FARM BILL CONSERVATION PROGRAMS

A HANDBOOK FOR LOWER MISSISSIPPI RIVER LANDOWNERS

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Mississippi River Trust

P.O. Box 15
Stoneville, Mississippi 38776
(662)-686-3375
www.mississippirivertrust.org

Wildlife Mississippi

P.O. Box 10
Stoneville, Mississippi 38776
(662)-686-3375
www.wildlifemiss.org

The Walton Family Foundation

P.O. Box 2030
Bentonville, AR 72712
(479)-464-1570
www.waltonfamilyfoundation.org

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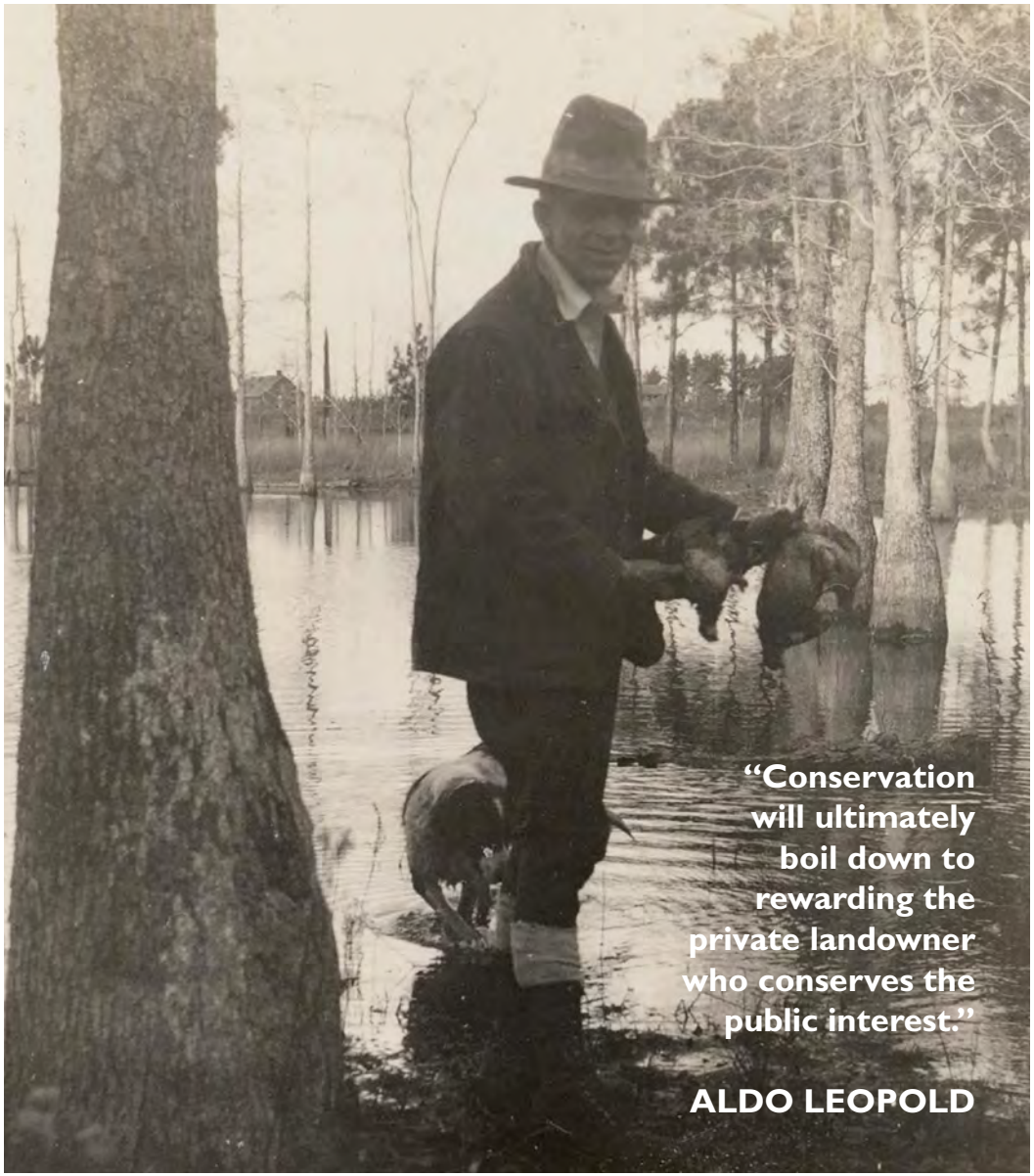
Financial Contributions: Walton Family Foundation.
Writers/Reviewers: Brian Ballinger, Mississippi River Trust; Alyene Boyles, Wildlife Mississippi; and James L. Cummins, Wildlife Mississippi.
Design: Bruce Reid, Mississippi River Trust.

Cover photo: Farm Bill conservation programs such as Wetland Reserve Easements have been used commonly by landowners along the Lower Mississippi River. Photo: Bruce Reid.

INTRODUCTION



This handbook was prepared for private landowners in the Lower Mississippi River Valley (LMRV) so they can better understand the Farm Bill and how it can be used in cooperation with the U.S. Department of Agriculture (USDA) for the conservation of fish and wildlife habitat and other ecosystem services.

Private lands are vitally important to the conservation of fish and wildlife in the United States. They constitute approximately 70 percent of the land ownership in the lower 48 states, with approximately 914 million acres being cropland, pastureland and rangeland and approximately 300 million acres being private forest. The U.S. Congress recognizes the importance of farm policy to ensure the long-term sustainability of many wildlife populations and emphasized that in the passage of the 1985 Food Security Act (Public Law [PL] 99-198) and its amendments of 1990, 1996, 2002, 2008 and 2014, which all include significant conservation programs. This act and its amendments are commonly referred to as the Farm Bill.

The Farm Bill is not just about fish and wildlife habitat. It also addresses other resource concerns such as soil, water, energy and air. It is one of the most important tools enacted by Congress for restoring, enhancing and protecting habitat on private lands and, in some cases, public lands that private landowners have control over as part of their agricultural operations. Habitat also protects the soil and water and supports the pollinators that sustain agricultural systems.

As the number of voluntary, incentive-based conservation programs has increased since the 1985 Farm Bill, so has the amount of funds authorized to further conservation on private lands. The 2014 Farm Bill authorized approximately $28 billion until 2018.

Farm Bill conservation programs are administered by the USDA primarily through the Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA). These agencies collaborate with partners such as conservation districts, state fish and wildlife agencies, the U.S. Fish and Wildlife Service (USFWS), the U.S. Forest Service (USFS) and non-government organizations such as Wildlife Mississippi and the Mississippi River Trust. The most important partners are private landowners who provide the landscapes on which these programs are implemented to further conservation objectives.

WHAT IS THE FARM BILL?

