CONSERVATION PROVISIONS OF THE

2008 Farm Bill

A HANDBOOK FOR PRIVATE LANDOWNERS IN THE LOWER MISSISSIPPI RIVER VALLEY

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"Conservation will ultimately boil down to rewarding the private landowner who conserves the public interest."

ALDO LEOPOLD

Introduction

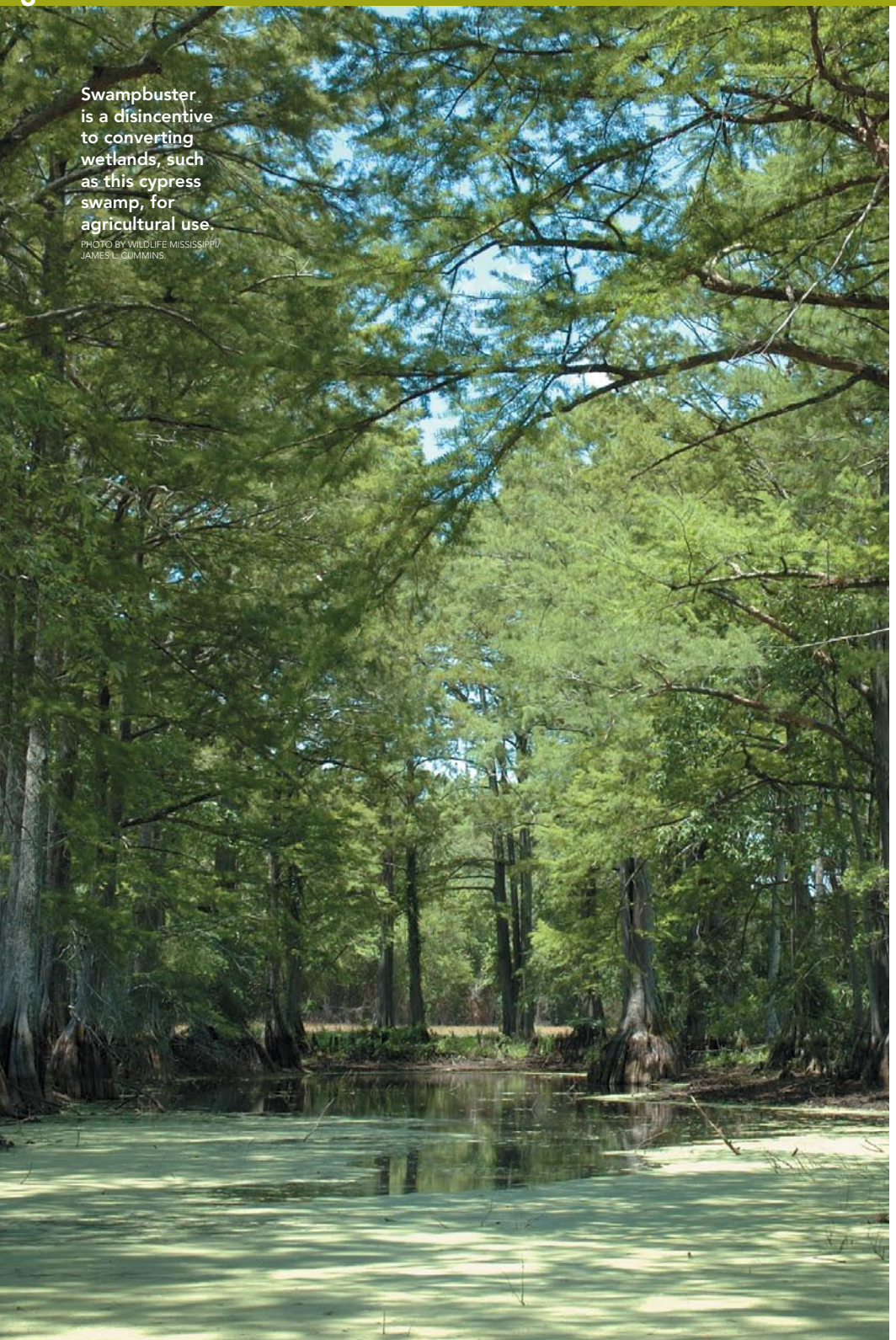
This handbook was prepared for private landowners in the Lower Mississippi River Valley (LMRV) so they can better understand the Farm Bill and how it can be used in cooperation with the United States Department of Agriculture (USDA) for the conservation of fish and wildlife habitat and other ecosystem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

Private lands are vitally important to the conservation of fish and wildlife in the United States because they constitute approximately 70 percent of the land ownership in the lower 48 states. In addition, 50 percent (890 million acres) of the land-base in the contiguous United States is managed as cropland, pastureland and rangeland. The United States 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 and 2008, 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, but also addresses other resource concerns such as soil, water, energy and air. However, 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 2008 Farm Bill authorized approximately $23 billion for a 5-year period.

Farm Bill conservation programs are administered by the USDA primarily through the Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA). However, these agencies work in close collaboration with a variety of 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 the private landowners and producers that provide the landscapes on which these programs are implemented to further conservation objectives.



Swampbuster is a disincentive to converting wetlands, such as this cypress swamp, for agricultural use.
PHOTO BY WILDLIFE MISSISSIPPI/ JAMES L. CUMMINS.

What is the Farm Bill?

The "Farm Bill" is a compilation of many different Acts that have been passed by the United States Congress to enhance agricultural productivity and conservation on private lands. It has its beginnings in the Agricultural Adjustment Act of 1933 (PL 73-10). This initial legislation was in response to the environmental catastrophe known as the Dust Bowl that occurred during the Great Depression. 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 food programs. During the last five Farm Bills, conservation programs have become increasingly significant.

The Food Security Act of 1985 (PL 99-198) was the first Farm Bill to include a conservation title that has continued to evolve and diversify the types of programs that address conservation issues primarily on private lands. There are three central provisions for this Act:

- 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 rest 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 from annual tillage operations. Though the CRP originally focused on soil conservation, it has evolved to include practices that are better suited to provide fish and wildlife habitat.

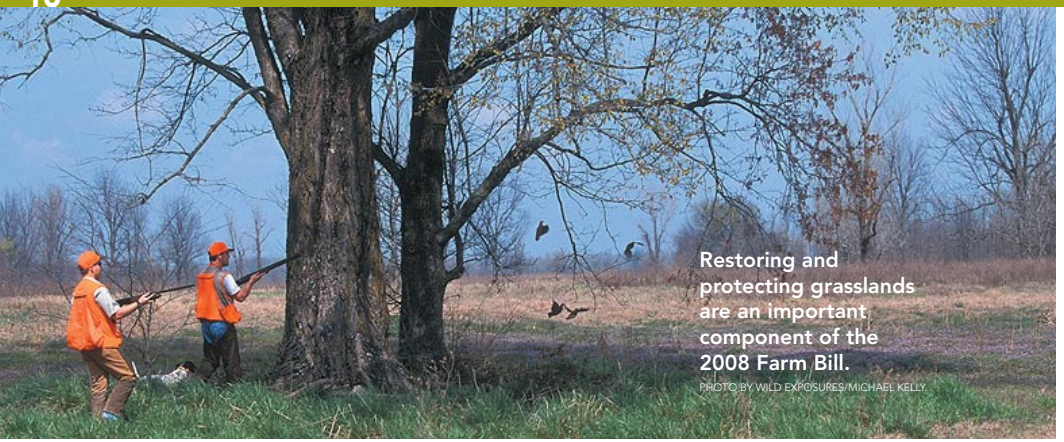
Subsequent Farm Bills have included additional incentive-based conservation programs. The Food, Agriculture, Conservation and Trade Act of 1990 (PL 101-624) established:

- The Wetlands Reserve Program (WRP) to restore, protect and enhance wetlands; and
- The Stewardship Incentives Program to further forest management stewardship.

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

The Environmental Quality Incentives Program addresses habitat needs of at-risk species such as the gopher tortoise.
PHOTO BY WILDLIFE MISSISSIPPI/RANDY BROWNING.



Restoring and protecting grasslands are an important component of the 2008 Farm Bill.

PHOTO BY WILD EXPOSURES/MICHAEL KELLY

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

- The Grassland Reserve Program (GRP) to restore and protect grasslands; and
- The Conservation Security Program (CSP) to reward farmers and ranchers for conservation stewardship and to foster further conservation enhancements.

The 2008 Food, Conservation and Energy Act (PL 110-246) eliminated the Conservation Security Program, 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);
- Tax incentives for conservation easements and recovery actions for threatened and endangered species;
- Additional opportunities for including partners in the implementation of the WHIP, the EQIP and the CSP by establishing the Cooperative Conservation Partnership Initiative (CCPI); and
- Incentives to encourage private landowners who allow wildlife-recreational access on private lands.

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

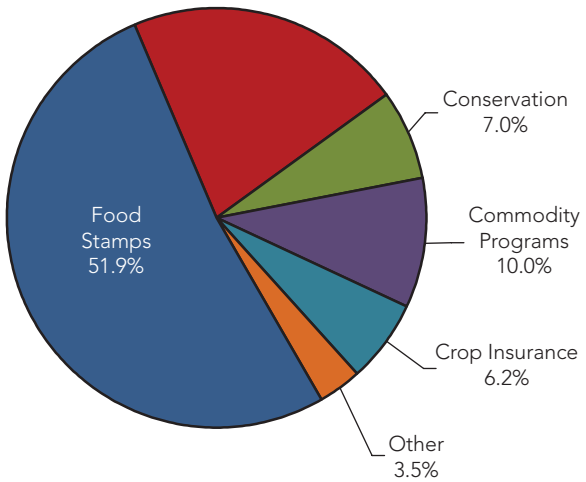
solicited, reviewed and responded to in the final rules. However, Interim Rules are often used to move forward with program delivery while comments are considered. Simultaneous with the promulgation of rules, the agencies develop national implementation policy for each program. National policy lays out 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.

> "Farming looks mighty easy when your plow is a pencil and you're a thousand miles from a corn field."
>
> DWIGHT D. EISENHOWER

State offices of the NRCS and the FSA work with 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 over the past 8 decades 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. Although the Farm Bill includes significant conservation programs, it is the primary vehicle for agricultural policy and programs.

AN ENACTMENT: 2008 FARM BILL DISTRIBUTION OF MANDATORY SPENDING, FY 2008-2017



Source: CBO Estimates at FB Passage
Congressional Budget Office, Washington

A restored native grass field.
PHOTO BY WILDLIFE MISSISSIPPI/DANIEL COGGIN.

Delivering Fish and Wildlife Conservation through the Farm Bill

ORGANIZATIONS

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

The USDA is responsible for implementation of the Farm Bill. The two primary USDA agencies responsible for implementation are the NRCS and the FSA. Both agencies have a local presence in approximately 3,000 counties and parishes in the United States and have a long history with local conservation implementation. Their presence in almost every county or parish, and relationship with the agricultural community, is effective in communicating conservation values with agricultural producers and other landowners. This long relationship has resulted in a trust that enhances the ability to market conservation practices. They, along with landowners and conservation districts, are the key for delivering conservation practices on the ground. Understanding these agencies and building strong partnerships with them is important for furthering fish and wildlife conservation efforts.

The FSA administers commodity and disaster programs, plus the Conservation Reserve Program (CRP). The NRCS provides technical support to the FSA for implementation of the CRP and administers many conservation programs.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

The NRCS provides technical and financial assistance to farmers and ranchers to further the conservation of natural resources. The agency was originally known as the Soil Conservation Service (SCS) and, like the present FSA, found its origins in the Great Depression as a response to the Dust Bowl of the Great Plains. During the 1930s poor agricultural practices, coupled with a multi-year drought, led to failed crops, severe erosion and degradation of natural resources. This resulted in many rural families moving throughout the Nation looking for new work. During the height of the Dust Bowl, Hugh

Hammond Bennett, the founder of the SCS, provided passionate testimony before a Congressional committee that resulted in the Soil Conservation Act of April 27, 1935, which created the SCS within the USDA. The Service then set out to remedy environmental degradation working through the Civilian Conservation Corps and with private landowners. The work accomplished in the following decades has prevented similar dust bowls during severe droughts of the past several decades.

The SCS provided technical assistance to private landowners and others to address soil and natural resource conservation. This was accomplished by one-on-one assistance to farmers and ranchers, which often resulted in a conservation plan. The conservation plan included maps, soil and plant information as well as recommendations on how to better manage, restore or enhance resource conditions. There were financial programs available such as the Great Plains Conservation Program, Agricultural Conservation Programs and Small Watershed Program. Because of the SCS's direct working relationship with landowners, Aldo Leopold encouraged Hugh Hammond Bennett, then chief of the SCS, to hire biologists, which he did, to help further wildlife conservation.

