of the compliance program.
  - Improve conservation compliance monitoring, enforcement, and reporting activities, in order to fully meet the wetland and soil conservation goals of the program;
  - Provide adequate conservation technical assistance funding to allow the agency to improve wetland determination quality, accuracy, and timeliness;
  - Direct NRCS to conduct a study to evaluate the effectiveness and accuracy of new State Off-Site Methods for Wetland Determinations, and make the results of the study publicly available;
  - Direct NRCS to use technically defensible means for conducting wetland determinations; and
  - Oppose efforts to publicly subsidize private agricultural wetland drainage.
- Consistent with previous recommendations, include a national Sodsaver provision that would reduce the loss of native grasslands, rangelands, and prairie by reducing federal crop insurance premium subsidies on any native sod acreage converted to cropland after enactment of the law.
- Close the loophole in Sodsaver that allows producers to convert native sod and plant perennial crops (i.e., alfalfa), introduced grasses, or any other non-annual crop that farmers typically don't insure for 1-4 years and then plant to an annual crop without being subject to Sodsaver disincentives for those years. Any native sod acreage converted after enactment of the law should be subject to the reduction in crop insurance premium subsidies for the first four years of federally insured crop production.
- Create a pilot program or study that incorporates soil type data, measurable soil quality data, and other factors as appropriate into crop insurance risk ratings in order to assess the correlation between soil type, soil health, and yield risk.
- Direct RMA to coordinate with NRCS and other agencies to fully remove barriers within crop insurance for farmers who want to adopt conservation practices such as cover cropping.

## **Conservation Reserve Program**

- Reauthorize CRP at a level that will sustain enrollment of at least 35 million acres nationwide.
  - CBO should consider crop insurance payments foregone as well as probable loan deficiency payments foregone when scoring the cost of additional CRP acre enrollment.
- Support a variety of enrollment options and initiatives, including continuous enrollments, State Acres for Wildlife Enhancement, and the Conservation Reserve Enhancement Program, to provide for high-value practices and to ensure wildlife habitat resource concerns continue to be met across states and landscape types.
- Expand the working lands options within CRP, in ways which decrease costs per acre and increase benefits for soil, water, and wildlife.
- Raise the CRP Grasslands program cap proportionally to the overall program cap, to at least 10 percent of the total acreage, prioritize and provide funding for managed grazing on those lands, and prioritize enrollment of high-quality grasslands of ecological significance as well as acres at risk of conversion for

agriculture, energy, or other types of development, in order to retain the full function of landscape-scale rangeland systems.

- Instruct the Farm Service Agency to conduct a CRP Grasslands enrollment period when General enrollment is offered to provide landowners with clear options and expectations.
- Restructure the Environmental Benefits Index to incorporate an approach to scoring that considers and compliments ecological benefits and overall costs for each region of the country.
- Evaluate and update mid-contract management by:
  - Directing FSA to assess and publicly report on the amount of mid-contract management that occurs, and the overall cost and effectiveness of the program;
  - Modernizing cost-share rates, previously set in 2002, to reflect current management costs;
  - Encouraging prescribed grazing and prescribed fire as locally-appropriate management tools and companion practices to other management techniques, to enhance vegetative cover and conserve terrestrial and aquatic habitats;
  - When grazing is done expressly for wildlife habitat as part of mid-contract management, exempting producers from the 25 percent payment reduction in annual rental payment, if included in a conservation plan at the start of the CRP contract; and
  - Incorporating state and regional input when determining eligible mid-contract management activities and allow states additional flexibility on the timing of management activities, based on ecological and wildlife habitat needs.
- Create a structure to transition continually-enrolled CRP acres out of the program and into long-term conservation.

## **Forestry**

- Expand opportunities to utilize Good Neighbor Authority by removing the exception for maintenance of forest roads.
- Expand stewardship contracting authority to other federal agencies, and expand the seven land management goals in the Farm Bill authorizing language to allow for limited road maintenance work for public safety purposes, especially related to improved access for public recreation and hunting activities.
- Reauthorize the Healthy Forest Reserve Program and provide mandatory funding of no less than \$12 million per year during the life of the Farm Bill, and improve the HFRP by:
  - Clarifying that eligible lands are “private forest land or land being restored to forest land”;
  - Clarifying eligibility of forests that already provide suitable species habitat may be enrolled in permanent conservation easements;
  - Expanding eligibility beyond threatened, endangered, sensitive, and candidate species to include Species of Greatest Conservation Need from State Wildlife Action Plans;
  - Explicitly recognizing that management actions are classified as restoration;
  - Allowing for tribes to sell permanent easements on lands they own in fee; and
  - Correcting the cost-share percentage limitation, striking “not more than 60 percent shall be used for easements,” to fix the “double caps” that could prevent full funding.
- Encourage CRP reformation to:

- Address long-term contracts with loblolly pine stands to promote conversion to preferred, historical habitats;
  - Require management, including thinning and prescribed burning, of forest stands to meet wildlife habitat objectives identified in State Wildlife Action Plans, prior to re-enrollment in program; and
  - Support continued funding of incentive payments for thinning and prescribed burning at a minimum of \$10 million. Push for better utilization of funds and promotion of the program within FSA.
- To better achieve the goals of the Emergency Forest Reserve Program, encourage FSA to work directly with state forestry agencies and require utilization of data collected by state forestry agencies following natural disasters.
- Allow state and federal forestry agencies to provide the capacity for prescribed burn implementation on private lands through existing programs such as the Environmental Quality Incentives Program and Regional Conservation Partnership Program.
- Incorporate comprehensive wildfire budget reform language into the Farm Bill, by:
    - Addressing the continued erosion of agency budgets that results from the increasing ten-year average, and stabilize the level of funding for suppression within the agencies;
    - Accessing disaster funding for extraordinarily costly fires, including those that may be calculated as part of the ten-year average; and
    - Significantly reducing the need to transfer from non-suppression accounts and programs.

### **Regional Conservation Partnership Program**

- Option 1: Maintain current program structure, but with the following improvements:
  - Authorize mandatory funding at more than \$100 million annually, and continue allocations of 7% from the Conservation Stewardship Program, EQIP, ACEP, and HFRP.
  - Allow covered program contributions to RCPP to remain as RCPP funds once transferred.
  - Maintain Adjusted Gross Income waiver authority and add EQIP pay cap waiver authority.
  - Allow a limited portion of partners' administrative costs, including partner staff travel associated with program delivery and other indirect costs, to be recoverable through RCPP, provided that the substantial partner contribution filter is met in the application.
  - Provide NRCS with the necessary technical assistance and administrative funds to implement the programs. This amount should be a fixed percentage of RCPP funding and not be negotiated after awards are made to projects.
  - Reinforce that RCPP projects can include modifications of NRCS practice standards if they can be justified as ecologically-sound at the local level.
  - Maintain Critical Conservation Area, National, and State funding structure, and assess whether to increase State versus National allocation. Create a CCA that covers New England States.
  - Direct NRCS to communicate a firm timeline for agreement development and release of RCPP financial assistance.
  - Allow for flexibility in partner contributions to allow non-federal easement to count as match.
  - Allow adjustments to cost share rates according to conservation or environmental performance.
  - Facilitate efficient enrollment of multiple producers in RCPP projects by expanding the Secretary's authority to enter into flexible contracting arrangements which promote conservation innovations. The current Alternative Funding Arrangement language should at least be expanded to include a wider array of eligible entities and natural resource concerns, including wildlife habitat, water quality, irrigation, forestry, grasslands, or other priorities as determined by the Secretary, and should allow the Secretary to enter into up to 20 of these projects per year.

- Option 2: Replace current structure with a new competitive grant program with partner match requirements.
  - Total overall funding should be no less than \$250 million annually.
  - Maintain CCA, National, and State structure.
  - Do not use EQIP, CSP, or ACEP contracts. Allow NGO-approved contracts.
  - Require partners to match grant funding.
  - Base grants on achievement of verified/measured conservation outcomes.

### **Voluntary Public Access and Habitat Incentive Program**

- Reauthorize the Voluntary Public Access and Habitat Incentive Program at no less than \$150 million over five years, reflecting the annual level of funding requested by applicants.
- Reaffirm program priority of hunting, fishing, and other wildlife-compatible recreational activities.
- Retain program participation eligibility for state fish and wildlife agencies and tribal governments.
- Amend the program so as “to strengthen access and wildlife habitat improvement efforts on *land enrolled in federal, state, and tribal conservation programs by providing incentives* to increase public hunting, fishing, and other recreational access on that land...”

### **Working Lands Programs**

- Increase baseline funding for the Environmental Quality Incentives Program; increase the amount of livestock funding targeted at grazing practices; and, over the life of the Farm Bill, increase the minimum amount of EQIP funds required to be used for wildlife habitat conservation practices to at least 10 percent annually.
- Grant waiver authority to the Secretary of Agriculture to waive the EQIP payment cap for high-cost conservation practices and environmentally-significant projects.
- Allow adjustments to EQIP cost share rates according to conservation or environmental performance.
- Expand and enhance the EQIP-WaterSMART partnership, give preference to EQIP-WaterSMART applications for projects which demonstrate that they will either improve water quality or improve river or stream flows in the watershed, and require that the conserved water through the EQIP application will not expand the amount of irrigated acreage.
- Maintain EQIP’s Conservation Innovation Grant program.
- Conservation Stewardship Program rankings and payments should reward practices and enhancements with higher conservation benefits, regardless of whether they apply to new or ongoing conservation projects.
- Authorize supplemental payments for resource-conserving crop rotations and managed rotational grazing under CSP.