The Farm Bill is a compilation of many different acts that have been passed by Congress to enhance agricultural productivity and conservation on private lands. It has its beginnings in the Agricultural Adjustment Act of 1933 (PL 73-10). Early legislation came in response to the economic and environmental damage caused by the Depression and the Dust Bowl. The legislation established agricultural policy to support the production of sustainable food and fiber and help restore confidence in agricultural markets. Periodically, the legislation is re-enacted with evolving conservation policy, addressing commodity payments such as disaster payments and price supports, as well as nutrition programs. During the last six Farm Bills, starting in 1985, conservation programs have become increasingly significant.

Once Congress authorizes a new Farm Bill, agencies decide if they must promulgate (publicize) rules in the Federal Register about how the programs will be implemented. If so, public comments are solicited, reviewed and responded to in the final rules. However, interim rules are often used to move forward with program delivery while comments are considered. Simultaneous with the promulgation of rules, the agencies develop national implementation policy for each program. National policy lays out the sideboards that states must use in establishing program priorities, program eligibility, conducting program sign-ups, establishing cost-share or incentive rates, and other details of program delivery.

State offices of the NRCS and the FSA work with State Techincal Committees (STCs) and Local Work Groups (LWG) to further prioritize programs within their respective states. The NRCS state conservationist can also set aside funds to address special projects or initiatives in states to emphasize species of conservation concern.

In summary, the Farm Bill is not a single piece of legislation but a dynamic series of acts that include new programs or revise existing ones that have significant effects on the environment. In this handbook we use the term Farm Bill to encompass all of these acts.

Bottom hardwood forest. Photo: Bruce Reid.

FARM BILL TIMELINE

1985

The Food Security Act of 1985 (PL 99-198) was the first Farm Bill to include a conservation title, which continues to evolve.
There were three central provisions:

■ Highly Erodible Land Conservation (HELC) provisions, which includes "Sodbuster" provisions associated with conservation requirements for land broken out of permanent vegetation and planted to an agricultural commodity. HELC is also associated with the conservation compliance requirements for cropland that is actively being farmed. The intent of the HELC provisions is to address erosion problems.

■ Wetland Conservation (WC) provisions, nicknamed "Swampbuster," were enacted to reduce wetland loss.

■ The Conservation Reserve Program's (CRP) primary purpose was to remove highly erodible lands from crop production by establishing permanent cover.

Swampbuster and Sodbuster are disincentives; if participants do not comply with these provisions they could lose agricultural cost-assistance benefits. The CRP took the incentive approach and provided annual rental payments and cost-share to retire highly erodible lands. Though the CRP originally focused on soil conservation, it has evolved to include practices that are better suited to provide fish and wildlife habitat.

1990

The Food, Agriculture, Conservation and Trade Act of 1990 (PL 101-624) established the Wetlands Reserve Program (WRP) to restore, protect and enhance wetlands; and the Stewardship Incentives Program (SIP) to further forest stewardship.

1996

The Agriculture Improvement and Reform Act of 1996 (PL 104-127) established:

■ The Wildlife Habitat Incentives Program (WHIP) to restore and enhance habitat for fish and wildlife.

■ The Environmental Quality Incentives Program (EQIP), which replaced the Agricultural Conservation Program that was created in the 1936 Soil Conservation and Domestic Allotment Act, to address a large array of environmental issues, including at-risk species habitat.

■ The Farm and Ranch Lands Protection Program (FRPP), formerly the Farmland Protection Program (FPP), to provide tools to protect agricultural lands.

■ State Technical Committees (STC) to advise the USDA on implementation of conservation programs.

2002

The 2002 Farm Security and Rural Investment Act (PL 107-171) created:

■ The Grassland Reserve Program (GRP) to restore and protect grasslands.

■ The Forestry Incentives Program, created in 1975, and the SIP become the Forest Land Enhancement Program (FLEP).

■ The Conservation Security Program (CSP) to reward farmers and ranchers for conservation stewardship and to foster further conservation enhancements.

2008

The 2008 Food, Conservation and Energy Act (PL 110-246) eliminated the CSP, substantially increased conservation program funding and established:

■ The Conservation Stewardship Program (CSP).

■ The Healthy Forests Reserve Program (HFRP), which was initially authorized under the Healthy Forests Restoration Act of 2003 (PL 108-148).

■ Provisions to allow forestry practices under the EQIP and the CSP and ended the FLEP.

■ Tax incentives for conservation easements and recovery actions for threatened and endangered species.

■ The Cooperative Conservation Partnership Initiative (CCPI) to provide additional opportunities for including partners in the implementation of the WHIP, the EQIP and the CSP.

■ Incentives to encourage private landowners who allow wildlife-recreational access on private lands.

2014

The 2014 Agricultural Act of 2014 (PL 113-79):

■ Continued the CRP, the EQIP and the CSP.

■ Merged the WHIP into the EQIP with at least five percent of EQIP funds for wildlife habitat-related practices.

■ Combined the WRP, the GRP and the FRPP into the new Agricultural Conservation Easement Program (ACEP).

■ Created the Regional Conservation Partnership Program (RCPP) that consolidates the CCPI, Chesapeake Bay Watershed Program, the Agricultural Water Enhancement Program, the Great Lakes Basin Program and other landscape-based efforts.

■ Reestablished the link between conservation compliance and eligibility for crop insurance premium assistance.

HOW DOES IT WORK?

The U.S. Department of Agriculture (USDA) implements the Farm Bill. The two primary USDA agencies responsible for implementation are the Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA). Both agencies found their origins in the Great Depression as a response to the Dust Bowl. During the 1930s, poor agricultural practices coupled with a multi-year drought led to failed crops, severe erosion and degradation of natural resources. Today, both agencies have a local presence in almost every county and parish in the United States and have a long history with local conservation implementation. This has resulted in a trust that enhances the ability to market conservation practices. The agencies, along with landowners and conservation districts, are the key for delivering conservation practices on the ground.

Private conservation organizations such as the Mississippi River Trust and Wildlife Mississippi help market Farm Bill conservation programs to private landowners and implement certain conservation practices. The Mississippi River Trust, for example, has been working with the NRCS since 2012 to identify landowners in the active floodplain of the Lower Mississippi River whose property experienced severe erosion and flooding in 2011, the highest recorded flood in the region, and subsequent years.

Erosion along the Mississippi River. Photo: Bruce Reid.

CONSERVATION DELIVERY

NRCS scientist Rachel Stout-Evans plots soil types for a bottomland hardwood forest restoration project in northwestern Mississippi. Photo: Bruce Reid.

The NRCS, formerly known as the Soil Conservation Service (SCS) provides technical and financial assistance to farmers and ranchers to further the conservation of natural resources. It has offices in almost every county and parish in the nation.

The 1985 Farm Bill created provisions to keep highly erodible lands out of production and to decrease the drainage of wetlands in agricultural landscapes. The CRP was also established to provide rental payments to take highly erodible lands out of production. The 1990 Farm Bill and subsequent bills gave the agency a variety of conservation programs with cost-share payments, incentive payments and easements to further specific conservation objectives previously addressed only through technical assistance.