The SCS worked closely with local conservation districts that were established under state law. Specifically, the SCS provided technical support where local conservation districts asked for assistance. This eventually resulted in the SCS opening offices in almost every county that was encompassed by one or more local conservation districts.

The Soil Conservation Service, later to become the Natural Resources Conservation Service, was established as a result of the Dust Bowl Era of the 1930s.

PHOTO FROM WIKIMEDIA.COM.

The 1985 Farm Bill created provisions to keep highly-erodible lands out of production and to decrease the drainage of wetlands in agricultural landscapes. However, the CRP was also established as an incentive program to provide rental payments to take highly-erodible lands out of production. These policy shifts began to put teeth into what were previously only conservation recommendations. The 1990 Farm Bill and subsequent amendments gave the SCS a variety of conservation programs with cost-share payments, incentive payments and easements to further specific conservation objectives long recommended through technical assistance. These new programs have become important parts of the "tool box" to further conservation on private lands.

Though the SCS was originally founded primarily to address major erosion problems, its mission quickly evolved over the ensuing decades. This is reflected in the diverse technical disciplines that comprise the current workforce such as soil conservationists, soil scientists, range conservationists, engineers, hydrologists, economists, biologists, foresters, environmental specialists and more. As the mission broadened, the original name of SCS no longer adequately described the agency's work, so its name was changed to the NRCS.

Administratively, the NRCS currently divides the country into three regions, each with a regional assistant chief that oversees the states making up the region. All of the regions contain a technical support center made up of an array of technical specialists to help states carry out technology development and delivery. Each state, including the Caribbean and the Pacific Islands Area, has a state conservationist who oversees conservation programs within their area. The state conservationist has a staff of technical, program and administrative personnel to guide and direct conservation delivery. Though the structure below the state office varies, the most common arrangement is an area office that oversees the field offices located in counties. 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 typical field office staff is comprised of district conservationists who may have a support staff depending upon workloads and resource concerns. Normally field offices do not have biologists, so they depend upon the area office or, more commonly, the state-office biologists for technical support. However, some district conservationists have a fish and wildlife conservation background.

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. This information eventually was incorporated within the electronic Field Office Technical Guide (FOTG) that includes sections on natural resources, conservation planning and the standards and specifications for the delivery of conservation practices. The FOTG is the central technical resource within the NRCS and can be found on the NRCS state websites.

The fish and wildlife technical discipline within the NRCS is carried out by field-office staff with support from approximately 150 biologists in the area, state and national offices and the regional technical centers. However, the number of biologists within the agency has always been less than the workload would indicate. This is especially true in recent years considering the growing emphasis of the Farm Bill on fish and wildlife resources.

Though the agency's mission and program responsibility has grown over its 8 decades of existence, the total number of employees has actually decreased. This has presented challenges in the delivery of Farm Bill programs, and 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 (FSA)

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 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.

With the passage of the second Agricultural Adjustment Act of 1938 (PL 74-430), and a general reorganization of the USDA, came new, complicated changes in conservation, crop support and marketing legislation. Programs such as commodity marketing controls, and the policy of the Congress to assist farmers in obtaining parity prices and parity income, made the federal government the decision-maker for the nation's farmers.

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 – 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. Field activities in connection with farm programs continue to be carried out through an extensive network of state and county service centers.

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 May 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 FSA's long-standing tradition of conserving the nation's natural resources continues through the CRP. 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 operations 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. Additionally, the agency supports the nation's disabled citizens by purchasing products made by these persons.

The Farm Service Agency delivers the Conservation Reserve Program.
PHOTO BY WILDLIFE MISSISSIPPI/JAMES L. CUMMINS.

The FSA administers and manages farm commodity, credit, conservation, disaster and loan programs as laid out by Congress through a network of state and county offices. These programs are designed to improve the economic stability of the agricultural industry and to help farmers adjust production to meet demand. Economically, the desired result of these programs is a steady price range for agricultural commodities for both farmers and consumers.

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 2,346 FSA county offices in the continental United States. The FSA also has offices in Hawaii and a few American territories.

More than 8,000 farmer county-committee members serve in FSA county offices nationwide. Committee members are the local authorities responsible for fairly and equitably resolving local issues, while remaining dually and directly accountable to the Secretary of Agriculture and local producers though the elective process. They operate within official regulations designed to carry out state laws and provide a necessary and important voice in decisions affecting their counties and communities.

> "Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country…by the most lasting bonds."
>
> THOMAS JEFFERSON

Committee members make decisions affecting which FSA programs are implemented county-wide, the establishment of allotment and yields, commodity price-support loans and payments, the CRP, the HELC and WC, incentive, indemnity and disaster payments for commodities and other farm disaster assistance.

COMMODITY CREDIT CORPORATION (CCC)

The CCC is a government-owned and operated entity that was created to stabilize, support and protect farm income and prices. The CCC also helps maintain balanced and adequate supplies of agricultural commodities and aids in their orderly distribution. It oversees the funding for Farm Bill programs.

On July 1, 1939, the CCC was transferred to the USDA. It was reincorporated on July 1, 1948, as a corporation within the USDA by the CCC Charter Act (62 Stat.1070; 15 U.S.C. 714). As amended through Public Law 110-246 May 22, 2008, the CCC Charter Act aids producers through loans, purchases, payments and other operations, and makes available materials and facilities required in the production and marketing of agricultural commodities.

The CCC Charter Act also authorizes the sale of agricultural commodities to other government agencies and foreign governments and the donation of food to domestic, foreign or international relief agencies. The CCC also assists in the development of new domestic and foreign markets and marketing facilities for agricultural commodities.

The 1996 Farm Bill significantly changed the United States' agricultural policy. Earlier, the USDA made deficiency payments to producers of wheat, feed grains, cotton and rice to make up the differences between target prices and seesawing market prices. The 1996 Farm Bill capped spending for the first time, guaranteeing farmers a series of fixed but declining "production flexibility contract" payments.

The CCC is managed by a board of directors, subject to the general supervision and direction of the Secretary of Agriculture, who is an ex-officio director and chairperson of the board. The board consists of seven members, in addition to the Secretary, who are appointed by the President of the United States, with the advice and consent of the Senate. All members of the board and corporation officers are USDA officials and include the FSA administrator and NRCS chief.

The CCC has no operating personnel. Its price support, storage and reserve programs, and its domestic acquisition and disposal activities are carried out primarily through the personnel and facilities of the FSA.

CONSERVATION DISTRICTS

Conservation districts are another vision of Hugh Hammond Bennett, who was then 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

County soil and water conservation district meeting.
PHOTO COURTESY OF THE MISSISSIPPI SOIL AND WATER CONSERVATION COMMISSION.

and sent to the governors of each state for passage by their state legislatures. The purpose of the model act was to develop programs at the state and local levels to control soil erosion, which 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 which led to the establishment of conservation districts.

The local conservation district is made up of a voluntary board of directors representing local landowners that 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. They often receive grants from organizations to carry out specific tasks. Others are minimally funded and work primarily through volunteer assistance. Better funded districts often have staff that complement the NRCS in some field offices.

Local conservation districts are aggregated into state associations of conservation districts which, in turn, are members of the National Association of Conservation Districts. Each of these organizations represents the issues and concerns of local districts in the development of both state and national agricultural conservation policy.

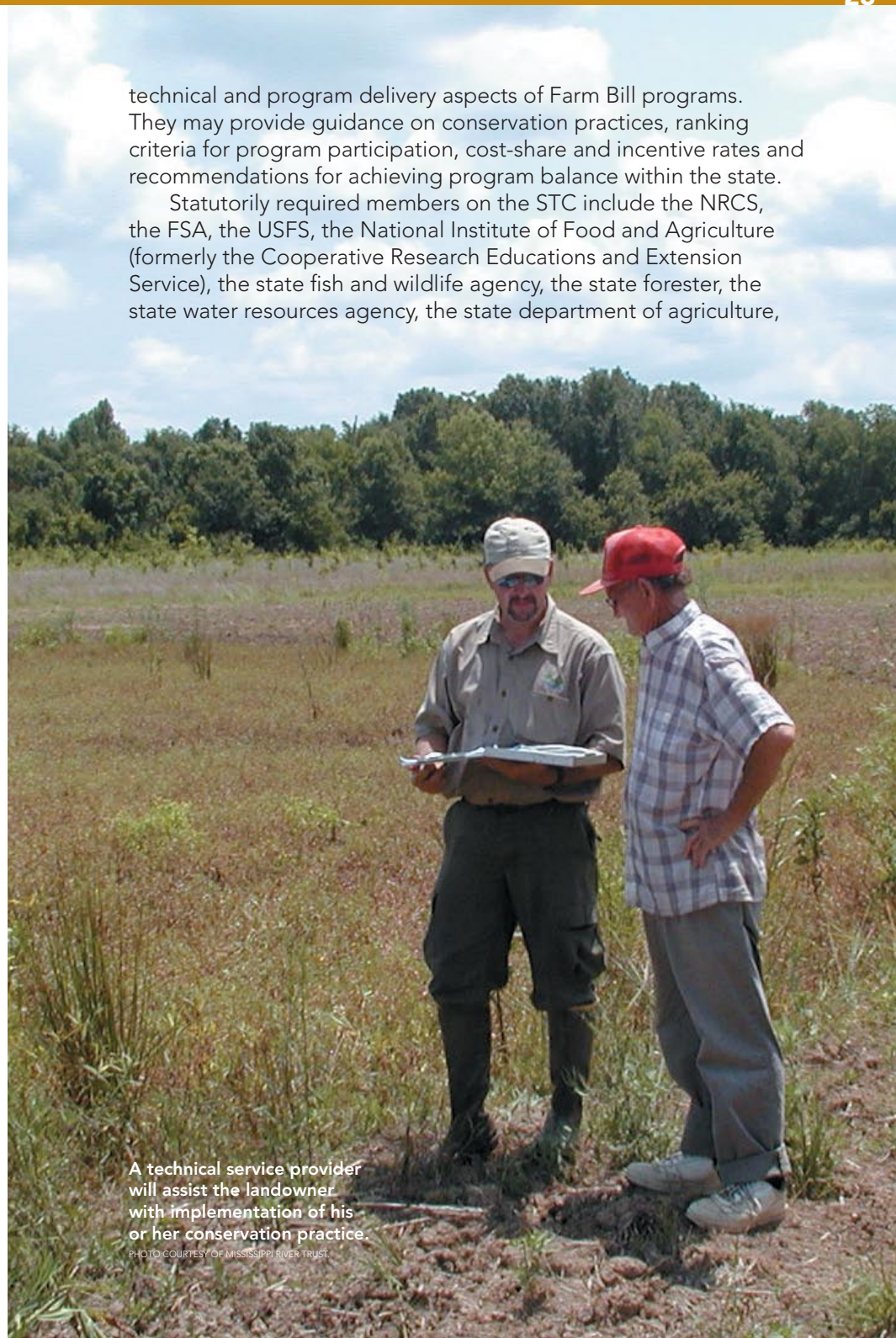
The relationship between the NRCS and conservation districts is both long and important. As indicated, the first chief of SCS advocated their establishment and would only establish a field office in a county at the request of a local conservation district. The districts are important partners for the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

STATE TECHNICAL COMMITTEE (STC) AND LOCAL WORK GROUP (LWG)

The Food Security Act of 1985 (1985 Farm Bill) directed the NRCS to establish STCs that would broaden the scope of involvement of others in the design and delivery of Farm Bill conservation programs at the state and local levels. The role of the committees was expanded by the 1996 Agriculture Improvement and Reform Act (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. It is the responsibility of the STC to make recommendations on the technical and program delivery aspects of Farm Bill programs. 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 the STC include the NRCS, the FSA, the USFS, the National Institute of Food and Agriculture (formerly the Cooperative Research Educations and Extension Service), the state fish and wildlife agency, the state forester, the state water resources agency, the state department of agriculture,



A technical service provider will assist the landowner with implementation of his or her conservation practice.
PHOTO COURTESY OF MISSISSIPPI RIVER TRUST

associations of soil and water conservation districts, agribusiness and non-profits with demonstrable conservation expertise that have experience in working with agricultural producers, owners of non-industrial private forest lands, as well as agricultural producers representing the variety of crops and livestock or poultry raised in the state.

To become an official member of the STC, you should make a request to the NRCS state conservationist. STC meetings are open to the public. These committees are an effective venue for the fish and wildlife community to interject ideas and priorities into the implementation of Farm Bill programs at the state level.

> "Character is doing the right thing when no one is watching."
>
> J.C. WATTS

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 PROVIDER (TSP)

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 TSPs. This can be done directly through cooperative agreements or contracts between the NRCS and another agency or with a non-federal entity to provide technical assistance to program participants, or through a payment to a landowner or producer for an approved third party provider. 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. The USDA maintains a registry for TSP applicants at www.techreg.usda.gov/.

