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The Food, Agriculture, Conservation, and Trade Act (FACTA) of 1990 was enacted into law on November 28, 1990. Generally referred to as the 1990 farm bill, the Act is noteworthy with respect to its comprehensiveness and complexity. For example, it has 25 titles, or major sections, compared to 18 titles for the previous farm bill, the Food Security Act of 1985.

This is the second of three Campaign Circulars intended to outline major provisions of the FACTA. This Campaign Circular focuses on the conservation provisions (Title XIV). Provisions believed to have potential applicability in Nebraska are emphasized.

The intent of this publication is to outline the basic legislation, not the operating rules and regulations that will be announced separately for 1991 and subsequent years by the Secretary of Agriculture. Nor does the publication present a decision-making framework for producers to make decisions about program participation. Information relating to rules and regulations and program participation will be made available in other ways through the Cooperative Extension Division.

Much of the information in this publication is taken directly from “Comparison of Commodity and Conservation Provisions for the 1985 and 1990 Farm Bills,” as prepared by the Agricultural Stabilization and Conservation Service (ASCS) of the United States Department of Agriculture. However, in some cases, the information has been abridged where it appears to be repetitious or where readability was thought to be improved by the abridgement. Readers are cautioned, however, that the Act itself and the operating rules and regulations as implemented by ASCS will determine the precise applicability to individual producers.

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TITLE XIV — CONSERVATION

Subtitle A — Highly Erodible Land Conservation

14.1 Definition of violation: Any highly erodible cropland planted to an agricultural commodity or idled under annual commodity programs without an approved conservation plan is in violation.

14.2 Program ineligibility: Violators are ineligible for commodity program benefits, storage loans, crop insurance, disaster payments, FmHA loans, and storage payments (1985 law).

The FACTA of 1990 expands the list of ineligible programs in the event of violations to include the following: disaster assistance for weather-damaged trees, the Agricultural Conservation Program, the Emergency Conservation Program, the Conservation Reserve Program, the Great Plains Conservation Program, the Agricultural Water Quality Protection Program, the Environmental Easement Program, and the Small Watershed Program. The Wetlands Reserve Program is not included in the latter list.

14.3 Conservation compliance plans on expired CRP lands: For highly erodible lands, producers have 2 years to implement plans if structures are required. If structures are required and the Secretary determines there are technical or economic feasibility problems, the time period may be extended beyond 2 years.

14.4 Tenant ineligibility exemption: Tenants are not subject to benefit denial on other complying farms if landlord refuses to comply, and tenant makes good faith effort to comply.

An annual report to Congress is required on tenant ineligibility determinations.

14.5 Providing information: Secretary must provide information concerning cost-effective erosion control options available to producers revising or obtaining plans, crop flexibility, base adjustment, and available conservation assistance.

14.6 Non-commercial exemption: Non-commercial production of agricultural commodities on 2 acres or less is not subject to conservation compliance.

14.7 Graduated penalties: One violation of the highly erodible land provision over a 5 year-period will be allowed without full penalty if minor, in good faith, and the conservation compliance plan is then followed. Benefits may be reduced by $500 to $5,000 based on the seriousness of the violation. This does not apply to violations that occurred prior to the enactment of the 1990 farm bill.

14.8 Exemption from penalty: No penalty will be assessed if the violation is technical and has minimal effect; circumstances occurred that were beyond control of the person; or an exemption has been granted to handle a specific problem. Such violations do not affect eligibility for graduated penalties.
14.9 Erosion reduction standards: Report language indicates intent that standards should not exceed those in effect prior to 1990 farm bill enactment.

Subtitle B — Wetland Conservation

14.10 Definition of wetlands: Wetlands must meet three specific criteria: (1) have a predominance of hydric soils; (2) be inundated or saturated by water at a frequency or duration sufficient to support hydrophytic vegetation; and (3) give evidence of hydroporphic vegetation.

14.11 Program ineligibility: Consistent with highly erodible land conservation provision. (See 14.2.) Loans made prior to 12/23/85 are exempt.