Though the SCS was originally founded primarily to address major erosion problems, its mission quickly evolved over the ensuing decades. As the mission broadened, the original name of SCS no longer adequately described the agency's work. A a result, its name was changed in 1994 to the NRCS.

Administratively, the NRCS divides the country into four regions, each with a regional conservationist. Each state, including the Caribbean and the Pacific Islands Area, has a state conservationist who oversees conservation programs. The state conservationist has a staff of technical, program and administrative personnel to guide and direct conservation delivery. The field office is the primary level of the agency that works directly with participants, often with technical specialist support from the area or state office.

The NRCS also has other major national functions such as the mapping of soils, natural resource conservation technology development, wetlands science, forestry, grazing land technology development, engineering support and the Natural Resource Inventory. These units provide the technology and science that supports the field office in delivering conservation to landowners and land managers.

Though the agency's mission and program responsibilities have grown over time, the total number of its employees has actually decreased. This has presented challenges in the delivery of Farm Bill programs, and it has resulted in a growing number of partnerships with others agencies, non-government organizations and technical service providers to further conservation program delivery.

FARM SERVICE AGENCY

The FSA also traces its beginnings to 1933, in the depths of the Great Depression. A wave of discontent caused by mounting unemployment and farm failures had helped elect President Franklin Delano Roosevelt, who promised Americans a "New Deal."

One result was the establishment in 1935 of a Department of Agriculture agency with familiar initials: FSA, which stood for Farm Security Administration. Originally called the Resettlement Administration and renamed in 1937, its original mission was to relocate entire farm communities to areas in which it was hoped farming could be carried out more profitably. But resettlement was controversial and expensive, and its results were ambiguous. Other roles soon became more important, including the Standard Rural Rehabilitation Loan Program, which provided credit, farm and home management planning and technical supervision. This was the forerunner of the farm loan programs of the Farmers Home Administration.

In 1953, a reorganization of the USDA again made changes in the powers and duties of its price support and supply management agency. With the changes came a new name–the Commodity Stabilization Service–and an increased emphasis on the preservation of farm income. Conservation programs such as the Soil Bank were introduced to bring production in line with demand by taking land out of production for periods of time ranging up to 10 years. Community, county and state committees were formally identified for the first time as Agricultural Stabilization and Conservation Committees.

The Commodity Stabilization Service became the Agricultural Stabilization and Conservation Service (ASCS) in 1961, and the new name reflected the agency's stabilization and resource conservation missions.

In 1994, a reorganization of the USDA resulted in the Consolidated Farm Service Agency, renamed Farm Service Agency in November 1995. The new FSA encompassed the ASCS, Federal Crop Insurance Corporation (FCIC) and the farm credit portion of the Farmers Home Administration. In 1996, FCIC became the Risk Management Agency.

Today, the FSA's responsibilities are organized into five areas: farm programs, farm loans, commodity operations, management and state operations. The agency continues to provide America's farmers with a strong safety net through the administration of farm commodity programs. The FSA also implements ad hoc disaster programs.

The agency provides credit to agricultural producers who are unable to receive private, commercial credit. The FSA places special emphasis on providing loans to beginning, minority and women farmers and ranchers. Its commodity operation division purchases and delivers commodities for use in humanitarian programs at home and abroad. FSA programs help feed America's school children and hungry people around the globe.

Biologist Rob Ballinger of Wildlife Mississippi leads a tour on Farm Bill conservation programs. Photo: Wildlife Mississippi.

The FSA's long-standing tradition of conserving the nation's natural resources continues through the CRP.

State and county offices directly administer FSA programs. These offices certify farmers for farm programs and pay out farm subsidies and disaster payments. Currently, there are approximately 2,500 field service centers across the country.

Farmers who are eligible to participate in these programs elect a three- to five-person county committee. Committee members are the local authorities responsible for fairly and equitably resolving local issues, while remaining accountable to both local producers and the U.S. Secretary of Agriculture. The members make decisions affecting which FSA programs are implemented; the establishment of allotments and yields; commodity price-support loans and payments; conservation program incentives; indemnity and disaster payments for commodities; and other farm disaster assistance.

LOCAL PARTNERS

CONSERVATION DISTRICTS

Conservation Districts are another vision of Hugh Hammond Bennett, head of the SCS in the 1930s. He believed that for conservation objectives to be met there must be local involvement. Bennett and others were able to persuade President Franklin Roosevelt that the soil resources of this nation were being wasted and that government must act aggressively to reverse this trend. He convinced the president that a model soil conservation act should be developed and sent to the governors of each state for passage by their state legislatures. These developing programs to control soil erosion included the creation of soil conservation districts. In 1936, with the endorsement of President Roosevelt, a so-called "Standard Act" was submitted by the USDA to the governors of each state. All states eventually adopted language that led to the establishment of conservation districts.

The local conservation district is made up of a voluntary board of directors representing local landowners who provide guidance on local conservation priorities to the NRCS and others. Some districts have taxing authority, but many are funded by a combination of state and local governments.

The relationship between the NRCS and conservation districts is both long and important. As indicated, the first chief of SCS advocated their establishment and would only establish a field office in a county at the request of a local conservation district. The districts are important partners for the NRCS in determining conservation priorities.

STATE TECHNICAL COMMITTEES

The 1985 Farm Bill directed the NRCS to establish State Technical Committees, or STCs, that would broaden the scope of involvement of others in the design and delivery of Farm Bill conservation programs at state and local levels. The role of the committees was expanded by the 1996 Farm Bill.

STCs serve as an advisory body to the NRCS state conservationists and have no implementation or enforcement authority. The 2008 Farm Bill was amended to clarify that STC members may also provide information, analysis and recommendations to other USDA agencies responsible for natural resource and conservation activities within the Farm Bill. They may provide guidance on conservation practices, ranking criteria for program participation, cost-share and incentive rates, and recommendations for achieving program balance within the state.

Statutorily required members on an STC include the NRCS, the FSA, the USFS, the National Institute of Food and Agriculture (formerly the Cooperative Research Education and Extension Service), the state fish and wildlife agency, the state forester, the state water resources agency, the state department of agriculture, associations of soil and water conservation districts, agribusiness, non-profits with demonstrable conservation expertise and experience in working with agricultural producers, owners of non-industrial, private forest lands, and agricultural producers representing the variety of crops and livestock or poultry raised in the state.

LOCAL WORK GROUPS

Local Work Groups, or LWGs, are composed of conservation district officials, the FSA county committees, agricultural groups representing the variety of crops and livestock or poultry raised within the local area, non-industrial, private forest land groups, and other professionals. They represent relevant agricultural and conservation interests, and a variety of disciplines in the soil, water, plant, wetland, fish and wildlife sciences. They are familiar with private land agricultural and natural resource issues in the local community. LWGs offer recommendations to the STC and the NRCS as to how conservation programs should be implemented in their area. As with STCs, it is important that advocates of fish and wildlife resources be active in LWGs.

