

Food, Conservation, and Energy Act of 2008

Title II, Subtitle B—Conservation Reserve Program

- *Enrollment Conservation Reserve Program (CRP) authority extended through September 30, 2012.*
- *Program purpose expanded to include “issues raised by State, regional, and national conservation initiatives”.*
- *Cropping history requirement updated to four of six years between 2002 to 2007.*
- *Alfalfa and multi-year grasses and legumes in a rotation practice with an annual agricultural commodity may contribute towards meeting cropping history requirement.*
- *Enrollment authority set at 39.2 million acres through 2009 and reduced to 32.0 million acres for fiscal years 2010, 2011, and 2012.*
- *Farmable Wetland Program (FWP) was modified by:*
 - *Extending FWP authority through September 30, 2012.*
 - *Expanding FWP land eligibility by including:*
 - *Wetland with a cropping history of at least three of preceding 10 crop years;*
 - *Land on which a constructed wetland is to be developed to receive flow for a row crop agriculture drainage system designed to provide nitrogen removal and other wetland functions;*
 - *Land that was devoted to commercial pond-raised aquaculture in any year during 2002 through 2007;*
 - *Land that, after January 1, 1990, and before December 31, 2002, was cropped during at least three of 10 crop years and was subject to the natural overflow of a prairie wetland; and*
 - *Buffer acreage to protect the land and to accommodate farming practices.*
 - *No more than 1 million acres may be enrolled in FWP. Initial allocations to any State are limited to 100,000 acres. A State’s allocation may be increased to 200,000 acres subject to a review of the program.*
 - *FWP enrollment limitations include:*

- *40 acres for wetlands and for constructed wetlands;*
 - *20 acres for intermittently flooded prairie wetland; and*
 - *40 acres per tract for eligible land (wetland and buffers).*
- *FWP participants agree to:*
 - *Restore the hydrology of the wetland;*
 - *Establish vegetative cover which may include emerging vegetation in water, bottomland hardwoods, cypress, and other appropriate tree species; and*
 - *General prohibition on commercial use of the enrolled land.*
- *Authorized Incentives include:*
 - *signing incentive payment of \$100 per acre;*
 - *practice incentive payment of 40 percent of the cost to establish the practice; and*
 - *120 percent rental rate.*
- *Exceptions to general prohibitions on use include:*
 - *Managed harvesting with appropriate vegetation management during named periods and with a payment reduction;*
 - *Managed harvesting for biomass with appropriate vegetation management during named periods and with a payment reduction;*
 - *Routine grazing with appropriate vegetation management during named periods (including how often during a year) and with a payment reduction;*
 - *Prescribed grazing for the control of invasive species with appropriate vegetation management during named periods and with a payment reduction; and*
 - *Installation of wind turbines with appropriate vegetation and wildlife management and with a payment reduction.*
- *Cost-share is authorized for two to four years for thinning to improve the condition of resources on the land.*
- *On acceptability of offers, local preference when all other factors are equal.*
- *Annual survey of dryland and irrigated cash rental rates by the National Agricultural Statistics Service.*
- *Direct attribution of annual payments which not exceed \$50,000 per person per year.*

- *Incentives for beginning or socially disadvantaged farmers or ranchers to facilitate a transition of land enrolled in CRP from a retired or retiring owner or operator to return some or all of the land into production using sustainable grazing or crop production methods:*
 - *During the final year of the CRP contract;*
 - *Conservation and land improvements may be made;*
 - *Certification under the Organic Foods Production Act of 1990 may begin;*
 - *After expiration of the CRP contract:*
 - *The retired or retiring owner or operator must sell of lease (under a long-term lease or lease with an option to purchase) to the beginning or socially disadvantaged farmer or rancher;*
 - *A conservation plan is required;*
 - *Opportunity may be available to enroll under Conservation Stewardship Program or Environmental Quality Incentives Program; and*
 - *CRP annual rental payments maybe available for up to two years if the retired or retiring owner or operator and beginning or socially disadvantaged farmer or ranchers are not family members.*
- *Authority was added to grant a waiver to exclude acreage enrolled under continuous signup or the Conservation Reserve Enhancement Program provided county government concurs.*