14.12 Swampbuster trigger: Conversion of a wetland after enactment date of 1990 farm bill (November 28, 1990), even if an agricultural commodity is not planted.

14.13 Duration of ineligibility: For conversion occurring after enactment, converter is ineligible until converted wetland is restored. 1985 law applies for land converted prior to enactment of 1990 farm bill. (See also mitigation possibilities in 14.14.)

14.14 Minimal effect exemption; mitigation: Exemption from penalty may be granted if any of three conditions is met: 1) Actions have minimal effect on functional hydrological and biological value; 2) Land has been frequently cropped, action is mitigated through restoration of prior converted wetland (those converted prior to 12/23/85), and restored wetland is protected by an easement; or 3) for wetlands converted on or after 12/23/85 but before 11/28/90, mitigation will be permitted as specified in (2), except that converted wetland need not to have been frequently cropped.

The Secretary of Agriculture is required to consult with the Secretary of Interior on mitigation and restoration.

14.15 Mitigated wetlands: Must be restored in accordance with a plan, at no government expense, in the same general area of watershed, and be on a 1-for-1 acreage basis unless more acreage is needed. Producers may appeal any requirements above a 1-for-1 acreage basis.

14.16 Determination of minimal effect: Shall be made by local Soil Conservation Service (SCS) in concurrence with local Fish and Wildlife Service (FWS). If agreement is not reached, state SCS decides in consultation with FWS.

14.17 Restoration and mitigation plans: Developed by local SCS in concurrence with local FWS. Disputes settled as in 14.16.

14.18 Other exemptions: Similar provisions in 1990 as in 1985, including exemptions if conversion commenced before 12/23/85, land is an artificial wetland, or if land qualifies as “farmed wetland.”

14.19 Delineation of wetlands: Requires delineation, certification, public listing, and periodic review of wetland maps.

14.20 On-site inspection: Required before withholding benefits.

14.21 Prior determinations: No person shall be adversely affected because of having taken an action based on a previous determination by the Secretary.

14.22 Good faith exemption; graduated penalties: Benefits may be reduced by $750 to $10,000 based on the seriousness of the violation, if action occurred in good faith, swampbuster not violated in the past 10 years, and wetland is to be fully restored. Exemption may be provided for violations that occurred prior to 1990 farm bill enactment if action occurred in good faith.

14.23 Fairness of compliance: Cropland reclassified as wetland due to actions of others would not be subject to swampbuster.

Subtitle C — Agricultural Resources Conservation Programs

14.24 Organization: Consists of 3 sections: 1) Environmental Conservation Acreage Reserve Program (ECARP), which consists of the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP); 2) Water Quality Incentive Program (WQIP); and 3) Environmental Easement Program.

Environmental Conservation Acreage Reserve Program (Chapter 1)

14.25 Enrollment goal: The Secretary shall enroll not less than 40 nor more than 45 million acres through calendar year 1995. A goal of 1 million acres under perpetual or long-term easements in the WRP will count toward the 40-million-acre minimum ECARP. Acreage enrolled in the CRP prior to 11/28/90 also will count toward the minimum ECARP total.

14.26 Weed and pest control on ECARP: Secretary shall provide technical assistance to owners for developing and implementing weed and pest control programs. Secretary may provide cost sharing for insect infestations likely to adversely affect surrounding commercial land. The report language indicates that Secretary should rigorously enforce weed and pest control requirements in ECARP contracts.

Conservation Reserve Program (Subchapter A)

14.27 Establishment: Secretary shall carry out program to assist owners and operators of highly erodible cropland (HEL) to conserve and improve soil and water
resources. Discretion is provided to allow targeting for water quality and other environmental concerns in addition to HEL problems.

14.28 Enrollment goal: 39 to 44 million acres (including 34 million acres currently enrolled), but reserve 1 million acres for enrollment in each of the 1994 and 1995 calendar years.

To the extent practicable, not less than one-eighth of newly contracted acreage devoted to trees, shrubs, or other non-crop vegetation or water that provides permanent wildlife habitat.

The report language indicates that lands not able to meet conservation compliance should be given priority in 1994 and 1995.