TECHNICAL SERVICE PROVIDERS

To address staffing capacity issues in delivery of conservation, the Farm Bill provides for agreements with third party providers of technical assistance referred to as Technical Service Providers, or TSPs. The technical services that can be provided are conservation planning, education and outreach, and assistance with design and implementation of conservation practices. The NRCS is responsible for the criteria to certify TSPs.

TSPs are certified by the types of NRCS Conservation Practices for which they qualify to plan and implement. In addition, they must meet the conservation planning training certification requirements, which can be obtained through on-line courses.

ADDRESSING CHALLENGES

Farm Bill conservation programs have continued to grow in number as well as the amount of money authorized for them. However, there are fewer USDA staff than there were in past decades.

This inverse relationship has led to some challenges in the delivery of conservation programs. In addition, most programs require the participant to provide for part of the cost of implementing conservation practices, which can be difficult. This is where partners trained and motivated to further fish and wildlife habitat conservation play a significant role. For example, groups such as the state fish and wildlife agencies, the USFWS, Wildlife Mississippi and the Mississippi River Trust have spent resources identifying potential projects and helping participants apply for programs.

The NRCS has entered into cooperative agreements with certain groups to implement conservation practices by establishing partnership biologists funded by a combination of public and private money. These positions are critical to ensure an emphasis on fish and wildlife conservation and can be strategically located in key landscapes with significant fish and wildlife concerns.

The 2014 Farm Bill recognized that technical capacity is often more limiting than funding for projects, and thus it increased opportunities for partners to play a role in implementation. The Regional Conservation Partnership Program (RCPP) provides assistance to producers for enhancing conservation outcomes on agricultural land and non-industrial, private forest land. Areas of assistance are selected competitively through applications of eligible partners, including state, local and tribal governments, producer associations and cooperatives, universities, and non-governmental organizations.

Even if staffing capacity to deliver the Farm Bill was completely addressed, there are other challenges.

Marketing fish and wildlife conservation practices requires more than just convincing participants that it is the right thing to do. Many of the programs require that participants provide as much as 50 percent or more of the practice cost. Some of this can be achieved by in-kind services, but materials and labor are limited commodities in agricultural landscapes. To overcome this, financial help from partners can reduce or eliminate any funds required from the participant. Partners can thus maximize the effectiveness of projects for conservation by targeting supplemental dollars to help participants in important landscapes. In fact, supplemental funding can be a barometer of the wildlife community's valuation of the project and is often considered when NRCS ranks projects for funding.

Private lands conservation aided the recovery of the Louisiana black bear and the removal of the subspecies from the federal Endangered Species List. Photo: Pam McIlhenny, via U.S. Fish and Wildlife Service.

Farm Bill conservation programs have tremendous potential to affect fish and wildlife habitat and populations on private land. Recent comprehensive reviews demonstrate that private landowners who participate in these programs have established habitats that contribute to sustaining certain regional fish and wildlife populations.

For Farm Bill conservation programs to consistently provide habitat that supports viable fish and wildlife populations, conservation planners must have a better understanding of species-specific habitat requirements and ecological processes. They must also have a working knowledge of the conservation programs, practices, landowner needs and eligibility requirements. This understanding can then be translated to changes on the landscape through comprehensive planning and implementation at an ecosystem scale. Consistent application of an objective-driven approach to conservation planning is more likely to produce habitats that sustain viable fish and wildlife populations. Under this approach, landowner conservation objectives drive the selection of management practices, and management practices then drive the selection of the appropriate program.

CONSERVATION PLANNING

The NRCS helps landowners develop conservation plans that consider natural resources (e.g., soil, water, air, plants and animals) and other economic and social concerns. The NRCS prefers that lands already have a conservation plan before receiving funding from Farm Bill conservation programs.

NRCS conservation planning includes nine steps: identifying problems and opportunities; determining objectives; inventorying resources; analyzing resource data; formulating alternatives; evaluating alternatives; making decisions; implementing the plan; and then evaluating the plan. Conservation planning is an ongoing process that continues long after the implementation of a conservation practice.

All conservation plans are compilations of NRCS conservation practices. Therefore, every project must meet the conservation practice design criteria (standard) or the producer will not be provided financial assistance.

There are conservation practices that cover a large array of activities, from alley cropping to windbreaks. Descriptions of these practices can be viewed at the NRCS website (www.nrcs.usda.gov, search for "National Conservation Practice Standards").

Some conservation practices directly relate to wildlife and fish habitat (e.g., Upland Wildlife Habitat, Wetland Wildlife Habitat). However, most practices are geared toward other resources and indirectly affect fish and wildlife. Therefore, it is critical that wildlife biologists provide recommendations to the NRCS on how to make conservation practices more beneficial to wildlife.

National Conservation Practice Standards are reviewed every three to five years by teams of technical specialists, and then published in the Federal Register for public comment. Once finalized, the standards are distributed to the state NRCS offices, which make further refinements to fit local conditions. State revisions can increase or make criteria more restrictive, but they must meet national minimums.

Federal agencies, universities, non-government organizations and others periodically assess the effectiveness of Farm Bill conservation programs at local, regional and national scales. These studies are conducted under the Conservation Effects Assessment Project (CEAP) and led by USDA. In a 2013 report on the Lower Mississippi River Basin, the USDA said farmers had made "good progress toward reducing sediment, nutrient, and pesticide losses from farm fields and subsequent loadings in rivers and streams in the region." But, the agency added, "significant conservation treatment is still needed to reduce nonpoint agricultural sources of pollution. Of the five major basins in the Mississippi River drainage . . . conservation practices in the Lower Mississippi have reduced sediment and nutrient losses the least while the potential for further reductions is greatest."

Taharga Hart (left), NRCS soil conservationist in Yazoo City, Mississippi, discusses conservation planning with farmer Y.T. Gray. Photo: NRCS.

FARM BILL PROGRAMS

The following programs are important tools to protect, restore and enhance fish and wildlife and their habitats. Sign-ups for the programs may be continuous or held annually. To determine when sign-ups are scheduled, contact the state office of the NRCS or FSA. State and local contact information can be obtained through their national websites at www.nrcs.usda.gov or www.fsa.usda.gov.

Eligibility requirements are listed for each program. However, each program has ranking criteria developed with advice from the STCs. Often ranking criteria can be found on-line at the state NRCS website. The CRP uses an Environmental Benefits Index (EBI) to rank applications.

Although landowners are the key decision-makers for all programs with long-term contracts and easements, there are opportunities for people leasing property to participate in programs when done with concurrence of the landowner.

One of the priorities of the 2014 Farm Bill was to re-establish conservation compliance provisions in order for landowners to be eligible to receive crop insurance premium assistance. This measure will help ensure that 30 years of conservation compliance are not lost. USDA agencies implement and enforce these conservation compliance provisions.