Mississippi's Comprehensive Wildlife Conservation Strategy

What is a wildlife action plan?

Congress asked each state to develop a wildlife action plan, known technically as a comprehensive wildlife conservation strategy. These proactive plans examine the health of wildlife and prescribe actions to conserve wildlife and vital habitat before they become more rare and more costly to protect.

Mississippi snapshot

Geography: Mississippi's 47,716 square mile area includes 44 miles of coastline, 450 square miles of open water and five major river systems that empty into the Gulf of Mexico or the Mississippi River. Elevations range from sea level to 806-foot Woodall Mountain in Tishomingo County. Forests dominate the landscape, comprising over half the land area, and about 37 percent of the land is in agricultural production.

Landscape: As more than two-thirds of the State is in private ownership, conservation management programs coordinated through state, federal and non-profit organizations are geared toward private land stewardship. These include Farm bill conservation programs, conservation easements, and cost-share and partner programs that benefit both game and non-game wildlife. The U.S. Forest Service holds the largest percentage of public land, and, together with federal wildlife refuges and state wildlife management areas, these lands serve as important habitat for many of the endangered species in the state.

Small stream swamp forest/MMNS

Wildlife: Lying directly above the geographic center of the Gulf of Mexico, Mississippi is in the main flyway for transgulf bird migrants. Black bear wander the bottomlands along the Mississippi, Pearl and Pascagoula Rivers. The Gulf sturgeon spends much of its life in marine environments of the Mississippi Sound, but moves to the freshwater of the Pearl and Pascagoula Rivers to spawn.

Mississippi's planning approach

The Mississippi Department of Wildlife Fisheries and Parks coordinated the development of the strategy with the help of internal committees, a large statewide advisory committee, and an extensive team of experts. The goal of the strategy was to provide a guide for the effective and efficient long-term conservation of Mississippi's biodiversity. Expert surveys and data from the Mississippi Natural Heritage Program led to the identification of 297 Species of Greatest Conservation Need, as well as their habitats. Sixty-four habitat subtypes were grouped into inland terrestrial, flowing water, standing water and marine categories.

"I am pleased to introduce the Mississippi Department of Wildlife Fisheries and Parks' new effort to serve as steward of ALL of our state's wildlife resources: the Mississippi Comprehensive Wildlife Conservation Strategy. This strategy has been developed in compliance with a congressional mandate and will serve as Mississippi's blueprint for fish and wildlife conservation for the next half century. It is my hope that the success of this effort will be measured by the cultivation of lasting conservation partnerships and the promise of fish and wildlife resources for future Mississippians."
– Sam Polles, Ph.D.
MDWFP Executive Director

Mississippi's Comprehensive Wildlife Conservation Strategy | 1

SETTING PRIORITIES

The Farm Bill and program rulemaking establishes priorities for the conservation programs at the national level. The next step of priority-setting occurs at the state level through recommendations of the STCs. Membership and attendance at STC meetings is the most important venue for ensuring that Farm Bill programs maximize benefits for fish and wildlife habitat.

LWGs establish and prioritize the conservation needs at the local level. This information is transferred to STCs for establishing priorities.

Each application for program participation is subject to ranking criteria that reflect local, state and national priorities. Specifically, points are usually rewarded for targeted state, local and national resource concerns identified by STCs and LWGs. The applications are then ranked based upon their total score and funding descends down the prioritized list until exhausted. These lists can be reprioritized in subsequent years as new applications are submitted.

The FSA and the NRCS can establish national, state or local emphasis areas where programs can target more specific goals. By focusing dollars on specific landscape outcomes, they can concentrate projects, further promote participation and maximize partner collaboration.

STCs should use the best available science in setting priorities. State Wildlife Action Plans (www.wildlifeactionplans.org), which were mandated by Congress for every state, identify conservation issues, needs and priorities, and can serve as tools for developing ranking criteria or establishing special fund pools to meet critical fish and wildlife needs. Other plans that provide specific wildlife conservation priorities include plans of the various bird conservation initiatives (www.nabci-us.org/plans.html), *The State of the Birds* reports (www.stateofthebirds.org/), endangered species recovery plans (www.fws.gov/endangered/recovery/index.html) and the National Fish Habitat Action Plan (www.fishhabitat.org/). To be considered, people must advocate for these plans to help integrate them into Farm Bill program ranking criteria.

Wildlife Mississippi and the Mississippi River Trust have aided the Natural Resources Conservation Service in the delivery of the Wetlands Reserve Program in Arkansas, Louisiana and Mississippi.

PHOTOS BY WILDLIFE MISSISSIPPI/ROB BALLINGER

MAXIMIZING FISH AND WILDLIFE BENEFITS BY WORKING TOGETHER

The conservation provisions of the Farm Bill have continued to grow the number of conservation programs as well as the amount of money authorized for these programs. However, the USDA staff has not increased; in fact, the total number has declined over the 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 practices, which can be difficult for many participants.

Increasing the funding allocations of conservation programs in the Farm Bill is a good first step. Building partnerships with the NRCS and the FSA, and seeking opportunities to help them implement Farm Bill programs, can be the key to advancing fish and wildlife resource conservation.

Achieving fish and wildlife habitat conservation is a multi-step process that includes marketing projects to landowners and producers, understanding program requirements, taking care of the administrative paper work, ranking projects, obligating dollars, designing conservation practices and guiding implementation on the ground.

The NRCS and FSA staffs' workload is large and staff numbers limited, so they often do not have the time to "market" fish and wildlife conservation practices as well as implement them in a timely manner. This is where partners that are trained and motivated to

further fish and wildlife habitat conservation can and do play a significant role. For example, groups such as the state fish and wildlife agencies, the USFWS, Ducks Unlimited, Wildlife Mississippi and the Mississippi River Trust have spent resources identifying potential projects and then assisting the participant with applying for the programs.

> "Make no small plans…for they have not the power to stir men's blood."
> NICCOLO MACHIAVELLI

The NRCS has entered into cooperative agreements with many groups to implement conservation practices. For example, state fish and wildlife agencies and other groups understand that their fish and wildlife conservation missions can be achieved by leveraging Farm Bill dollars and helping get conservation on the ground. This is increasingly being done by establishing partnership biologists who are funded by dollars from the NRCS, the fish and wildlife agency and non-government organizations such as Ducks Unlimited, Wildlife Mississippi and the Mississippi River Trust. These positions can be administered either by the NRCS, state wildlife agencies or non-government organizations. However, if they are under the administration of the NRCS, they can be housed within the NRCS office to be more readily available to agricultural producers and program software for developing conservation plans and processing program applications. Also, close proximity to the NRCS or FSA can build a trust that will result in even more fish and wildlife projects and confidence in others on the staff to attempt new technologies. 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 2008 Farm Bill recognizes that technical capacity is often more limiting than funding for projects, and thus increased opportunities for partners to play a role in Farm Bill implementation. The CCPI was designed to target assistance to producers for enhancing conservation outcomes on agricultural and non-industrial private forest land. Areas of CCPI assistance are selected competitively through applications of eligible partners. Eligible partners include state, local and tribal governments, producer associations and cooperatives, institutions of higher education and non-governmental organizations.

NON-FARM BILL FUNDS CAN BE THE TIPPING POINT

Even if staffing capacity to deliver the Farm Bill was completely addressed, there are still other challenges. Marketing fish and wildlife conservation practices requires more than just convincing participants that it is the right thing to do. Most understand that. Many of the programs require that participants provide as much as 50 percent of the practice cost or more. Some of this can be achieved by in-kind services, but even the costs of materials and labor are limited commodities in working agricultural landscapes. To overcome this obstacle, financial help from partners can reduce or eliminate any funds required from the participant. Partners can thus maximize the effectiveness of projects for fish and wildlife 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, which is often a consideration in the ranking.

PROVIDING CONSERVATION PLANNING TECHNICAL ASSISTANCE

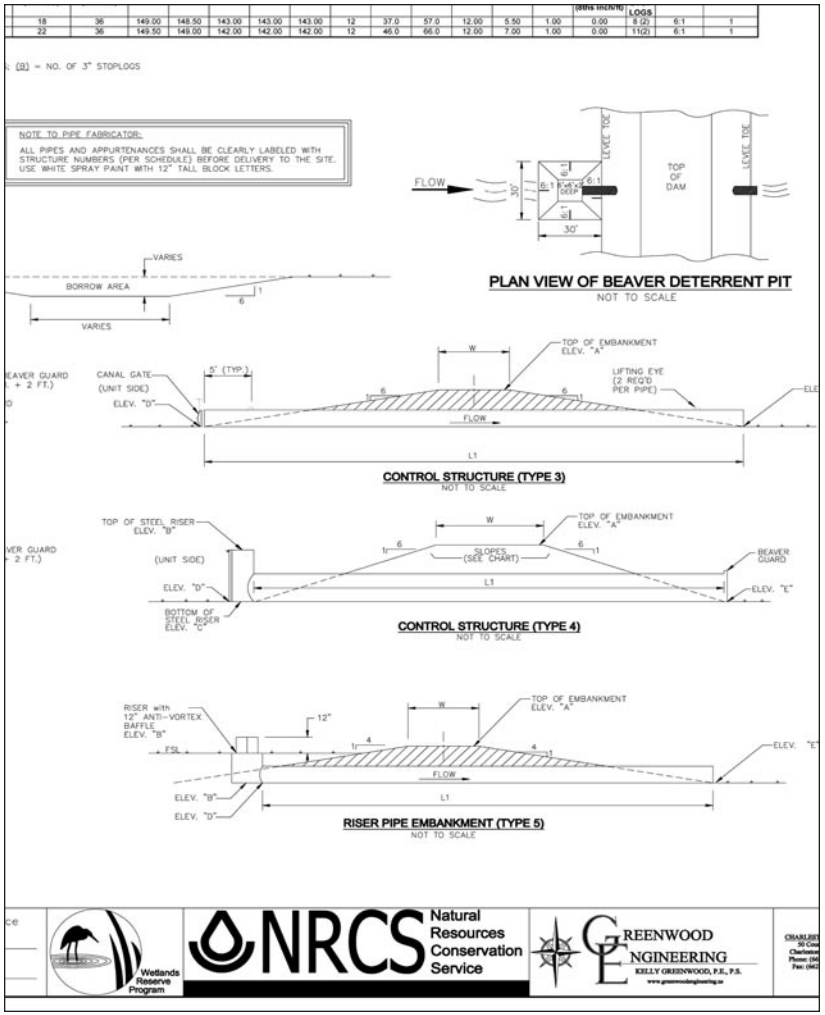
NRCS CONSERVATION PLANNING

The NRCS uses conservation planning to help participants develop conservation plans that consider natural resources (e.g., soil, water, air, plants and animals) and other human concerns (e.g., economic and social). The NRCS working model states that lands should already have a current conservation plan before receiving funds for any Farm Bill conservation program to ensure the most effective use of program dollars.

Understanding the NRCS conservation planning process is important so partners can both communicate with the NRCS staff and provide assistance in developing conservation plans where appropriate. The fundamentals of the planning process are sound and will lead to making better decisions on the ground.

NRCS conservation planning includes 9 steps:

1. Identify Problems and Opportunities
   Everyone needs a reason to plan. Planning can start with a problem, an opportunity, shared concerns or a perceived threat. Initial opportunities and problems are first identified based on information provided by participants. There may be information available through the county conservation districts or through a larger-scale conservation plan.
2. Determine Objectives
   During this step, the stakeholders identify their objectives. The NRCS conservation planner guides the process so that it



includes both the stakeholder needs and values and the resource concerns identified by the planner. Objectives may need to be revised and modified as new information is learned later in the inventory and analysis stages. Objectives may not be finalized until Step 4 of the planning process.

3. Inventory Resources
   In this step, appropriate natural resource, economic, cultural and social information for the planning area is collected. The information will be used to further define the problems and opportunities. It will also be used throughout the entire process

to define alternatives and evaluate the plan. It is important that as much information as possible be collected so that the plan will fit both the needs of the participant and the natural resources. Inventories can range from a farmstead or small watershed all the way up to a complete inventory of resources for a state or the entire nation.

4. Analyze Resource Data
   Studying the resource data and clearly defining existing conditions for all of the natural resources, including limitations and potential for the desired use, is the next step. This step is crucial to developing plans that will work for the participant and their land. It also provides a clear understanding of the baseline conditions that will help determine how effective a project is after it has been put into place.

5. Formulate Alternatives
   The purpose of this step is to develop options for achieving the goals for the land by solving any or all identified problems, taking advantage of opportunities and meeting the social, economic and environmental needs of the project.