14.29 County enrollment limitation: Cropland acres committed to the CRP, the WRP, and the Environmental Easement Program shall not total to more than 25% of a county’s cropland unless producers have difficulty complying with conservation plans or other environmental requirements, and the local economy is not adversely impacted.

Secretary shall not require written consent from a member of Congress to waive limitation.

Land planted to shelterbelts and windbreaks under easements does not count toward the 25% limitation.

14.30 Eligible lands: Secretary may include:
(1) HEL that could substantially reduce productive capacity if untreated;
(2) marginal pasture converted to wetland or established as wildlife habitat prior to enactment of the 1990 farm bill;
(3) marginal pasture to be devoted to trees in or near riparian areas or for similar water quality purposes, limited to 10 percent of new CRP enrollment;
(4) cropland not otherwise eligible that contributes to the degradation of water quality or where continued cropping could pose a threat to water quality.

14.31 Other eligible lands: Secretary may also include:
(1) newly-created permanent grass sod waterways and contour grass strips that are part of a conservation plan.
(2) cropland newly devoted to living snow fences, permanent wildlife habitat, windbreaks, shelterbelts, or filterstrips not devoted to trees or shrubs. (Producers must provide useful-life easements for these practices.)
(3) cropland threatened by salinity problems or that poses an off-farm environmental threat.
(4) cropland on which the Secretary has prevented production of agricultural commodities, if otherwise eligible.

14.32 Farmed wetlands: In the 1990 farm bill, farmed wetlands are not specifically mentioned with respect to the Conservation Reserve Program. Rather, farmed wetlands are eligible for enrollment in the Wetlands Reserve Program under permanent or long-term easements.

14.33 Lands not eligible: HEL may not be eligible where erosion reduction goals could be met with conservation plans.

In addition, lands may not be eligible where water quality goals could be effectively achieved through enrollment in the Water Quality Incentive Program.

14.34 Contract length: Contracts are for 10 to 15 years. Producers may have the option of selecting a 15-year contract if lands are devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors.

Secretary may allow existing contracts devoted to hardwood trees to be extended to 15 years.

14.35 Conservation priority areas: Secretary shall designate selected watershed areas such as the Chesapeake Bay region as conservation priority areas, and attempt to maximize water quality and habitat benefits by promoting a significant level of enrollment in such areas.

14.36 Acceptable practices: Water cover for wildlife is made explicitly acceptable if water is not used for livestock, irrigation, or fish production.

Haying and grazing is allowed for drought or similar emergency. In return for applicable reduction in payments, limited grazing that is incidental to gleaning of crops could be allowed.

14.37 HEL and CRP participation: CRP participants farming HEL are subject to conservation compliance rules. In addition, new CRP participants producing agricultural commodities on newly purchased HEL that does not have a history of non-forage crop production are subject to loss of program benefits, including refund of rental and cost-share payments.

14.38 Effect of foreclosure: On transfer of right or interest, the Secretary may require refund of all payments if new owner does not assume all obligations.

The Secretary is explicitly allowed to waive payback requirements for owners subject to foreclosure.

14.39 Cost share: Fifty percent of the cost of establishing water quality and conservation measures and practices may be provided, where appropriate and in the public interest.

The total amount of cost-share assistance from all sources may not exceed 100% of total establishment costs.

Cost-share assistance may not be received if cost-share assistance is also provided by another federal program.

14.40 Tree planting incentives: Secretary may permit continuous sign-up for hardwood trees.

Secretary shall provide 50% cost share for new contracts devoted to hardwood trees, windbreaks, shelter-
belts, or wildlife corridors and for existing contracts converted to such practices. Cost share to be provided for establishment and maintenance, including reestablishing such tree plantings, is during a 2- to 4-year period.

Tree planting, on 10-acre or larger contracts, may be accomplished over 3 years.

14.41 Other tree planting incentives: Secretary is encouraged to use CRP, as well as ACP and other programs, to assist in maintenance, afforestation, and reforestation of forest lands.

Secretary shall encourage participants to enlist the cooperative assistance of the State Forester in obtaining technical and financial assistance under Forestry Title provisions.