Mallards rise from a wetland. Photo: Michael Kelly.

CONSERVATION COMPLIANCE

Highly Erodible Land and Wetland Conservation Compliance (HELC/WC)

All Farm Bill programs are focused on financial incentives to reward decisions that further conservation in agricultural landscapes. The HELC and WC compliance provisions, known as Sodbuster and Swampbuster, respectively, stress disincentives to prevent adverse affects to soil and wetland resources. Specifically, the objectives are to reduce soil loss due to wind and water erosion, protect the nation's long-term capability to produce food and fiber, reduce sedimentation and improve water quality, and help in preserving the functions and values of the nation's wetlands.

Swampbuster is a major factor in the protection of wetlands in agricultural landscapes. During the 1970s, more than 400,000 wetland acres a year were lost due to agricultural conversions. However, Swampbuster is one of the main reasons this loss has declined dramatically over the past three decades. There have been net gains of wetlands in agricultural landscapes in recent years.

The FSA administers the HELC and WC provisions. The NRCS makes technical determinations as to whether highly erodible soils and wetlands are present on a participant's property. They also provide conservation plans and maps to determine the kinds of conservation practices needed to protect the soil or wetland resources.

To retain certain USDA benefits and program eligibility, fields designated as highly erodible must be protected from excessive soil erosion when used to produce agricultural commodities. If wetlands are present, a participant must certify to the FSA that they have not produced crops on converted wetlands after Dec. 23, 1985, and did not convert a wetland to make agricultural production possible after Nov. 28, 1990, to continue receiving USDA benefits.

As a result of the 2014 Farm Bill, participants subject to the conservation compliance provision for the first time will have two reinsurance years to remedy or mitigate a wetland violation and five years to develop and comply with a HELC plan.

The USDA benefits lost if in non-compliance with Sodbuster and Swampbuster are significant and can adversely affect a producer's ability to continue production. Non-compliance also prevents producers from participating in Farm Bill programs. Participants can have benefits returned once they are in compliance by implementing a conservation system that addresses erodible soils or restores the affected wetland.

Vegetated buffer strips can be used along field borders to reduce erosion and sedimentation in streams Photo: NRCS.

EASEMENT PROGRAMS

Conservation easements are voluntary agreements that restrict development and protect the natural resources of a landowner's property. They are important for protecting wetland habitats, preserving agricultural landscapes and helping producers keep working lands working. The 2014 Farm Bill continues the HFRP and consolidates the WRP, GRP and FRPP into the Agricultural Conservation Easement Program (ACEP). Land enrolled in the WRP, GRP or FRPP on the day before the date of enactment of the 2014 Farm Bill shall be considered enrolled in the program. There are two components of the ACEP: Wetland Reserve Easements (WRE) and Agricultural Land Easements (ALE).

Agricultural Land Easements (ALE)

The ALE component encompasses the functions of the GRP and FRPP. The easement is conveyed to an eligible entity such as the Mississippi Land Trust to protect natural resources and the agricultural nature of the land. It permits the landowner to continue farming subject to an agricultural easement plan. It limits non-agricultural uses of that land and protects grazing uses and related conservation values by restoring and conserving eligible land. The easements are permanent or for the maximum duration allowed under state laws. Cost-share is 50 percent, unless the land is designated a Grassland of Special Environmental Significance, when it is 75 percent.

Eligibility

- Lands on a farm or ranch that are subject to a pending offer for purchase of an agricultural land easement from an eligible entity.
- Cropland, rangeland, grassland, pastureland or non-industrial, private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from developments.
- Land that contains historical or archaeological resources.
- The enrollment of which would protect grazing uses and related conservation values by restoring and conserving land.

How to Apply

To participate, an application is submitted to a participating state, tribal or local government or a non-governmental organization. The NRCS state conservationist awards funds to qualified entities to pursue the easement or contract.

Wetland Reserve Easements (WRE)

The WRE component is similar to the former WRP. It provides technical and financial assistance to private landowners and tribes to restore, protect and enhance wetlands and adjacent areas important to the ecological functions of these wetlands. This program's impact on wetland-dependent wildlife is significant. A subset of the WRE is the Wetland Reserve Enhancement Program (WREP), also referred to as the Wetland Reserve Enhancement Option (WREO). The purpose of these provisions is to target and leverage resources to address high-priority wetlands protection, restoration and enhancement objectives through agreements with state, non-governmental organizations and tribes. The NRCS had been piloting this program for several years.

Landowners enrolled in the WRE sell most of their use rights to the USDA except for hunting, fishing and quiet recreational use. In addition, landowners cannot place structures on the easement or otherwise impact wetland functions and values. Grazing and timber management, along with other uses, can be authorized by the NRCS if it is deemed compatible with the easement's wetland values. Maintenance is also eligible for cost-share assistance after the easement is restored.

The Farm Bill limits the amount of WRE acreage 10 percent of a county's total farmland acreage. A waiver can be obtained from the USDA.

The program offers different enrollment options:

- A permanent easement is a conservation easement in perpetuity. The NRCS pays 100 percent of the easement value and 75 to 100 percent of the restoration costs.
- A 30-Year easement is an easement that expires after 30 years. The NRCS pays 50 to 75 percent of the easement value and 50 to 75 percent of the restoration costs. For both permanent and 30-year easements, the USDA pays all costs associated with recording the easement in the local land records office, including recording fees, charges for abstracts, survey and appraisal fees, and title insurance.
- Tribes can enter into 30-year contracts instead of easements. The NRCS will pay 50 to 75 percent of the compensation and restoration costs.
- The Wetland Reserve Enhancement Option emphasizes leveraging non-Farm Bill dollars and is subject to specific criteria when sign-ups are announced.

If the easement or 30-year contract is valued less than $500,000, landowners receive no more than 10 annual payments. Easements or 30-year contracts valued greater than $500,000 must have at least five and no more than 10 annual payments. In some circumstances, the Secretary of Agriculture can allow a waiver and make one lump-sum payment. The total amount of payments a person or legal entity may receive for one or more restoration cost-share agreements may not exceed $50,000 annually.

Eligibility

- Private and tribal lands only.
- Minimum of 20 contiguous acres.
- Easement must maximize wildlife benefits and wetland values and functions.
- Landowners must be in compliance with the HELC and the WC provisions.
- For easement applications, the applicant must be the landowner of the eligible land.
- For easement options, the land must not have changed ownership in the two years prior to enrollment. However, there are exceptions to this. For example, if the NRCS determines that the land was not acquired for the purposes of putting the land into the WRE or if it is of significant environmental value (by will or succession as a result of the death of the previous owner or foreclosure).

Determining easement value

The 2014 Farm Bill directed the Secretary of Agriculture to pay the lowest of:

- Fair market value of the land according to the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey.
- Geographic area rate cap as determined by the Secretary.
- A landowner's offer.
- On WRE lands with reserved grazing rights, as determined by the Secretary and are compatible with the easement, easement payments will be adjusted to account for the grazing value.