6. Evaluate Alternatives
   Evaluate the alternatives to determine their effectiveness in addressing the participant's problems, opportunities and objectives. Attention must be given to those ecological and economic values protected by law or executive order.

7. Make Decisions
   At this point the landowner or participant chooses which alternative will work best for their situation. In the case of an area-wide plan, public review and comment are obtained before a decision is reached.

8. Implement the Plan
   Technical assistance is provided to help with the installation of adequate and properly-designed conservation practices based on NRCS technical standards. Also, assistance is given in obtaining permits, land rights, surveys, final designs and inspections for structural practices.

9. Evaluate the Plan
   Conservation planning is an ongoing process that continues long after the implementation of a conservation practice. By evaluating the effectiveness of a conservation plan or a practice within a plan, stakeholders can decide whether to continue with other aspects of an overall plan.

PROVIDING FISH AND WILDLIFE HABITAT: AN OBJECTIVE-DRIVEN APPROACH

Conservation programs administered by the USDA under the Farm Bill have tremendous potential to impact 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 may contribute to sustaining some 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 the 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.

Wintering mallards in Arkansas.
PHOTO BY WILD EXPOSURES/MICHAEL KELLY

Reforestation standards for the Wetlands Reserve Program require the use of seedlings that are at least 18" in height.
PHOTO BY WILDLIFE MISSISSIPPI/BRIAN BALLINGER

Fish and Wildlife Benefits of Conservation Programs and Practices

NRCS CONSERVATION PRACTICE STANDARDS

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 if they are under a conservation program/practice contract.

There are approximately 170 Conservation Practices that cover a large array of conservation activities from alley cropping to windbreaks. Descriptions of these practices can be viewed at the NRCS website (www.nrcs.usda.gov/technical/standards/nhcp.html).

Some conservation practices directly relate to wildlife and fish habitat (e.g., Upland Wildlife Habitat, Wetland Wildlife Habitat, etc). However, most practices are geared toward other resources and indirectly affect fish and wildlife. Therefore, it is critical that wildlife biologists work with STCs to provide recommendations to the NRCS on how to make conservation practice standards more beneficial to wildlife. National conservation practice standards are reviewed every 3 to 5 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 further refine the practice to fit their specific situation. State revisions can increase or make criteria more restrictive, but they must meet the national minimums.

> "In the end, our society will be defined not only by what we create but what we refuse to destroy."
>
> JOHN SAWHILL

The Wildlife Society published a technical report in 2007 that evaluated the effects of the NRCS conservation practice standards used in Farm Bill implementation on fish and wildlife resources. See the RESOURCES section for a listing of publications that provide detailed information about the benefits to fish and wildlife.

PERFORMANCE MEASUREMENTS

With money comes the responsibility of accountability. The Office of Management and Budget helps determine the funding each agency will receive to carry out conservation, and they expect the agency to set goals and measure progress. These goals guide implementation of Farm Bill programs. For example, the NRCS national office establishes performance objectives and priorities which are then passed to the NRCS state office which then sets goals for each field office.

Federal agencies continue to strive for more transparent performance measurements, but that task is daunting. However, goals and reporting are important issues for the NRCS, the FSA and other federal agencies, so understanding that need is useful in having more effective communication with the agencies.

CONSERVATION EFFECTS ASSESSMENT PROJECT (CEAP)

Farm Bill conservation programs have produced substantial environmental benefits. The CEAP is a multi-agency effort to examine the effects of conservation practices applied by land users participating in various USDA conservation programs or who otherwise receive technical assistance from USDA conservation planners. The CEAP involves a variety of components, each of which evaluates and quantifies one or more of the environmental benefits from applying conservation on agricultural lands. The CEAP is intended to provide planners and decision-makers with information to make informed land-management decisions.

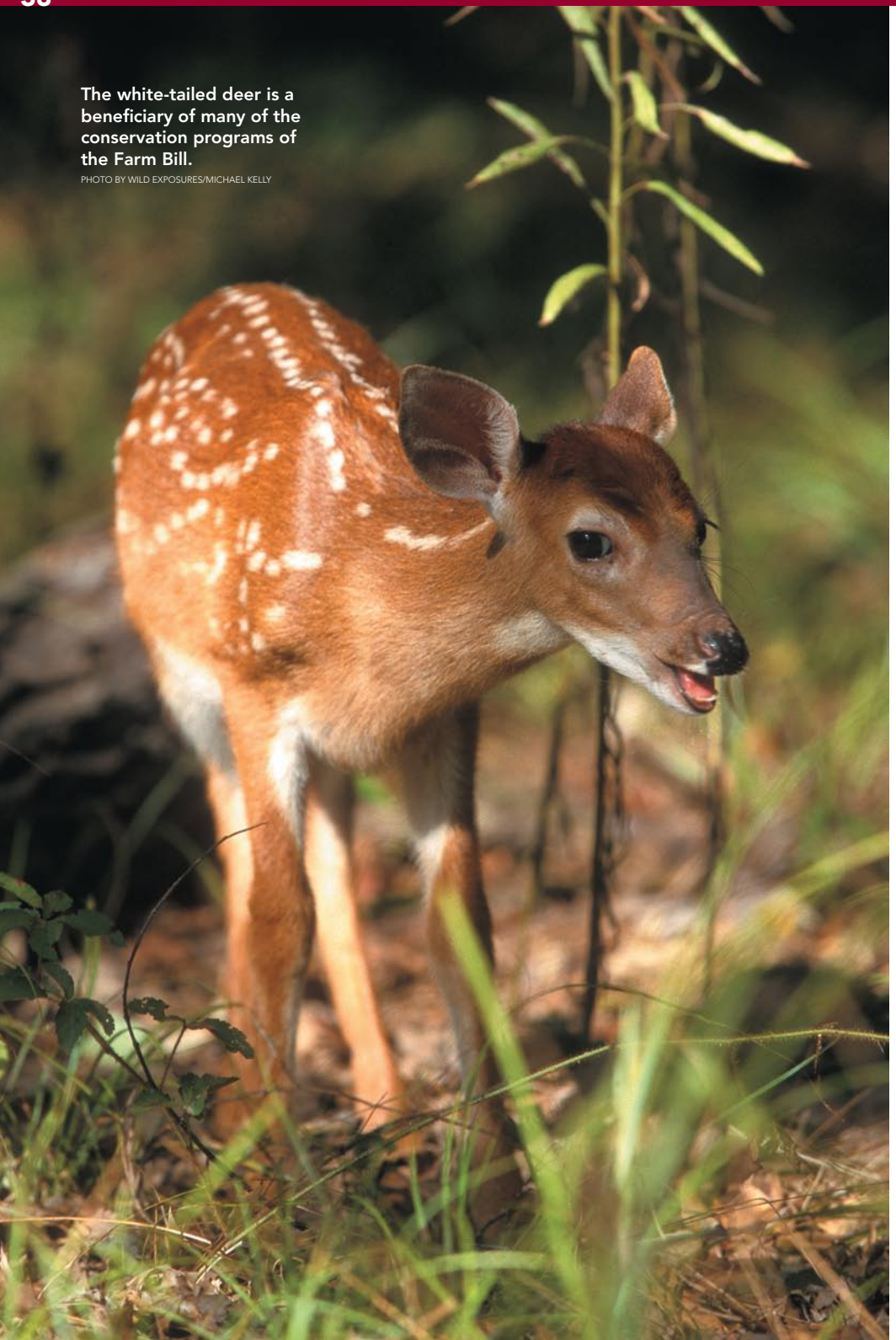
Initiated in 2005, the CEAP Wildlife Component involves a variety of assessment elements, most of which are applied at regional scales. The NRCS and FSA, the Association of Fish and Wildlife Agencies, the USFWS and many others are involved in evaluating the benefits that agriculture conservation practices provide to fish and wildlife. Specific projects underway include assessing improvements in habitat value, documenting increases in habitat use by target species or groups and estimating population responses. Most activities currently underway focus on the response of various bird species and groups to conservation practices and programs. Details on specific assessments are available on the CEAP website (www.nrcs.usda.gov/Technical/nri/ceap/index.html).

The CEAP Wildlife Component is an effort to quantify the effects of conservation practices and programs on fish and wildlife and their habitats in landscapes influenced by agriculture in the United States. Since fish and wildlife are affected by conservation actions taken on a variety of landscapes, the Wildlife Component links to the CEAP Croplands, Wetlands and Grazing Lands Components to the extent possible. It is virtually impossible to comprehensibly quantify the myriad effects of the Farm Bill's many conservation practices on innumerable species of fish and wildlife and communities. Therefore, the Wildlife Component operates under some basic principles to document those effects that are reasonably quantifiable. These principles include working collaboratively with others engaged in relevant assessments, leveraging the use of existing data to the extent possible, identifying critical data gaps and stimulating actions to fill them and focusing assessments on regional scales.

The USFWS and the U.S. Geological Survey are promoting Strategic Habitat Conservation as a model framework for adaptive resource management. This approach is being used to plan, design, and evaluate conservation landscapes for wildlife. For more information, visit www.fws.gov/science/StrategicHabitatConservation.html.

Various programs of the Conservation Title of the Farm Bill have very positive effects upon the improvement of habitat for the Louisiana black bear.

PHOTO BY WILDLIFE MISSISSIPPI/JAMES L. CUMMINS



The white-tailed deer is a beneficiary of many of the conservation programs of the Farm Bill.
PHOTO BY WILD EXPOSURES/MICHAEL KELLY

Farm Bill Conservation 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. Their websites and 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.

The 2008 Farm Bill set eligibility requirements for program participation based on the amount of income that a person or legal entity derives from different sources. A person or legal entity cannot receive benefits for commodity programs, such as direct payments and counter cyclical payments for Average Crop Revenue Election, if the adjusted gross income (AGI) of the person or legal entity from non-farm sources exceeds $500,000. Also, a person or legal entity is not eligible for direct payments if the average adjusted gross income from farming, ranching and forestry operations of the person or legal entity exceeds $750,000. However, the AGI is increased for conservation program participants. A person or legal entity is ineligible for conservation program benefits or payments if the AGI for non-farm income exceeds $1,000,000, unless at least 66.66 percent of the AGI income of the person or legal entity is derived from farming, ranching and forestry operations. The FSA administrator or NRCS chief may waive the AGI limit for program benefits on a case-by-case basis for the protection of environmentally-sensitive land of special significance.

> "As an investment banker on Wall Street, I firmly believe that environmental health is the bedrock of economic health."
>
> THEODORE ROOSEVELT, IV

These AGI determinations are made by the NRCS and FSA in consultation with the person or legal entity. Therefore, participants should be referred to the agencies to sort out their eligibility before proceeding further with enrollment in conservation programs.

EASEMENT PROGRAMS

The following discusses Title II (Conservation Provisions) of the 2008 Farm Bill, based upon information published on the NRCS national website and the Interim Final Rules released in January 2009. Some information may change in the future at which time the information will be updated.

WETLANDS RESERVE PROGRAM (WRP)

The WRP 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 has restored large tracts of wetlands including projects that exceed 10,000 acres in size. Over 2 million acres are currently enrolled in the WRP. This program's impact on wetland-dependent wildlife is significant. The 2008 Farm Bill reauthorized the WRP and established a new acreage cap of 3,041,200 acres by 2012.

The 2008 Farm Bill provided additional guidance for the Wetlands Reserve Enhancement Program (WREP), a subset of the WRP. The purpose of the WREP is to target and leverage resources to address high-priority wetlands protection, restoration and enhancement objectives through agreements with state, non-governmental organizations and Indian tribes. However, the NRCS had been piloting this program for several years. In 2005, $500,000 was made available to focus on bog turtle habitat in the Eastern United States and $1.5 million was made available for moist-soil management on WRP lands in Arkansas, Louisiana and Mississippi. The 2008 Farm Bill allows for a WREP pilot program to purchase easements that reserve the grazing rights to the private landowner. This allows landowners to retain managed grazing rights in exchange for reduced easement compensation.

Landowners enrolled in the WRP sell most of their use rights to the USDA except for hunting, fishing and quiet recreational use. In addition, they 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 WRP acreage in a county to not exceed 10 percent of the county's total farmland acreage. A waiver can be obtained from the USDA, but it is not readily granted.

