



## ENVIRONMENTAL DEFENSE

finding the ways that work

### CRP – Recommendations for Conference

(See Sec. 2101 of House bill and Sec. 2311 of Senate bill)

- We support the expansion of CRP purposes to include authority for the Secretary to use the program “to address issues raised by State, regional and national conservation initiatives,” as provided in Sec. 2101(a)(1)(B) of the House bill. We also support the Senate bill’s inclusion of pollinator habitat among the resources to be conserved under the program.
- We strongly support the Senate provision (Sec. 2311(e)) expanding the **Farmable Wetlands Program (FWP)**, but urge conferees to incorporate clarifications and improvements into the conference report.
  - First, language should clarify that an owner or operator may enroll an “agricultural drainage water treatment *wetland*” in the program. The Senate bill inadvertently left out the word “wetland” in Sec. 1231(h)(2)(A)(i)(III).
  - Similarly, Sec. 1231(h)(2)(A)(ii)(III) includes an error – rather than “restriction” of bottomland hardwood habitat, the language should refer to enhancing wildlife benefits through *restoration* of bottomland hardwood habitat.
  - In addition to these corrections, we urge conferees to remove the floodplain restriction – found in current law and maintained in the Senate bill for all enrollments except for shallow water areas. Restoring connectivity of wetlands and floodplains to stream and river systems is critical for achieving program goals with respect to water quality and wildlife habitat. Moreover, restoring connectivity is critical for addressing many national, regional and state conservation priorities. If conferees decide to maintain the floodplain restriction for FWP enrollments, we suggest that at the very least, agricultural drainage water treatment wetlands and associated buffer acreage be exempted from the restriction, as are shallow water areas in the Senate bill, to ensure that enrollment of these treatment wetlands is effective in achieving reductions to nitrogen loading in stream and river systems and in helping to address hypoxia in the Gulf of Mexico.
- We support maintaining current law with respect to cropping history, as the Senate bill does.
- We strongly support Senate bill’s expansion of eligible land to include marginal pastureland that would otherwise be ineligible, if the land is to be devoted to native

vegetation appropriate to the ecological site and will contribute to the restoration of longleaf pine forest or other declining forest ecosystems.

- The Senate bill (Sec. 2311(h)(1)) includes language clarifying that **managed harvesting and grazing** is allowed outside the nesting and brood-rearing season if it is part of the owner/operator's conservation plan. The House bill keeps current law with respect to managed harvesting and grazing and then adds another provision dealing solely with managed grazing that requires an appropriate reduction in the rental rate, as determined by the Secretary, and requires a management plan, including a grazing rate, consistent with the conservation purposes of CRP. We recommend that the final language combine elements of both the House and Senate bills.

- By including a separate provision for managed grazing, the House is moving in the right direction; grazing and harvesting are different types of activities that can have significantly different impacts. We also support, however, stronger language restricting harvesting and grazing – particularly harvesting -- to times outside the nesting and brood-rearing season.

- We support provisions in both the House and Senate bills to allow prescribed grazing for control of invasive species (Sec. 2101(f)(1) and Sec. 2311(h)(2), respectively).

- We strongly oppose the provision in the House bill that allows **dryland crop production on acres enrolled in CREP**. This provision, if included in the conference report, would set a dangerous precedent of allowing dryland farming and commercially motivated grazing (as opposed to grazing used as a management practice for conservation purposes) on CREP enrollments, significantly undermining the program's conservation purposes. In the case of dryland farming in particular, conservation practices (e.g., warm season grasses and wetlands that provide for aquifer recharge) will not be installed on enrolled land; instead, these lands will be cropped and the public will receive insufficient conservation benefit in exchange for CRP payments to the producer, even if payments are reduced by the value of the economic activity. In addition, the amendment reopens CREP agreements through which these issues have already been negotiated and participants have agreed to permanently dismiss irrigated water rights and install practices such as grass and wetland practices that provide long-term water conservation benefits. We urge conferees to reject this provision.

- We support the provision in the Senate bill (Sec. 2311(g)) that requires participants in CRP to “undertake **active management** on the land as needed throughout the term of the contract to implement the conservation plan.” We suggest that conferees also amend current law regarding **conservation plans** (16 U.S.C. 3832(b)) to require that plans include a schedule for management activities needed during the term of the contract to maximize conservation benefits. This could be done by adding before the semicolon at the end of subsection (b)(1)(A) the following: “including appropriate management activities required by subsection (a)(5).” We understand that mandating

higher cost-share rates for mid-contract management may be impossible due to budget constraints, but we encourage conferees and the Administration to look for other ways to provide USDA with the resources it needs to provide the necessary technical and financial assistance to participants to ensure that management activities are effectively carried out on enrolled land.

- We strongly oppose the “early out” provision in the House bill. This provision, Sec. 2101(i), would allow a participant to terminate a contract any time after the contract has been in effect for five years. Many covers, such as wetlands restorations, trees and native grasses and forbs, gain in complexity and value over time. The fact that many covers are just getting established at 5 years means that taxpayers will be losing their investment right at the point when it actually starts to become valuable. Practices such as forested riparian buffers, which landowners would likely leave in place at the end of a 15-year CRP contract, will surely be lost to conversion if the contract is terminated when these saplings are only 4-5 years old. We urge conferees to reject the “early out” provision. If this provision is retained, it is critical that the provision in the House bill excluding land enrolled through continuous sign-up from eligibility for early termination also be retained. Moreover, the list of exclusions should be expanded to not only include continuous and CREP enrollments, but also wetlands, trees, enrollments within 150 feet from a stream or watercourse, rare and declining habitat (CP25), exceptionally highly erodible land, enrollments within conservation priority areas, and other high value enrollments designated by the Secretary.
- We strongly support the wildlife habitat program in the Senate bill. This new CRP subprogram will be helpful in ensuring that existing loblolly pine plantations are more effectively managed to benefit native wildlife species.