How to Apply

The NRCS is responsible for the administration of the program as well as developing the restoration plan and its implementation. Applications can be obtained at the local NRCS service center.

Healthy Forests Reserve Program (HFRP)

The HFRP is reauthorized under Title VIII (Forestry) of the Farm Bill, not the Conservation Title. Although it is an easement program, it falls under the RCPP. If there is no funding available, HFRP functions can be carried out under a RCPP project. The purpose of the program is to restore and protect forest ecosystems to promote the recovery of threatened and endangered species, candidate species, state-listed and/or species of special concern. Additional consideration for enrollment can be given to eligible land that will improve plant and animal biodiversity and optimize carbon sequestration in the forest ecosystem. Safe harbor provisions of the Endangered Species Act or Candidate Conservation Agreements are sought for participants enrolled in the HFRP who agree, for a specified period, to restore or improve their land for threatened or endangered species habitat. In exchange, participants minimize the impacts of future regulatory restrictions on the use of that land.

The HFRP provides financial assistance in the form of easement payments and cost-share for specific conservation actions completed by the participant. The cost effectiveness of each agreement or easement and associated restoration plans must maximize the environmental benefits per dollar expended.

The program allows various agreements, easements and contracts:

- A 10-year cost-share agreement, where the landowner may receive 50 percent of the average cost of approved conservation practices that are part of a restoration plan.
- A permanent easement, or of maximum duration allowed by state law, for which landowners will receive not less than 75 percent of the easement value nor more than 100 percent of the fair market value of the land encumbered by the easement.
- Thirty-year easements and tribal 30-year contracts will not receive more than 75 percent of the fair market value of the enrolled land.
- Payment may be made in a single payment or no more than 10 annual payments. Not more than 40 percent of program funding shall be used for cost-share agreements, and not more than 60 percent may be used for easements. Congress authorized $12 million for each year through 2018.

Eligibility

- Lands offered must be privately-owned non-industrial or tribal.
- Have a high likelihood of restoring, enhancing or otherwise measurably improving the well-being of a federally-listed threatened or endangered species or candidates for such listing, state-listed species or species of special concern.
- Lands must be in compliance with HELC and WC provisions;.
- In addition, consideration may be given to lands that also improve biological diversity or increase carbon sequestration.

How to Apply

The NRCS administers the program, so assistance can be obtained through local NRCS service centers.

RENTAL, MANAGEMENT AND GREEN PAYMENTS

Conservation Reserve Program (CRP)

The CRP is a voluntary program for agricultural landowners that was originally established by the 1985 Farm Bill primarily for retiring highly erodible lands from agricultural production and establishing permanent cover. The wildlife benefits quickly became apparent and subsequent Farm Bills modified the program to promote specific fish and wildlife conservation objectives.

There has been extensive research on the impacts of the CRP, which has indicated dramatic positive effects on many species of wildlife, especially birds. The program is large and has a variety of CRP Conservation Practices and Initiatives. These practices include wetland restoration, wildlife habitat, wildlife food plots, wildlife corridors, filter strips or riparian buffers devoted to trees, shrubs or grasses, wetland restoration, trees, windbreaks, shelter belts, high-priority species, and farmable wetlands.

The 2014 Farm Bill expanded the CRP to include grassland contracts, similar to what was repealed under GRP, that contain forbs or shrubland for which grazing is the predominant use; that are located in a historically dominated grassland area; and could provide significant ecological value in its current use or restored.

Participants receive annual rental payments and cost-share assistance to establish long-term, resource-conserving cover. Annual rental payments are based on the agriculture rental value of the land.

Cost-share assistance is available for up to 50 percent of the participant's costs in establishing conservation practices, and there are incentive payments for specific practices. With the concurrence of the county government, CRP contracts are for 10 or more years.

The 2014 Farm Bill allows harvesting, grazing and the placement of wind turbines in certain situations with a minimum of 25 percent reduction in payments.

The CRP offers different types of payments and incentives:

Rental Payments: In return for establishing long-term, resource-conserving cover, the FSA provides annual rental payments to participants. The FSA bases rental rates on the relative productivity of the soils within each county and the average dry land cash-rent or cash-rent equivalent. The maximum CRP rental rate for each offer is calculated in advance of enrollment. Producers may offer land at that rate or offer a lower rental rate to increase the likelihood that their offer will be accepted.

Maintenance Incentive Payments: CRP annual rental payments may include an additional amount up to $5 per acre per year as an incentive to perform certain maintenance obligations. This is particularly important for wildlife since the vegetative cover can become unfavorable to wildlife over time. Hence a disturbance activity such as disking or burning can set back succession and further enhance benefits to wildlife.

Cost-share Assistance: This can be an amount not to exceed 50 percent of the total cost in establishing approved practice.

Other Incentives: The FSA may offer additional financial incentives of up to 20 percent of the annual payment; a one-time sign-up incentive payment of $10 per acre per year enrolled (not to exceed 10 years); and a one-time practice incentive payment of 40 percent for certain continuous sign-up practices.

Ranking CRP Offers

Offers for CRP contracts are ranked according to the Environmental Benefits Index (EBI). The FSA collects data for each of the EBI factors based on the relative environmental benefits for the land offered. Each eligible offer is ranked in comparison to all other offers and selections made from that ranking. The following EBI factors are used to assess the environmental benefits for the land offered:

- Wildlife habitat benefits.
- Water quality benefits.
- Benefits from reduced erosion.
- Enduring benefits beyond the contract period.
- Air quality benefits.
- Cost.

There are two types of sign-ups for the CRP:

Participants can offer land for the CRP general sign-up enrollment only during designated sign-up periods. Historically this has occurred on an annual basis, but that is not necessarily how it will be offered in the future depending upon if the cap has been reached. Applications during the general sign-up are competitive. The general sign-up is focused on whole fields and, depending upon ecological site conditions, may be grass and forbs or trees. The majority of acres in the CRP are enrolled under this sign-up.

Environmentally desirable land devoted to certain conservation practices may be enrolled at any time under the CRP continuous sign-up. Certain eligibility requirements still apply, but offers are not subject to competitive bidding. There are a variety of programs and conservation practices offered under continuous sign-up. As discussed above, annual rental payments, restoration or enhancement payments and maintenance payments are available. In some cases groups such as the Southeast Quail Study Group, Ducks Unlimited, the National Wild Turkey Federation, Wildlife Mississippi and the Mississippi River Trust may provide outreach, technical expertise and other assistance to help facilitate the implementation of these practices.