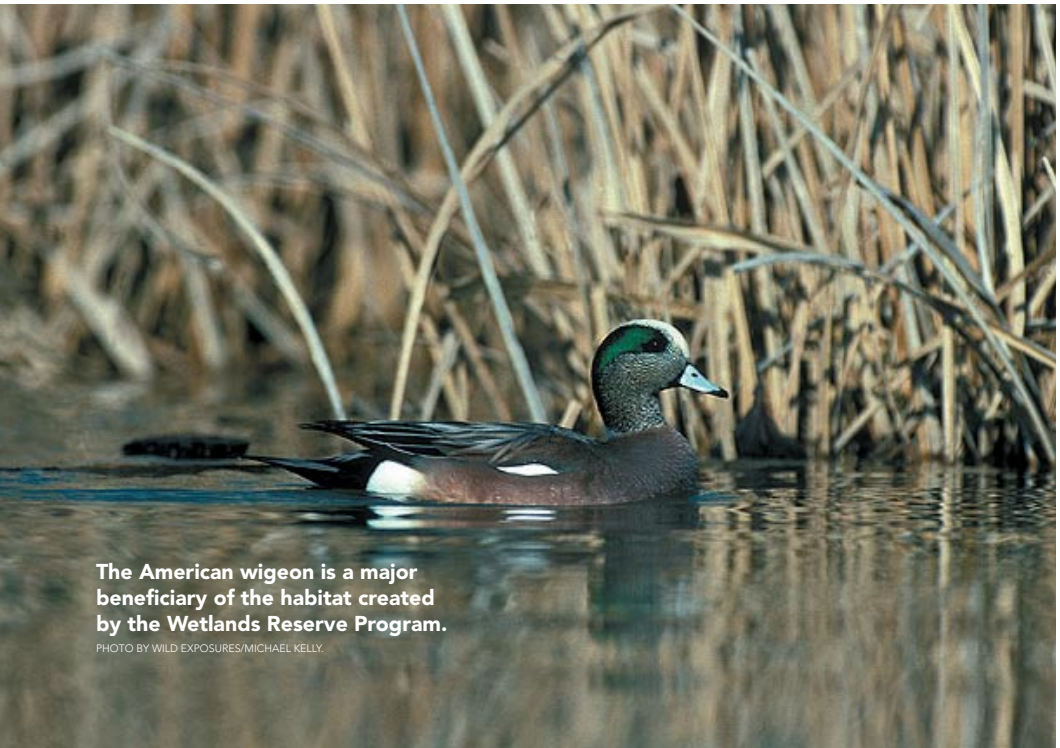
The program offers different enrollment options:

1. Permanent Easement is a conservation easement in perpetuity. The NRCS pays 100 percent of the easement value and up to 100 percent of the restoration costs;
2. 30-Year Easement is an easement that expires after 30 years. The NRCS pays up to 75 percent of the easement value and up 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; or

The Wetlands Reserve Program restores wetland vegetation and hydrology.
PHOTO BY WILDLIFE MISSISSIPPI/JAMES I. CUMMINS

3. Restoration Cost-Share Agreement is an agreement to restore or enhance the wetland functions and values without placing an easement on the enrolled acres. The NRCS pays up to 75 percent of the restoration costs only. These contracts are 10 years.
4. Tribal Contracts: Tribes can enter into 30-year contracts instead of easements. The NRCS will pay up to 75 percent of the compensation and restoration costs.
5. Wetlands Reserve Enhancement Program: This aspect of the program 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, payments can be from 1 to 30 annual payments as requested by the program participant. Easements or 30-year contracts valued greater than $500,000 must have at least 5 and no more than 30 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.



The American wigeon is a major beneficiary of the habitat created by the Wetlands Reserve Program.
PHOTO BY WILD EXPOSURES/MICHAEL KELLY.

U.S. Department of Agriculture — OMB NO. 0578-0013

A. APPLICATION FOR LONG-TERM CONTRACTED ASSISTANCE THROUGH THE WRP PROGRAM

B. To be completed by NRCS; check appropriate box:
☐ This transaction is for CCC
☑ This transaction is for NRCS

C. State: Mississippi — D. County:

1. Applicant Name and Address: — 2. Applicant Name and Address:

1a. Phone: — 2a. Phone:

I (We) hereby apply for participation in this program and submit the following information in support of the application. I (We) hereby attest that the name(s) listed in Items 1 and 2, have complete control of the property described in Item 3 below.

3. Description and location of farm, ranch, or other unit:
See Deed.

4. The land is owned by the applicant(s): ☑ Yes ☐ No If the answer to Item 4 is **NO**, provide an explanation below:

5. Description of area(s) needing treatment. Type and severity of problem(s), and treatment needed to correct the problem(s):
Land needs to be converted into a wetland.

6. I (We) understand this application does not obligate the applicant(s) or NRCS to enter into a contract.
6a. Signature(s): _____ 6a. Date: _____
6b. Signature(s): _____ 6b. Date: _____

7. The land has been evaluated and determined to be eligible for the program for which applied ownership criteria is met by the following methods:
Personal Knowledge: _____
Knowledge of: ☐ 7a. Conservation District Board Members ☐ 7b. FSA Records ☐ 7c. Deed ☑ 7d. Other, explain: _____

8. If application is for WRP, check appropriate box.
☐ 8a. 10 Year Restoration Agreement ☐ 8b. 30-yr easement ☑ 8c. Permanent easement

The signature by the NRCS representative signifies a CCC-NRCS transaction as indicated above.

9. Authorizing Official for: _____ 9a. Signature: _____ 9a. Date: _____

OMB DISCLOSURE STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. This valid OMB control number for this information collection is 0578-0013. The time required to complete this information collection is estimated to average .09 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

PRIVACY ACT STATEMENT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 522a). Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other State or Federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (202) 720-5964.

Former NRCS-LTP-001, CCC-1250 — AD-1153 04-2002

Eligibility

- Private and tribal lands only;
- Minimum of 20 contiguous acres;
- Land shall only be considered eligible for enrollment in the WRP if the NRCS determines, in consultation with the USFWS, that the enrollment of such land maximizes wildlife benefits and wetland values and functions;

- Be in compliance with the HELC and the WC provisions (Sodbuster and Swampbuster);
- For easement applications, the applicant must be the landowner of the eligible land; and
- For easement options, the land must not have changed ownership in the 7 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 WRP or if it is of significant environmental value.

Determining Easement Value

The Food, Conservation, and Energy Act of 2008 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;
- Geographic area rate cap as determined by the Secretary of Agriculture; or
- Landowner's offer.
- On WRP lands, easement payments with reserved grazing rights will be adjusted for the fair market value of the land and reduced by an amount equal to the value of the retained grazing rights.

How to Apply

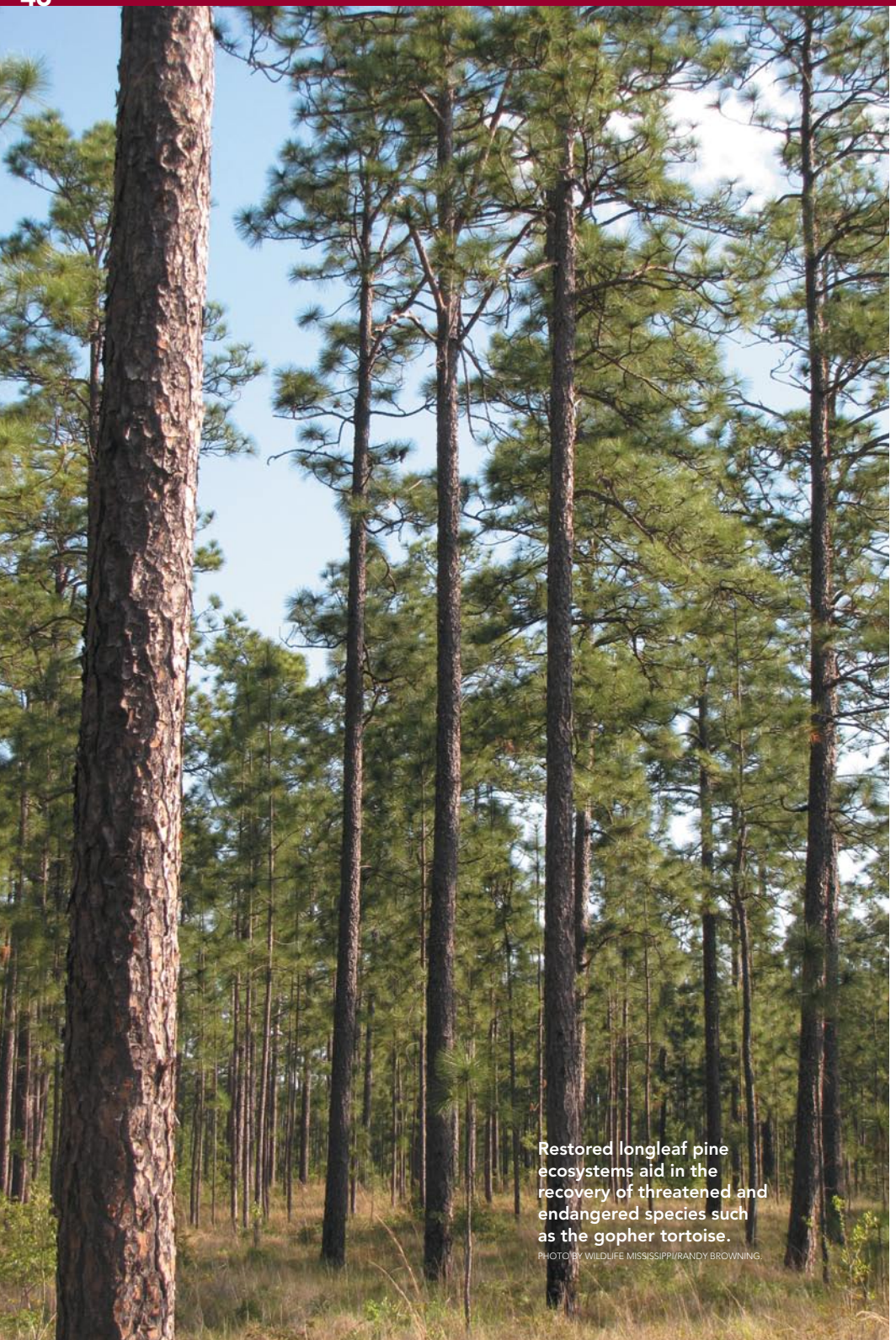
The NRCS is responsible for the administration of the program as well as developing the restoration plan and its implementation. Applications can be obtained at the local NRCS service center.

FARM AND RANCH LANDS PROTECTION PROGRAM (FRPP)

The FRPP helps farmers and ranchers keep their land in agriculture and forest land that contributes to the economic viability of an agricultural operation or serves as a buffer to protect an agriculture operation from non-agricultural uses. This is accomplished through easements. Open agricultural landscapes provide wildlife benefits; therefore, the FRPP can be a tool in protecting habitat.

Under the FRPP, the NRCS enters into cooperative agreements with selected entities and provides funds for up to 50 percent of the fair market value of the easement.

Buffer strips in combination with other conservation practices provide valuable wildlife habitat.
PHOTO FROM WIKIMEDIA.COM.



Restored longleaf pine ecosystems aid in the recovery of threatened and endangered species such as the gopher tortoise.
PHOTO BY WILDLIFE MISSISSIPPI/RANDY BROWNING.

Eligibility

- Lands must be cropland, rangeland, grassland, pastureland or forest land that contributes to the economic viability of an agricultural operation or serves as a buffer to protect an agricultural operation from developments; and
- Be privately owned on a farm or ranch and contain at least 50 percent prime, unique, statewide or locally important farmland unless otherwise determined by the state conservationist; or
- Contain a historical or archaeological resource on the State or National Register, or formally eligible for the National Register.
- Be in compliance with HELC and WC provisions.

Determining Easement Value

The value of the conservation easement is determined on the basis of an appraisal using an industry-approved method, selected by the eligible entity and approved by the USDA. The FRPP can contribute no more than 50 percent of the agricultural fair market value (AFMV); the cooperating entity must contribute the balance of the cost. Cooperating entities may use a landowner donation as part of their contribution; however, a cooperating entity must pay a minimum of 25 percent of the purchase price (AFMV minus landowner donation).

FRPP funds may not be used for expenditures such as appraisals, surveys, title insurance, legal fees, costs of easement monitoring and other related administrative and transaction costs incurred by the entity.

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.

HEALTHY FORESTS RESERVE PROGRAM (HFRP)

The HFRP is reauthorized under Title VIII (Forestry) of the Farm Bill, not the Conservation Title. The purpose 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, they 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 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; or
- Thirty-year easements and tribal 30-year contracts will not receive more than 75 percent of the fair market value of the enrolled land.

Upland hardwoods are home to several threatened and endangered species throughout the United States.
PHOTO BY WILD EXPOSURES/MICHAEL KELLY

- 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 $9.75 million per year through 2012.

Eligibility

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

Determining Easement Value

A NRCS approved appraisal process.

How to Apply

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

GRASSLAND RESERVE PROGRAM (GRP)

The purpose of the GRP is to assist landowners and operators in the protection of grazing uses and related conservation values by conserving and restoring grassland resources on eligible private lands through rental contracts and easements. The GRP emphasizes supporting grazing operations; maintaining and improving plant and animal biodiversity; and protecting grasslands and shrublands from the threat of conversion to uses other than grazing.