14.42 Acceptability of contracts: Secretary may consider improvements to soil resources, water quality, wildlife habitat, or other environmental benefits.

Secretary may establish different criteria for different areas based on water quality concerns, wildlife habitat, or soil erosion.

14.43 Payments by states: The $50,000 payment cap may be waived in states with approved special CRP enhancement programs. Payments to participants in special state CRP enhancement programs must be in cash.

14.44 Payments to heirs: Allows CRP payments to be made to heirs even if CRP payment cap has been reached.

14.45 Exemption from sequester: Payments, including payments on existing contracts, are exempt from automatic sequester.

14.46 Ownership requirement: Land must be owned at least 3 years, unless acquired by will or succession, or before 1/1/85, or Secretary agrees that the land was not acquired for enrollment purposes or land foreclosed on and old owner exercises right of redemption.

14.47 Conversion of land subject to contract; extension of contracts: Secretary shall allow wetland under existing CRP contracts to be transferred to the WRP.

Secretary shall allow producers converting grass cover to hardwood trees, windbreaks, shelterbelts, or wildlife corridors to extend current 10-year contracts to 15 years.

Producers must provide useful-life easements for windbreaks, shelterbelts, and wildlife corridors.

Secretary shall provide cost-share assistance where appropriate. The sum of the new and original cost-share assistance may not exceed the amount that the participant would have received if the new practice had been the original practice.

14.48 Post-CRP issues: Producers are given 2 years to implement conservation plans when structures are required; unless, for land needing structures, the Secretary determines that more time is needed because of technical or economic feasibility problems.

Secretary may extend base protection if conservation cover is maintained; allow limited haying and grazing; and prohibit any additional cost share, annual rental, or bonus payments.

Secretary is required to study expiring contracts, make recommendations concerning treatment of lands subject to expiring contracts, and report to Congress by 12/31/93. Secretary may extend contracts up to 10 additional years and purchase easements if study indicates desirability.

Wetlands Reserve Program (Subchapter B)

14.49 Establishment: Secretary shall establish a wetland reserve program to assist owners of eligible lands in restoring and protecting wetlands.

14.50 Enrollment goal: To the extent practicable, the Secretary shall attempt to enroll 1 million acres through December 31, 1995 as follows: no more than 200,000 acres in 1991, 400,000 acres through 1992, 600,000 acres through 1993, and 800,000 acres through 1994.

14.51 County enrollment limitation: Cropland acres count toward overall 25% county limitation for CRP, WRP, and the Environmental Easement Program.

No more than 10% of a county’s cropland may be placed under easements.

Exception provisions same as for CRP.

14.52 Eligible land: Includes:

1. Farmed or converted wetlands, excluding wetlands where conversion was commenced after 12/23/85, and functionally dependent adjacent lands. The wetland value and likelihood of successful restoration must merit inclusion, taking cost into consideration.

2. Farmed wetland, adjoining land, and prior converted wetland in CRP with highest wetland functions and values, that are likely to return to production after they leave the program.

3. Other wetland on the farm, not otherwise eligible, if functional value of easement increased.

4. Riparian corridors that link protected wetlands.

5. CRP timber stands and pastureland established to trees under CRP are not eligible.

The Secretary is to consult with the Secretary of Interior at the local level on eligibility determinations.

14.53 Easement agreement: A 30-year or perpetual easement shall be established, unless a shorter maximum term is dictated under state law.

Landowner agrees to implement wetland restoration and protection plan, and to provide access to wetland for management and inspection activities.

Crop acreage base is permanently retired.

If easement agreement is violated, Secretary may require easement to remain in force and full refund of all payments with interest.
14.54 Plans: Plans are to be developed by local SCS in concurrence with local FWS. If agreement cannot be reached within a reasonable period of time, state SCS decides in consultation with FWS.

14.55 Prohibited practices: Mowing or spraying is prohibited except as specified in plan, or when complying with federal or state noxious weed laws or with emergency pest treatment programs.

Activities on adjacent lands of participants that diminish functional value of wetland under easement also are prohibited.

14.56 Permitted practices: Compatible economic uses including hunting, fishing, managed timber harvest, and periodic haying or grazing are permitted, if specifically permitted by plan.