CONSERVATION RESERVE PROGRAM PRACTICES AND INITIATIVES

The following are the major CRP Practices and Initiatives in the Lower Mississippi River Valley:

■ **Wetlands Restoration Initiative (Conservation Practice 23):** This practice is designed to restore functions and values of wetland ecosystems that have been devoted to agricultural use. The objective is to prevent degradation of the wetland area, increase sediment trapping efficiencies, improve water quality, prevent erosion, and provide vital habitat for waterfowl and other wildlife. There is a 481,600-acre allocation for this initiative.

■ **Wetlands Restoration Non-Floodplain Initiative (Conservation Practice 23A):** This practice is designed to restore wetlands that are outside the 100-year floodplain, which provide vital habitat for many species of wildlife, filter runoff, recharge groundwater supplies and sequester carbon. There is a 568,400-acre allocation for this initiative.

■ **Bottomland Hardwood Initiative (Conservation Practice 31):** This practice is used to restore floodplains primarily through the restoration of bottomland hardwoods. This 250,000-acre initiative is intended to provide wildlife habitat, improve air and water quality, and provide carbon sequestration benefits. Planting 250,000 acres of bottomland hardwoods would sequester 500,000 metric tons of carbon dioxide annually. Nearly all of the approximate 100,000 acres enrolled in this initiative are located in Arkansas, Louisiana and Mississippi.

■ **Habitat Buffers for Upland Birds (Conservation Practice 33):** This practice was designed to address decreasing numbers of northern bobwhite and other species that depend on similar habitat. The focus is establishing cover around field edges and eligible crops. Species of buffer plants may include native warm-season grass, legumes, wildflowers, forbs and limited shrub and tree plantings as specified in the participants approved conservation plan. There is a 500,000-acre allocation for this initiative.

The northern bobwhite benefits from certain CRP practices used in the Lower Mississippi River Valley. Photo: Randy Browning.

■ **Longleaf Pine (Conservation Practice 36):** The longleaf pine ecosystem once covered as much as 90 million acres of the Southeast, but through land-use change and forest-type conversion it has been reduced to approximately 3 million acres. This practice pays for the establishment and management of longleaf pine and indigenous grass and forb cover. There is a 250,000-acre allocation for this initiative.

■ **State Acres For Wldlife Enhancement, SAFE (Conservation Practice 38):** SAFE proposals must originate from within FSA geographically defined areas targeting specific species of wildlife. Proposals are usually developed by partnerships of wildlife experts in state and federal agencies, the public, non-profit organizations, and others. These proposals are then reviewed by the STC and must be approved by qualified wildlife professionals and include wildlife monitoring and evaluation plans. Proposals meeting these criteria are then submitted to the FSA national office for final review and approval. This Conservation Practice allows the wildlife community to design a program around targeted priority species in their region. There is a 1.75 million-acre allocation for this initiative. Examples of projects approved for SAFE include Arkansas Grass SAFE to enroll early successional habitat to benefit northern bobwhite and other grassland birds.; Louisiana Bayou Bartholomew SAFE to benefit mussel and bald eagle habitat; Kentucky Early Successional and Bottomland Hardwood Restoration SAFE to benefit the northern bobwhite; Mississippi Black Bear SAFE to increase habitat for the Louisiana black bear and the American black bear; Missouri Delta Stewardship SAFE to address high priority wildlife needs through habitat protection and restoration; and Tennessee Wetlands SAFE to restore habitat for amphibians, reptiles, crustaceans, waterfowl and shorebirds.

Conservation Reserve Enhancement Program (CREP)

This CRP program focuses on helping agricultural producers retire farmland to protect environmentally sensitive land, decrease erosion, restore wildlife habitat and safeguard ground and surface water. CREP projects are usually focused on conservation practices such as filter strips and forested buffers that help protect streams, lakes and rivers from sedimentation and agricultural runoff in addition to providing habitat.

A CREP project begins with eligible partners identifying an agricultural issue of regional or national significance. In cooperation with the FSA, they develop a project proposal to address the issue. These projects must originate from approved geographic priority areas established by the FSA.

FSA provides CRP funding to pay for a percentage of the cost with the remaining amounts coming from partners. Partners may offer additional incentives. There is a 1.2 million-acre allocation for this program.

Conservation Stewardship Program (CSP)

The CSP encourages producers to address resource concerns in a comprehensive manner by improving, maintaining and managing existing conservation activities and undertaking additional ones.

Prior to the 2008 Farm Bill, this type of assistance was provided by the Conservation Security Program. The program is authorized to enroll 10 million acres each fiscal year.

The contracts will cover the entire agricultural operation and be for a period of five years. Compensation to an individual or legal entity cannot exceed $200,000 for all contracts entered during any five-year period, except for CSP contracts with joint operations will be limited to $80,000 per fiscal year and $400,000 over the term of the initial contract period.

Improving fish and wildlife habitat is sometimes chosen as an identified resource concern that can be addressed by the CSP. However, addressing other resource concerns often benefits fish and wildlife habitat by maintaining cover and reducing pollutants into adjacent bodies of water.

CSP payments reward producers for:

- Installing and adopting additional conservation practices.
- Improving, maintaining and managing conservation practices in place at the time the contract offer is accepted by the NRCS.
- Adopting resource-conserving and other beneficial crop rotations.
- Engaging in activities related to on-farm conservation research and demonstration activities, and pilot-testing of new technologies or innovative conservation practices.

The Conservation Finance Center website allows landowners assess the economics of Farm Bill conservation programs. Click the photo or see conservationfinancecenter.org.

Eligibility

An applicant must:

- Be the operator of record for the agricultural operation being offered for enrollment and have documented control of the land for the length of the contract period.
- Be in compliance with HELC and WC provisions.
- Demonstrate that they are meeting the stewardship threshold for at least two priority resource concerns such as soil, water or wildlife.
- Address at least one additional priority resource concern by the end of the conservation stewardship contract.
- Offer all eligible lands within operation.

Land coming out of the CRP is eligible for enrollment in CSP.

How to Apply

The NRCS is responsible for eligibility determination, developing the stewardship plan and administering the program. Applications can be obtained through local field offices.

RESTORATION AND MANAGEMENT COST-SHARE

Environmental Quality Incentives Program (EQIP)

Through EQIP, NRCS offers incentives to agricultural producers to conserve and enhance soil, water, air, plants, animals (including wildlife), energy and related natural resources on their land. In particular, NRCS provides technical and financial assistance to implement conservation practices in a manner that promotes agricultural production, forest management, and environmental quality as compatible goals; optimizes conservation benefits; and helps agricultural producers meet federal, state and local environmental requirements.

The 2014 Farm Bill repealed the Wildlife Habitat Incentives Program and incorporated it into the EQIP. At least five percent of available EQIP funds will be targeted for wildlife-related conservation activities for each fiscal year. Payments would be made under EQIP for conservation practices that support the restoration, development, protection and improvement of wildlife habitat on eligible land including upland wildlife habitat; wetland wildlife habitat; habitat for threatened and endangered species; fish habitat; habitat on pivot corners and other irregular areas of a field; and other types of wildlife habitat as determined by USDA.