As of 2008, there were 250 easements covering more than 115,000 acres in 38 states. The 2008 Farm Bill authorized an additional 1.22 million acres by 2012, thus allowing over a million more acres to enter the program. It also gives priority for enrollment to expiring acreage from the CRP, but limits it to 10 percent of the total acres enrolled in any year.

Eligible lands can be enrolled into either a permanent easement (or maximum term allowed under state law) or a 10-, 15- or 20-year rental contract. Restoration agreements, based on a 50 percent cost-

share, may only be placed on land enrolled under a rental contract or easement. There is an annual payment limitation of $50,000 for both rental and restoration agreements

An approved grazing management plan is required. A grazing management plan is a document used in implementing a grazing management system. A restoration agreement may also be developed. A restoration agreement is an agreement between the program participant and the USDA or eligible entity to carry out activities and conservation practices necessary to restore or improve the functions and values of the land. A restoration agreement will include a restoration plan which is the portion of the restoration agreement that includes the schedule and conservation practices and activities to restore the functions and values of grasslands and shrublands. Payments under the GRP restoration agreements may be made to the participant for not more than 50 percent of the cost of carrying out the conservation practices.

The Grassland Reserve Program protects land from the threat of conversion to uses other than grazing.

PHOTO BY WILDLIFE MISSISSIPPI/DANIEL COGGIN.

State, local or tribal governments and non-government organizations that have a charter describing commitment to conserving grasslands can enter into a cooperative agreement with the NRCS to own, write and enforce a grassland protection easement. They must also acquire the easements based on a minimum 50 percent cost-share with the government. GRP funds may not be used for appraisals, surveys, title insurance, legal fees and other related administrative and transaction costs incurred by partner entity.

> "The land ethic simply enlarges the boundaries of the community to include soil, waters, plants, and animals, or collectively: the land."
>
> ALDO LEOPOLD

Eligibility

- Private lands, including tribal lands;
- The participant must be a landowner for easement participation or be a landowner or have control of the eligible acreage being offered for rental contract participation;
- Be in compliance with HELC and WC provisions; and
- Land is eligible if it is grassland, land that contains forbs or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use; or
- Land located in an area that historically had been dominated by grassland, forbs or shrubland that is compatible with grazing uses and related conservation values, and could provide habitat for animal or plant populations of significant ecological value, if the land is retained in its current use or is restored to a natural condition; contains historical or archeological resources; or would address issues raised by state, regional and national conservation priorities.

Determining Easement Value

Permanent easement compensation is equal to the fair market value, less the grazing value of the land encumbered by the easement. To determine this amount, the NRCS chief shall pay the lowest of the fair market value, the amount corresponding to a geographical cap or an offer made by the landowner. The non-easement contracts are paid an amount that is not more than 75 percent of the grazing value of the land.

How to Apply

The NRCS and FSA jointly administer this program. Assistance in applying can be obtained from the local USDA Service Center.

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 covers. The wildlife benefits quickly became apparent and subsequent Farm Bills modified the programs 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, riparian buffers, wetland restoration, trees, windbreaks, shelterbelts, native grasses, tree planting, high-priority species and farmable wetlands.

Agricultural land retired from production through the Conservation Reserve Program.

PHOTO BY WILDLIFE MISSISSIPPI/JAMES L. CUMMINS

Through the CRP, participants receive annual rental payments and cost-share assistance to establish long-term, resource-conserving covers on eligible farmland. 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 approved conservation practices. There are also incentive payments for specific practices. With the concurrence of the county government, CRP contracts are for 10 to 15 years.

The 2008 Farm Bill allows harvesting, haying and grazing and the placement of wind turbines in certain situations with a reduction in payments.

No more than 25 percent of a county's farmland acreage can be in the CRP and the WRP. Waivers can be granted especially for the continuous sign-up conservation practices.

As of 2008, there were approximately 34.5 million acres enrolled in the program; but that is changing due to increasing agricultural commodity prices coupled with non-competitive rental payments. In addition, the 2008 Farm Bill authorized a lower cap of 32 million acres.

The CRP offers different types of payments and incentives:

- Rental Payments – In return for establishing long-term, resource-conserving covers, 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;

Former agricultural land restored to native hardwoods.
PHOTO BY WILDLIFE MISSISSIPPI/BRIAN BALLINGER.

- Maintenance Incentive Payments – CRP annual rental payments may include an additional amount up to $4 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 more than 50 percent of the participant's costs in establishing approved cover on eligible cropland; and
- Other Incentives – The FSA may offer additional financial incentives of up to 20 percent of the annual payment for certain continuous sign-up practices.

Ranking CRP Offers

Offers for CRP contracts are ranked according to the 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 resulting from covers on contract acreage;
- Water quality benefits from reduced erosion, runoff and leaching;
- On-farm benefits from reduced erosion;

Water control structures hold water on lands favorable to migrating ducks.
PHOTO BY WILDLIFE MISSISSIPPI/ROB BALLINGER.

- Benefits that will likely endure beyond the contract period;
- Air quality benefits from reduced wind erosion; and
- Cost.

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

CRP General Sign-up

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 32-million-acre 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.

CRP Continuous 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.

The following are the major CRP Practices and Initiatives that are having significant affect on fish and wildlife conservation in the LMRV:

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. It is a 500,000-acre initiative that enrolls acres within the 100-year flood plain.

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. The goal is 250,000 acres.

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 approximately 500,000 metric tons of carbon dioxide annually.

Habitat Buffers for Upland Birds (Conservation Practice 33)

This practice was designed to address decreasing numbers of Northern bobwhite quail 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. The acreage cap was set at 350,000 acres in specific geographic areas in 31 states.

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. The practice targets the restoration of 250,000 acres across nine states.

State Acres For wildlife Enhancement (SAFE) (Conservation Practice 38)

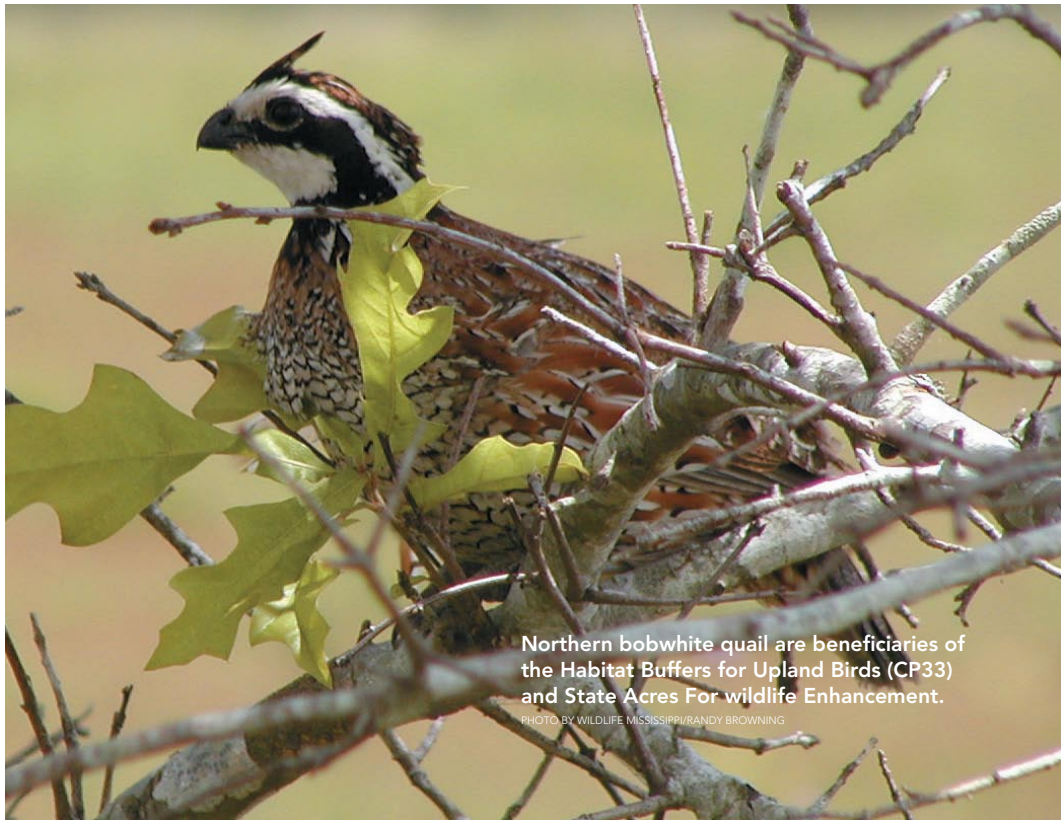
SAFE proposals must originate from within FSA geographically defined areas targeting specific species of wildlife. Proposals are usually developed by partnerships of wildlife experts in state and federal agencies, the public, non-profit organizations and others. These proposals are then reviewed by the 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.

Examples of projects approved for SAFE include:

- Arkansas Grass SAFE to enroll 3,700 acres to restore early successional habitat to benefit Northern bobwhite quail and other grassland birds.
- Louisiana Bayou Bartholomew SAFE to enroll 1,700 acres in the CRP to benefit mussel and bald eagle habitat.
- Mississippi Bobwhite Quail SAFE to enroll 6,450 acres to increase native grassland habitats in Mississippi for Northern bobwhite quail.
- Tennessee Wetlands SAFE to enroll 500 acres in the CRP 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



Northern bobwhite quail are beneficiaries of the Habitat Buffers for Upland Birds (CP33) and State Acres For wildlife Enhancement.

PHOTO BY WILDLIFE MISSISSIPPI/RANDY BROWNING

water. This program is conducted in partnership with producers, tribal and state governments and in some cases private groups. It is being used to specifically address the loss of critical habitat for threatened and endangered species and salmon.

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.

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 12,769,000 acres each fiscal year. The contracts will cover the entire agricultural operation and be for a period of 5 years. Compensation to an individual or legal entity cannot exceed $200,000 for all contracts entered during any 5-year 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.

The Conservation Stewardship Program encourages the expansion of conservation practices within existing production activities.
PHOTO BY WILDLIFE MISSISSIPPI/BRIAN BALLINGER

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; and
- Engaging in activities related to on-farm conservation research and demonstration activities, and pilot-testing of new technologies or innovative conservation practices.

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, WC and AGI provisions;
- Demonstrate that they are meeting the stewardship threshold for at least one resource concern such as soil, water and/or wildlife;
- Address at least one additional priority resource concern by the end of the conservation stewardship contract;
- In addition to private agricultural lands, up to 10 percent of the enrolled acreage may be non-industrial private forest land;
- Offer must include all eligible lands within operation; and
- WRP, CRP and GRP acres are not 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

WILDLIFE HABITAT INCENTIVES PROGRAM (WHIP)

The WHIP encourages participants to develop and improve high-quality habitat that supports wildlife populations of national, state, tribal and local significance through financial and technical assistance. Cost-share up to 75 percent can be provided for establishing conservation practices to develop fish and wildlife habitat. Historically-underserved producers and Indian tribes may receive the applicable payment rate and an additional rate that is not less than 25 percent above the applicable rate, provided that this increase does not exceed 90 percent of the estimated incurred costs associated with the conservation practice.

Twenty-five percent of the funds can be used to enter into long-term agreements for lands that would address issues raised by state, regional and national conservation initiatives. These long-term agreements can incorporate a higher rate of cost-share assistance, not to exceed 90 percent. Annual payments to a person or legal entity cannot exceed $50,000 per year. The 2008 Farm Bill authorized $85 million per year funding. WHIP agreements generally last from 5 to 10 years.

Harvested rice fields are commonly flooded to provide wintering waterfowl habitat.
PHOTO BY WILDLIFE MISSISSIPPI/BRIAN BALLINGER

The Environmental Quality Incentives Program helps improve water quality in the many lakes throughout the Lower Mississippi River Valley.
PHOTO BY WILD EXPOSURES/MICHAEL KELLY.

The national priorities established for the WHIP are:

- Promote the restoration of declining or important native fish and wildlife habitats;
- Protect, restore, develop or enhance habitat to benefit at-risk species (e.g., candidate species and state-listed threatened and endangered species);
- Reduce the impacts of invasive species on fish and wildlife habitats; and
- Protect, restore, develop or enhance declining or important aquatic wildlife habitats.
- The NRCS in consultation with STCs establishes priorities that are guided by the national priorities listed above. In some cases, the NRCS state conservationist can establish priority landscapes where WHIP dollars are focused to maximize benefits.

Eligibility

- Eligible lands include private agricultural land (public lands no longer eligible), non-industrial private forest land and tribal land;
- Applicant must be in compliance with the HELC and WC provisions;
- Applicant must be in compliance with the terms of all other USDA-administered conservation program contracts to which the participant is a party; and
- Develop and agree to comply with the project's Wildlife Plan of Operations.