- Encourage better planning by adding comprehensive conservation planning as a CSP activity, and authorize technical and financial assistance and provide for a minimum payment for such planning.
- Grant waiver authority to the Secretary of Agriculture to allow designated wildlife practices on non-federal public land, including land under public waters, where such land, once restored, developed, or improved, would benefit eligible lands.
- Explore options to improve conservation of small, temporary, and seasonal wetlands on cropland.
- Support post-harvest flooding of agricultural fields in areas of high historic wetland loss through structural enhancements, including by establishing new programming that isn't subject to payment limits and which allows producers to enroll in annual management agreements for longer terms.
- Only in areas of rapid groundwater decline, designate "aquifer recharge and provision of migratory bird habitat through the use of flood irrigation" as allowable conservation practices.
- Promote prescribed fire and grazing to benefit wildlife, including by:
  - Promoting frequent prescribed burning under the proper conditions to maintain early successional habitat to benefit grassland species. Include more than one prescribed burn within a contract (i.e. two prescribed fires in a five year period);
  - Encouraging patch-burn grazing;
  - Increasing NRCS capacity, through funding and/or partnerships, to write prescribed burning management plans and encouraging qualified entities to perform them;
  - Allowing prescribed burning during the primary nesting season with approval of state wildlife agencies and State Technical Committees; and
  - Allowing prescribed grazing as a means to manage early successional habitat and minimize costs of grassland management.
- Encourage the Secretary to promote native vegetation for agricultural conservation practices implemented on private lands, to improve water quality, soil health, erosion control, air quality, and produce superior livestock forage and wildlife habitat.
  - These new policies should not supersede situations where non-invasive introduced vegetation is a suitable and sustainable choice for the primary resource concerns (i.e. upland nesting birds and ducks in the Northern Great Plains).

### **Additional Recommendations**

- Increase the overall amount of funding in the conservation and forestry titles, and include provisions for adequate conservation technical assistance funding for NRCS and agency partners to assist farmers, ranchers, and foresters with conservation planning as well as with program implementation, delivery, and ongoing management activities.
- Elevate fish and wildlife conservation on working lands to the same priority level as soil health, water quality, and water quantity, and prioritize projects which address multiple resource concerns to provide the greatest return to landowners and the American taxpayer.
- Support agency authority and flexibility to implement initiatives that address important and emerging natural resource concerns, including at-risk species and watershed impairment.

- Support agency initiatives which contribute to the \$887 billion outdoor recreation economy, which injects billions of dollars into rural communities each year.
- Increase emphasis on monitoring and reporting of USDA program conservation benefits, particularly through NRCS' Conservation Effects Assessment Project, and commit to using the resulting data in decision-making. Research should specifically focus on program benefits associated with federal threatened, endangered, or candidate species, or those which are economically-important.
- Increase research on the capabilities and affordability of farm technologies including precision agriculture which have potential to generate significant soil, water, and wildlife conservation benefits while improving yields and profitability.
- Establish clear communications protocol within and between agencies, state offices, and stakeholders regarding timelines for announcements of program funds, agreement development, and release of financial assistance funds.
- In order to achieve landscape scale conservation goals, authorize the Secretary of Agriculture to waive AGI requirements and payment caps.
- Across all conservation and forestry programs, prioritize and incentivize prescribed fire, prescribed grazing, and ecologically-appropriate native vegetation as management tools wherever possible.
- Strengthen provisions throughout Title II which support beginning farmers and ranchers and other underserved groups.
- Increase synergy among Farm Bill programs and titles, as well as with programs in other departments, to ensure federal policies aren't working at cross-purposes or undermining explicitly stated federal goals for healthy habitat and clean water.
- Reject attempts to split nutrition and farm programs and to include non-germane amendments.



### **Agriculture and Wildlife Working Group**

The TRCP thanks the current members of the Agriculture and Wildlife Working Group and our additional organizational partners for their recommendations, feedback, and advice. The above document attempts to capture as many diverse perspectives as possible while staying true to the mission and vision of the TRCP: *to guarantee all Americans quality places to hunt and fish* by uniting and amplifying our partners' voices to strengthen federal policy and funding.

#### **AWWG members include:**

- American Fisheries Society
- Association of Fish and Wildlife Agencies
- The Conservation Fund
- Delta Waterfowl
- Ducks Unlimited
- Izaak Walton League of America
- Land Trust Alliance
- National Bobwhite Conservation Initiative
- National Deer Alliance
- National Wild Turkey Federation
- National Wildlife Federation
- The Nature Conservancy
- North American Grouse Partnership
- Partners for Conservation
- Pheasants Forever
- Quail Forever
- Ruffed Grouse Society
- Theodore Roosevelt Conservation Partnership
- Trout Unlimited
- Trust for Public Land
- Western Landowners Alliance
- Wildlife Management Institute
- Wildlife Mississippi
- The Wildlife Society

#### **Other contributing partners include:**

- Backcountry Hunters and Anglers
- Fly Fishers International
- Mule Deer Foundation
- Snook and Game Fish Foundation