The overall payment limitation is $450,000 per person or legal entity. Assistance to organic production operations will be based on producers agreeing to develop and carry out organic system plans. Payments for conservation practices related to organic production may not exceed $20,000 per year or $80,000 during any six-year period.

This program provides payments up to 75 percent of estimated costs associated with planning, design, materials, equipment, installation, labor, management, maintenance or training and up to 100 percent of estimated income forgone by a producer to implement particular conservation practices. An increased payment rate is available to historically underserved producers, including beginning, limited resource and socially disadvantaged farmers and ranchers. These groups can also receive in advance up to 50 percent of the anticipated costs needed for purchasing materials or services to implement conservation practices.

The NRCS national priorities for the program include:

- Promotion of at-risk species habitat conservation.
- Reductions of non-point source pollution, such as nutrients, sediment, pesticides or excess salinity in impaired watersheds consistent with total maximum daily loads where available as well as the reduction of groundwater contamination from confined animal feeding operations.
- Conservation of ground and surface water resources.
- Reduction of emissions such as particulate matter, nitrogen oxides, volatile organic compounds and ozone precursors and depleters that contribute to air quality impairment violations of National Ambient Air Quality Standards;.
- Reduction in soil erosion and sedimentation from unacceptable levels on agricultural land.

Eligibility

Applicants must:

- Be an agricultural producer or owner of non-industrial, private forestland.
- Be in compliance with the HELC and WC provisions.
- Meet Adjusted Gross Income requirements and have control of the land for the length of the contract period.
- Work with the NRCS to develop and implement the EQIP plan of operations, including specific conservation and environmental objectives to address at least one natural resource concern.

Eligible lands include cropland, grassland, rangeland, pastureland, wetlands, non-industrial, private forest land and other agricultural land on which agricultural or forest-related products or livestock are produced.

How to Apply

The NRCS is responsible for technical assistance and administration of the program. Applications can be obtained at local NRCS service centers.

NATURAL DISASTER RESTORATION

Emergency Conservation Program (ECP)

FSA's ECP provides emergency funding and technical assistance for farmers and ranchers to rehabilitate farmland damaged by natural disasters and for carrying out emergency water conservation measures in periods of severe drought. Funding for the ECP is appropriated by Congress.

ECP program participants may implement emergency conservation practices, such as removing debris; grading, shaping or leveling land; restoring livestock fences or conservation structures; and providing water for livestock in severe drought situations.

Natural disasters such as floods can cause erosion of farmland and damage water-control structures. Landowners may be eligible for assistance under certain Farm Bill conservation programs.

Photo: Bruce Reid.

Other conservation measures may be authorized by county FSA committees, with approval from state FSA committees and the FSA's national office.

The ECP is administered by state and county FSA committees. Subject to availability of funds, locally elected county committees are authorized to implement the ECP for all disasters except drought, which is authorized at the national office of the FSA.

ECP participants receive cost-share assistance of up to 75 percent of the cost to implement approved emergency conservation practices, as determined by county FSA committees. Individual or cumulative requests for cost-sharing of $50,000 or less per person per disaster are approved at the county committee level. Cost-sharing over $50,000 requires approval from the state committee or national office. Cost-share assistance is limited to $200,00 per person or legal entity per disaster.

Technical assistance may be provided by NRCS.

Eligibility

County FSA committees determine land eligibility based on on-site inspections of damage, taking into account the type and extent of damage. For land to be eligible, the natural disaster must create new conservation problems that, if untreated, would:

- Impair or endanger the land.
- Materially affect the land's productive capacity.
- Represent unusual damage which, except for wind erosion, is not the type likely to recur frequently in the same area.
- Be so costly to repair that federal assistance is or will be required to return the land to productive agricultural use.

Conservation problems existing prior to the applicable disaster are ineligible for ECP assistance.

How to Apply

Producers should check with their local county FSA offices regarding ECP sign-up periods, which are set by county FSA committees. More information on the ECP is available at FSA offices and on the FSA's website at http://disaster.fsa.usda.gov.

Emergency Forest Restoration Program (EFRP)

The EFRP, administered by the FSA, provides payments to owners of non-industrial, private forest lands to carry out emergency measures to restore land after a natural disaster.

Emergency measures are defined as those measures that are necessary to address damage caused by a natural disaster to natural resources on non-industrial, private forest land and would restore forest health and forest-related resources on the land. The damage, if not treated, would impair or endanger the natural resources on the land and would materially affect future use of the land.

FSA county committees are authorized to implement EFRP for all disasters except drought and insect infestations, which are authorized by the FSA national office.

Cost-share may not exceed 75 percent of the cost of the emergency measures.

Individual or cumulative requests for financial assistance of $50,000 or less per person or legal entity per disaster are approved by the county committee. Financial assistance from $50,000 to $100,000 must be approved by the state committee. Financial assistance over $100,000 must be approved at the FSA national office. A payment limitation of $500,000 per person or legal entity applies per disaster.

Eligibility

Land must have existing tree cover or had tree cover immediately before the natural disaster and is suitable for growing trees.

Land must be owned by any non-industrial, private individual, group, association, corporation or other private legal entity that has definitive decision-making authority over the land.

How to Apply

Landowners should check with their local county FSA offices regarding EFRP sign-up periods following a natural disaster.

ACRONYMS

ACEP	Agricultural Conservation Easement Program
ALE	Agricultural Land Easement
CCPI	Cooperative Conservation Partnership Initiative
CEAP	Conservation Effects Assessment Project
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CSP	Conservation Security Program
CSP	Conservation Stewardship Program
EBI	Environmental Benefits Index
ECP	Emergency Conservation Program
EFRP	Emergency Forest Restoration Program
EQIP	Environmental Quality Incentives Program
ESA	Endangered Species Act
FFP	Farmland Protection Program
FLEP	Forest Land Enhancement Program
FRPP	Farm and Ranch Lands Protection Program
FSA	Farm Service Agency
FY	Fiscal Year
GRP	Grassland Reserve Program
HELC	Highly Erodible Land Conservation
HFRP	Healthy Forests Reserve Program
LMRV	Lower Mississippi River Valley
LWG	Local Working Group
NRCS	Natural Resources Conservation Service
PL	Public Law
RCPP	Regional Conservation Partnership Program
SAFE	State Acres For Wildlife Enhancement
SCS	Soil Conservation Service
SIP	Stewardship Incentives Program
STC	State Technical Committee
TSP	Technical Service Provider
USDA	United States Department of Agriculture
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
WC	Wetland Conservation
WHIP	Wildlife Habitat Incentives Program
WRE	Wetland Reserve Easement
WRP	Wetlands Reserve Program
WREO	Wetland Reserve Enhancement Option
WREP	Wetland Reserve Enhancement Partnership

Bald eagles are among many wildlife species benefitting from Farm Bill conservation programs. Photo: Bruce Reid.