How to Apply

The NRCS is responsible for financial and technical assistance. Applications can be obtained through local NRCS field offices.

ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP)

The EQIP provides financial and technical assistance to farmers and ranchers who face threats to soil, water, air and related natural resources such as pollinators, at risk species (i.e., any listed plant or animal species as determined by the NRCS, with advice from the STC, to need direct intervention to halt its population decline) and threats from invasive species. This also includes forest management, energy conservation and practices related to organic production. The program provides cost-share to producers to promote agricultural production and environmental quality as compatible goals, optimize environmental benefits and help farmers and ranchers meet state, tribal and local environmental regulations. In addition, it can replace forgone income to further a conservation objective such as delayed grazing to promote establishment of nesting cover. This is one of the largest funded programs with a Congressional authorization of $7.325 billion through 2012.

The overall payment limitation is $300,000 per person or legal entity over a 6-year period. However, the Secretary of Agriculture may raise the limitation to $450,000 for projects of special environmental significance. 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 6-year period. Congress authorized funding for each fiscal year as follows: $1.2 billion for 2008; $1.337 billion for 2009; $1.45 billion for 2010; $1.588 billion for 2011; and $1.75 billion for 2012.

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 30 percent of the anticipated costs needed for purchasing materials or services to implement conservation practices.

The 2008 Farm Bill gave the NRCS discretion to accord great significance to a conservation practice that promotes residue management, nutrient management, air quality management, invasive species management, pollinator habitat, animal carcass management technology or pest management.

Rivers, streams and bayous are a major beneficiary of the Environmental Quality Incentives Program.
PHOTO BY WILD EXPOSURES/MICHAEL KELLY.

The NRCS identified national priorities for the program in FY 2006, that are still applicable today, which 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; and
- Reduction in soil erosion and sedimentation from unacceptable levels on agricultural land.

Eligibility

Applicant must:

- Be an agricultural producer;
- Be in compliance with the HELC and WC provisions;
- Meet AGI 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; and
- 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.

Under certain situations, federal lands can be included in program cost-share. Specifically, this would include lands where the participant's operations and private holdings would directly benefit from the activities occurring on public lands (e.g., improved forage and habitat on lands that are part of a producer's grazing allotment).

How to Apply

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

NATURAL DISASTER RESTORATION

EMERGENCY CONSERVATION PROGRAM (ECP)

The ECP was authorized under the Agricultural Credit Act of 1978, Title IV ECP, as amended by the Disaster Assistance Act of 1989, Section 502; ECP Rule 7 CFR Part 701; Handbook 1-ECP (Rev. 3). 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 conservation measures. Funding for the ECP is appropriated by Congress.

To rehabilitate farmland, ECP program participants may implement emergency conservation practices, such as:

- Remove debris;
- Restore fences and conservation structures; and
- Provide water for livestock in drought situations.

The Emergency Forest Restoration Program cost-shares with private landowners to treat land that would impair the natural resources on the land, such as this stream that is filled with debris.

PHOTO BY WILDLIFE MISSISSIPPI/JAMES CUMMINS

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 from $50,001 to $100,000 is approved at the state committee level. Cost-sharing over $100,000 must be approved by the FSA's national office.

Technical assistance may be provided by USDA's Natural Resources Conservation Service.

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; and
- 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 (http://disaster.fsa.usda.gov).

EMERGENCY FOREST RESTORATION PROGRAM (EFRP)

The EFRP amends Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) and allows 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.

Natural disasters include wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods or other resource-impacting events.

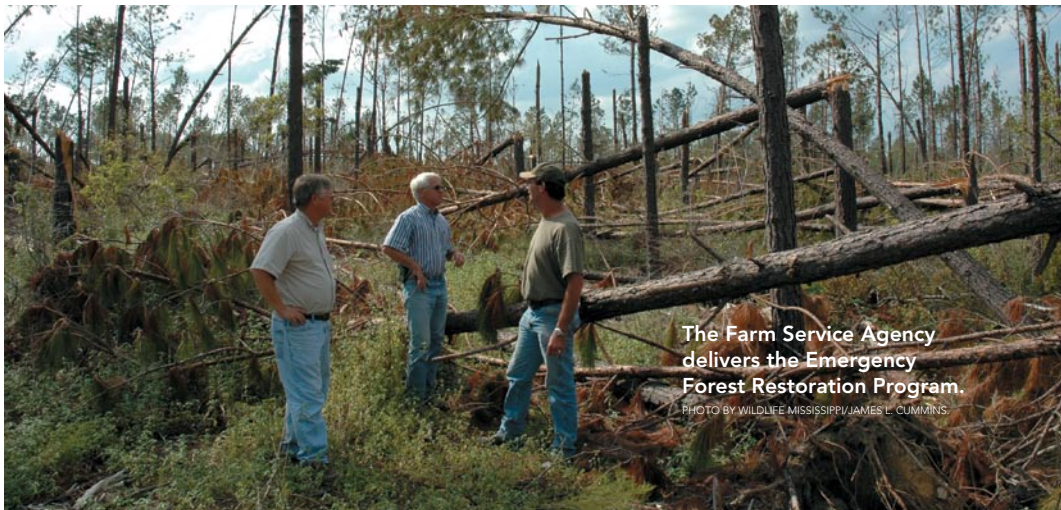
Cost-share may not exceed 75 percent of the cost of the emergency measures.

Eligibility

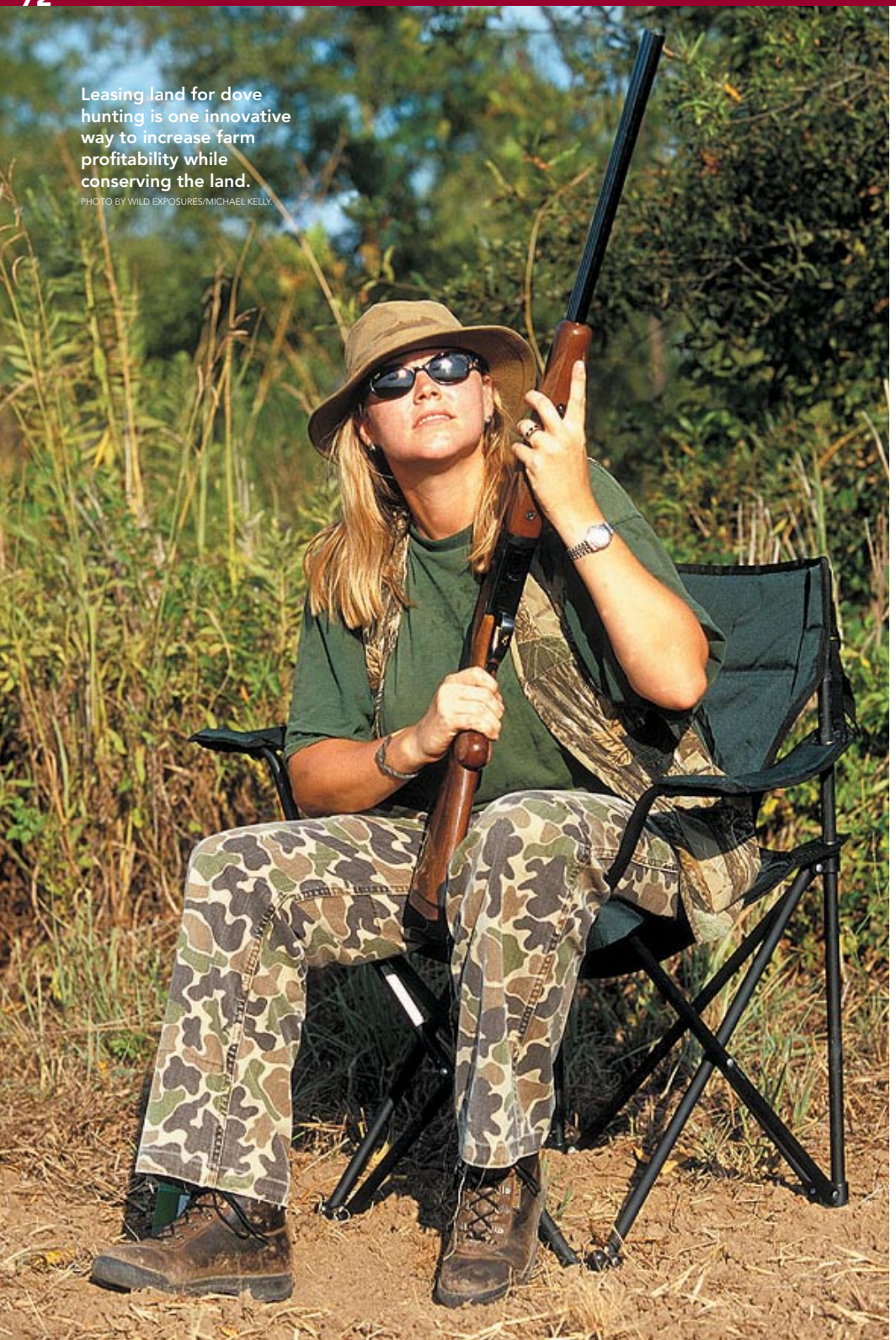
- Land must be rural land that has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and
- Be owned by any non-industrial private individual, group, association, corporation or other private legal entity, that has definitive decision-making 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.



The Farm Service Agency delivers the Emergency Forest Restoration Program.
PHOTO BY WILDLIFE MISSISSIPPI/JAMES L. CUMMINS.



Leasing land for dove hunting is one innovative way to increase farm profitability while conserving the land.
PHOTO BY WILD EXPOSURES/MICHAEL KELLY.

GRANTS AND OTHER PROGRAMS

CONSERVATION INNOVATION GRANTS (CIG)

The purpose of the CIG program is to stimulate innovative conservation approaches and technologies, while leveraging investment in environmental enhancement and protection in conjunction with agricultural production including forest resources. Under this competitive grant program, EQIP funds are awarded to tribal governments, non-governmental organizations or individuals to achieve this objective.

Through CIG, the NRCS works with other public and private entities to accelerate technology transfer and the adoption of promising approaches to address some of the nation's most pressing natural resource concerns. The focus is on "developing and transferring" this technology. CIG benefit agricultural producers by providing more options for environmental enhancement and compliance with federal, state and local regulations.

The program has two administrative levels of application. The national component of the CIG competition generally seeks projects that will benefit a large geographic area (e.g., watershed, region, multi-state or nationwide). An Announcement of Program Funding is issued annually for the specific natural resource concerns eligible for these grants. State-level competitions may also be offered, based upon priorities established by the state NRCS office, and have a national cap of $75,000.

Selected applicants may receive grants of up to 50 percent of the total project cost, and must provide matching non-federal funds for at least 50 percent of the project cost, of which no more than one-half (25 percent of the total project cost) may come from in-kind contributions. Up to 10 percent of CIG funds each year may be set aside for applications from beginning, limited resource or socially-disadvantaged farmers or ranchers, tribes or community-based organizations comprised of, or representing, these entities. Matching funds for grants to any of these individuals or entities may consist of up to 75 percent in-kind contributions.

Eligibility

- Eligible applicants for CIG funding include: tribal governments, state and local governments, non-governmental organizations or individuals; and
- Projects must benefit participants who meet the EQIP eligibility requirements.

How to Apply

Apply for national CIG grants through the NRCS national office. Those states offering CIG grants will announce their sign-up period and objectives independently of the national announcement. Contact the NRCS state office for additional information.

COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE (CCPI)

The CCPI provides for funds to be used for targeted conservation activities and areas. The CCPI is implemented through multi-year agreements (not to exceed 5 years) with eligible partners and owners/operators of agricultural and non-industrial private forest lands selected through a competitive application process. Eligible partners include state, local and tribal governments, producer associations and cooperatives, institutions of higher education and non-governmental organizations.

The amount of funds available for the CCPI is 6 percent of the funds for the EQIP and WHIP and 6 percent of the acres for the CSP. Under the CCPI, agreement funds are provided to participating producers in accordance with applicable program rules (i.e., EQIP, WHIP and CSP).

Ninety percent of funds will be allocated to projects based on the discretion of the NRCS state conservationists. The remaining 10 percent of funds will support projects based on national competition. Overhead or administrative costs of partners may not be covered by funds provided through the CCPI.

The purposes of the CCPI are to:

- Address conservation priorities on a local, multi-state or regional level;
- Encourage producers to cooperate in meeting regulatory requirements;
- Encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple operations; and
- Promote the development and demonstration of innovative conservation practices and delivery methods.

Priority is given to applications that:

- Involve a high percentage of producers;
- Significantly leverage non-financial and technical resources and coordinate with other local, state or federal efforts;

- Deliver high percentages of applied conservation to address water quality, water quantity or state, regional or national conservation initiatives; and
- Provide innovation in conservation methods and delivery that include performance measurement.

