

**United States Department of Agriculture
Farm Service Agency**

FINDING OF NO SIGNIFICANT IMPACT

Implementation of an Amendment to the Conservation Reserve Program

The United States Department of Agriculture Farm Service Agency (FSA) has prepared a Programmatic Environmental Assessment (PEA) on behalf of the Commodity Credit Corporation to evaluate the environmental consequences associated with implementing certain changes to the Conservation Reserve Program (CRP) reauthorized with new Title II provisions enacted by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill).

The Conservation Reserve Program (CRP) is a voluntary program that supports the implementation of long term conservation measures designed to improve the quality of ground and surface waters, control soil erosion, and enhance wildlife habitat on environmentally sensitive agricultural land. In 2003, an Environmental Impact Statement (EIS) was completed by FSA for the CRP evaluating the environmental consequences of implementing the Farm Security and Rural Investment Act of 2002. This PEA assesses the potential environmental impacts of changes made to the program in selected provisions of the 2008 Farm Bill that were not previously evaluated in the 2003 EIS.

Proposed Action

The 2008 Farm Bill reauthorizes the CRP through 2012, stipulating a number of changes to the program. The new CRP provisions enacted under Title II of the 2008 Farm Bill that are assessed in this PEA are:

- Section 1604 2002 Farm Bill & Section 1001D 1985 Farm Bill —Adjusted Gross Income Limitation (AGI): the AGI limit has been lowered to \$1,000,000, the percent of income derived from agriculture limit is lowered to 66.66 percent, and a waiver at the discretion of the Secretary of Agriculture from this provision is now possible if environmentally sensitive land of special significance is offered;
- Section 2109 2002 and 1985 Farm Bills —Cost Sharing Payments Relating to Trees, Windbreaks, and Wildlife Corridors: cost sharing for tree thinning to improve wildlife benefits and the condition of resources on the land is now authorized, and an associated rental payment reduction will no longer be assessed if commercial use of the refuse generated is made; and
- Section 2106 2002 Farm Bill & Section 1231B 1985 Farm Bill – Farmable Wetlands Program: the potential changes to the FWP include the enrollment eligibility expansion of three new categories of land and associated buffers:
 - Land on which a constructed wetland is to be developed to receive flow for a row crop agricultural 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; and
- Land that, after January 1, 1990, and before December 31, 2002, was cropped during at least three of 10 years and was subject to the natural overflow of a prairie wetland;

Other new FWP provisions expand upon review the total enrollment of acres per State to 200,000, and increase the allowable acreage for enrollment of farmable wetlands and contiguous buffers.

Reasons for Finding of No Significant Impact

In consideration of the analysis documented in the PEA and the reasons outlined in this Finding of No Significant Impact (FONSI), the Proposed Action would not constitute a major Federal action that would significantly affect the human environment; therefore, an EIS will not be prepared. The determination is based on the following:

1. The Proposed Action as outlined in the PEA would restore wetlands and vegetative cover in buffer areas, and authorizes cost share for tree thinning designed to improve wildlife benefits and ensure the continued health of the conservation cover. Positive long term effects to surface waters, biological resources, and soils would result from the implementation of these conservation practices.
2. Potential beneficial and adverse impacts of implementing the Proposed Action have been fully considered within the PEA. The Proposed Action would lower the AGI and percent of income derived from agriculture limits for CRP participant eligibility, and would no longer require a payment reduction for making commercial use of tree thinning refuse. Based on the resource analyses provided in the PEA, no significant adverse direct or indirect effects were identified.
3. The Proposed Action would not have adverse effects on threatened or endangered species or designated critical habitat. In accordance with Section 7 of the Endangered Species Act, the effects of implementing the Proposed Action on threatened and endangered species and designated critical habitat were addressed in the PEA.
4. The Proposed Action would not involve effects to the quality of the human environment that are likely to be highly controversial.
5. The Proposed Action would not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.
6. The Proposed Action does not result in cumulative significant impacts when considered with other actions that also individually have insignificant impacts. Cumulative impacts of implementing the Proposed Action were determined to be not significant.
7. The Proposed Action does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Determination

In accordance with the National Environmental Policy Act and FSA's environmental regulations at 7 Code of Federal Regulations (CFR) Part 799, which implement the regulations of the Council on Environmental Quality found at 40 CFR parts 1500-1508, I find the Proposed Action is not a major Federal action significantly affecting the quality of the human environment; therefore, no environmental impact statement will be prepared.

Approved:



December 12, 2008

Signature

Date

Robert Stephenson

Name

Director, CEPD

Title