How to Apply

CCPI agreements are competitive and can be entered into with the NRCS at either the state or national level. The Request for Proposals is announced periodically on the NRCS state or national website.

Through a partnership between the American Forest Foundation, the Environmental Defense Fund, the U.S. Fish and Wildlife Service and Wildlife Mississippi, longleaf pine reforestation is occurring on lands in South Mississippi.

PHOTO BY WILDLIFE MISSISSIPPI/RANDY BROWNING.

Wetlands amidst agricultural production areas.
PHOTO COURTESY OF USDA NRCS DIGITAL PHOTO GALLERY.

CONSERVATION COMPLIANCE

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION COMPLIANCE (HELC/WC)

All of the 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, are different in that they stress disincentives to prevent adverse affects to soil and wetland resources. Specifically, the objectives of these provisions 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 assist 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, over 400,000 acres per year were lost due to agricultural conversions. However, Swampbuster is one of the main reasons this loss has declined dramatically over the past 2 decades. Coupled with the WRP and other restoration programs, there have been net gains of wetlands in agricultural landscapes in recent years.

The FSA administers the HELC and WC provisions of the Farm Bill and makes all program related decisions. The NRCS makes technical determinations as to whether highly-erodible soils and wetlands are present on a participant's property. They also provide technical assistance, using conservation plans and maps, to determine the location of these areas and the kinds of conservation practices needed to protect the soil or wetland resources.

> "Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us."
>
> THEODORE ROOSEVELT

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 December 23, 1985, and did not convert a wetland to make agricultural production possible after November 28, 1990, to continue to receive USDA benefits.

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.

TAX PROVISIONS FOR CONSERVATION

DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES

The Farm Bill included a provision that allows private landowners to deduct the expenses associated with the conservation of threatened and endangered species habitat. The provision, known as the Endangered Species Recovery Program creates new policies that help finance the recovery of threatened and endangered species by private landowners. It makes it simpler for landowners to get involved in conservation and reduces the conflict often emanating from the Endangered Species Act (ESA). It is an important codification of much-needed incentives to help recover threatened and endangered species.

The tax deductions will reimburse landowners for property rights affected by agreements that include conservation easements and costs incurred by species management and habitat-restoration plans. For landowners who limit their property rights through conservation easements, there will be 100 percent compensation of the costs of the easement, restoration and management costs as recommended in recovery plans approved pursuant to the ESA. The deduction may not exceed 25 percent of the farmer's gross farm income for a given year.

Private property owners are appropriately rewarded for crucial ecological services that they provide with their property. The public benefits from those actions which ensure biodiversity; instead of placing the financial burdens on the landowner, we ought to find appropriate ways to compensate them. While the primary returns from this investment are protection and recovery of endangered species, the public will also undoubtedly gain additional benefits such as aesthetically-pleasing open space, combating invasive species and enhanced water quality.

The tax deductions provide essential funding that is necessary to respect private-property rights. Wildlife should be an asset rather than a liability, which is how it has sometimes been viewed under the ESA. With wildlife becoming valuable to a landowner, those who may have been reluctant to participate in recovery efforts in the past will be more likely to contribute with these incentives. When people want to take part in the process and do not fear it, the likelihood of conflict and litigation is reduced. For years, this type of conflict has proven costly not only in dollars to individuals and the government, but also in terms of relationships between people who share the land and natural resources. With a new trust and new model for finding conservation solutions, we can do more and better conservation work.

This type of proactive approach will help remove the threatened and endangered species of our nation from their respective lists. It

The red-cockaded woodpecker, along with other threatened or endangered species, can benefit from the restoration of the longleaf pine ecosystem.
PHOTO BY WILDLIFE MISSISSIPPI/RANDY BROWNING.

will also aid a species before it reaches a status of endangered or threatened, making it unnecessary to list a species. Working with private property owners and enabling them to conserve habitat on their property is the kind of proactive strategy that can head off regulatory crises, while improving the environment and providing opportunities for economic development.

DEDUCTIONS FOR CONSERVATION EASEMENTS

The countryside of the LMRV is changing. One of the most significant factors affecting our landscape is the continued breakup of family-owned farms. Family-owned farms, plantations and recreational lands are affected by changing economics and the increasing tax burden on property owners. Passing on a family farm or plantation to the next generation is a time-honored tradition in the South. However, estate taxes, which can be as high as 55 percent of an estate's total value, may force heirs to sell all or part of a family property.

One estate planning tool many landowners in the LMRV are using to protect fish and wildlife habitat and lessen the tax burden on themselves and their heirs is a conservation easement. By installing a conservation easement on their property, landowners take the first steps in ensuring future generations will be able to enjoy the property as they have enjoyed it. However, many landowners are unfamiliar with what conservation easements are and how they work.

The Louisiana black bear is a beneficiary of the Endangered Species Recovery Program.
PHOTO BY WILD EXPOSURES/MICHAEL KELLY

A conservation easement is a restriction that a landowner voluntarily places on future uses of his or her property to protect their land, wildlife habitat, scenic areas or historic buildings, thereby meeting a specific conservation purpose. Every conservation easement document is individually crafted and reflects the special qualities of the land protected and the needs of the landowner. Conservation easements can be tailored to meet a landowner's specific needs, whether he or she owns 5,000 acres or 50.

The Mississippi Land Trust offers a complete handbook about conservation easements.
PHOTO BY WILDLIFE MISSISSIPPI/ALYENE BOYLES

With a conservation easement, the landowner still retains legal title to the property while determining the types of land uses to be continued and those to be restricted. As part of the arrangement, the landowner grants the holder of the conservation easement the right to assess the condition of the property periodically to ensure that it is maintained according to the terms of the legal agreement.

The simplest way to understand the concept involved in conservation easements is to look at the basic rights that come with land ownership. When a conservation easement is placed on a property, the owner may give up certain rights (e.g., the right to subdivide the property, develop the property, etc.). Those restrictions the landowner decides to place on the property are specified in the easement document. The conveyance of the property must be made in perpetuity (forever) in order to receive federal tax benefits. The easement document itself is a legal instrument signed and recorded in the county or parish of record. Since the conservation easement continues on the land forever, the restrictions remain on the property even after the landowner dies or sells the property.

Conservation easements are one of the most owner-friendly conservation management tools available for private landowners wishing to preserve and/or promote a certain conservation ethic on his or her property. Conservation easements are an increasingly important tool in the efforts to protect and conserve important habitat types and open space.

Landowners interested in conservation usually have two principal concerns. First is the desire to protect the natural or productive

qualities of their property. The landowner is interested in conserving special features of their property such as fertile soil, mature trees, wildlife habitat or a piece of history even after his or her ownership comes to an end.

Along with maintaining the natural productivity of their property, the second concern of many landowners is contending with the increasing tax burden associated with property ownership. Estate taxes, property taxes and the financial incentive to sell or develop are all factors that affect land-use decisions. The economics associated with land ownership are changing and fewer family-owned properties are the primary source of a family's income.

Once a landowner decides that a conservation easement is right for them, the next step is to find a holder for their easement. A holder can be any non-profit conservation organization, like the Mississippi Land Trust, Mississippi River Trust or a government agency.

Once contact has been made with the potential holder, a meeting is usually set up where the land trust will come out and review the property to see if it is an easement that meets the goals of the land trust. Holding an easement is a major responsibility and is not taken lightly. The land trust should be an organization with similar goals and objectives as the landowner.

Once the potential easement holder decides that they would be willing to hold the easement, the next step for the landowner is to contact a certified appraiser and a baseline preparer. The appraiser is needed to determine the exact value of the property. This is a very important step, as this value will be used to determine the value of the easement that the property owner will be donating to the holder.

Here is an example: Joe Smith has 900 acres of bottomland hardwoods. Based on surrounding land values, the appraiser determines that the property is worth about $1,500,000. The appraiser then places a conservation easement on the property that restricts development. This lowers the value of the property to $500,000. So the value of the donated easement is determined to be $1,000,000 (before-value minus after-value). Of course, this is a very simple example. Many other factors are involved in determining the property value such as value of the timber resources, agricultural rights and any gravel or other mineral resources the landowner chooses to relinquish.

A resource professional will prepare a baseline, or baseline documentation report, as it is sometimes called. The baseline document is a snapshot of the property as it exists today and is used to document the conservation values required by the Internal Revenue Service. The document will include information on the fish and wildlife habitat, forest resources, at-risk species, historical or

scenic features of the property and any other pertinent information. This will be an important document for future monitoring as it, along with the easement document, will outline future goals and objectives that the landowner has for the property.

Other professionals (i.e., geologist, forester, etc.) may be needed if other unique features exist on the property. If large gravel or mineral deposits exist on the property, a geologist will be required to quantify the amount present on the property which is necessary for determining the value of the deposits. Also, if an easement is used to protect a historic structure, the services of a real estate appraiser will be necessary.

It is important to note that even though conservation easements are an excellent tool for landowners, they are not applicable for everyone. Costs for conservation easements are high and can range from $20,000 to $35,000. However, most of these costs are tax-deductible and may even qualify for state income tax credits if the easement benefits a scenic river or stream or lands of a state natural heritage program.

The tax benefits of a conservation easement are significant and average about $1,000/acre in tax deductions in the LMRV. However, the greatest benefit of all is the perpetual protection of significant fish and wildlife habitat and property that may have been in the family for a hundred or more years.

Conservation easements protect land for future generations.

PHOTO BY WILD EXPOSURES/MICHAEL KELLY

Resources

The Wildlife Society Bulletin: 2006. Volume 4 (4). This special issue of the Bulletin focused on the Farm Bill. There are 9 papers discussing the positive impacts of the Farm Bill on fish and wildlife.

Wildlife and Fish Conservation Through the Farm Bill: Randall L. Gray and Billy Teels

The Role of the Wetland Reserve Program in Conservation Efforts in the Mississippi River Alluvial Valley: Sammy L. King, Daniel J. Twedt and Randy Wilson

Waterbird Responses to Hydrological Management of Wetlands Reserve Program Habitats in New York: Matthew R. Kaminiski, Guy A. Baldassarre and Arron T. Pearse

Aquatic Condition Response to Riparian Buffer Establishment: Billy M. Teels, Charles A. Rewa and John Myers

Butterflies and Continuous Conservation Reserve Program Filter Strips: Landscape Considerations: Nicole M. Davros, Dianne M. Debinksi, Kathleen F. Reeder and William L. Hohman

Plants and Breeding Bird Response on a Managed Conservation Reserve Program Grassland in Maryland: Douglas E. Gill, Peter Blank, Jared Parks, Jason B. Guerard, Bernard Lohr, Edward Schwartzman, James G. Gruber, Gary Dodge, Charles A. Rewa and Henry F. Sears.

Gunnison Sage-Grouse Use of Conservation Reserve Program Fields in Utah and Response to Emergency Grazing: A Preliminary Evaluation: Sarah G. Lupis, Terry A. Messmer and Todd Black

The Role of Farm Policy in Achieving Large-Scale Conservation: Bobwhite and Buffers: L. Wes Burger Jr. Don Mckenzie, Reggie Thackston and Stephen J. Demaso.

Creating Wildlife Habitat through Farm Bill Programs: An Objective-Driven Approach: L. Wes Burger Jr.

Haufler, Jonathan (ed). 2005. ***Fish and Wildlife Benefits of Farm Bill Conservation Programs: 2000-2005 Update.*** The Wildlife Society Technical Review 05-2. This publication provides a summary of accomplishments for fish and wildlife of each of the Farm Bill programs.

Haufler, Jonathan (ed). 2007. ***Fish and Wildlife Response to Farm Bill Conservation Practices.***The Wildlife Society Technical Review 07-01. Specific conservation practices used in Farm Bill conservation program delivery are evaluated as to their affects upon fish and wildlife.

The Natural Resources Conservation Service (www.nrcs.usda.gov) and the Farm Service Agency (www.fsa.usda.gov) websites contain information about Farm Bill programs, their accomplishments and contacts for specific information. Links to state office websites can also be found there.

Acronyms

AFMV	Agricultural Fair Market Value
AGI	Adjusted Gross Income
ASCS	Agricultural Stabilization and Conservation Service
CCC	Commodity Credit Corporation
CCPI	Cooperative Conservation Partnership Initiative
CEAP	Conservation Effects Assessment Project
CIG	Conservation Innovation Grants
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve 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
FCIC	Farm Crop Insurance Corporation
FOTG	Field Office Technical Guide
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
SAFE	State Acres For wildlife Enhancement
SCS	Soil Conservation Service
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 Incentive Program
WREP	Wetlands Reserve Enhancement Program
WRP	Wetlands Reserve Program

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