14.57 Cost of easement: The cost of the easement shall be no more than the fair market value of the land minus the fair market value of the land encumbered by the easement.

14.58 Payment terms: Payments are to be made over 5- to 20-year period. Lump-sum payments are permitted for perpetual easements.

14.59 Cost sharing: 50 to 75 percent if not perpetual, otherwise 75 to 100 percent, of the cost of establishing conservation measures and practices and the protection of wetland functions and values, where appropriate and in the public interest.

14.60 Payment limitation: Not to exceed $50,000 per year for non-perpetual easements; no limit for perpetual easements.

Secretary may waive limit for states, political subdivisions, or agencies that have approved special wetland and environmental easement enhancement programs.

14.61 Acceptability of offers: Secretary may consider several factors, including the extent to which wetland values are enhanced and environmental threats reduced, the productivity of the land to be enrolled, the likelihood of successful restoration, and costs.

14.62 Priority: Priority shall be given to offers that provide permanent wetland protection, and that protect and enhance habitat for migratory birds and other wildlife.

14.63 Exemption from sequester: Payments are to be exempt from automatic sequester.

14.64 Payment to heirs: Payments may continue to be made to heirs, even if $50,000 limit has been reached.

14.65 Ownership requirement: Land must be owned at least 1 year, unless acquired by will or succession, or before 1/1/90, or Secretary agrees that the land was not acquired for enrollment purposes.

14.66 Delegation of responsibilities: Secretary may delegate management of easements to other federal or state agencies.

14.67 Regulations: Secretary is to issue regulations within 180 days of enactment.

Water Quality Incentive Program
(Chapter 2)

14.68 Establishment; enrollment goal: Secretary shall implement voluntary program to enroll 10 million acres through December 31, 1995.

Secretary shall begin accepting contracts within 1 year of enactment.

(This program appears to put in law objectives similar to the President’s Water Quality Initiative. The latter initiative calls for voluntary cooperation in improving water quality. Technical assistance is provided by SCS, and financial assistance by ASCS through ACP.

As part of the initiative, USDA has begun demonstration projects, hydrologic unit projects, and special projects designed to accelerate implementation of water quality practices.)

14.69 Agreements: 3- to 5-year agreements with owners and operators of eligible lands will be negotiated.

Farms agree to implement water quality plans developed by SCS.

Acceptance of agreement shall not imply satisfaction of any state or federal law.

14.70 Wetland and wildlife habitat option: Secretary shall encourage farmers who obtain water quality plans to adopt agricultural production practices that protect and enhance wetlands or wildlife habitat.

Fifty percent cost share of up to $1,500 will be provided over the contract period for approved practices.

14.71 Incentive payments: Payments will be made on a per-acre basis over 3 to 5 years, or in lump-sum if necessary for implementing a practice.

Payments will be based on the amount necessary to encourage participation, additional costs incurred by producer, and production values forgone.

Payments are limited to $3,500 per person per year.

14.72 Base and yield protection: Participants receive base acreage and payment yield protection for duration of contract.

14.73 Water quality practices; plans: Water quality protection practices are defined as those that will assist producers in complying with state and federal environmental laws, and complement HEL conservation plans.

Included will be agricultural production practices that promote efficient use of crop nutrients and pesticides, and water quality production practices that ensure safe storage, and handling of agricultural chemicals and animal waste.
Secretary shall provide notice that plans are available to the public upon request.

14.74 Eligible land: The following categories of land are included:
(1) Critical cropland areas identified in Clean Water Act 319 plans.
(2) Wellhead protection areas identified under Safe Drinking Water Act.
(3) Karst areas with sinkholes.
(4) Areas where agricultural non-point sources may adversely impact threatened or endangered species habitat.
(5) Other areas, in consultation with Secretary, as recommended by states, the Environmental Protection Agency, the U.S. Dept. of Interior.
(6) Other areas as determined by the Secretary.

14.75 Priority lands: Areas where agricultural production practices contribute to the potential for failure to meet water quality standards or goals.
Secretary is to consult with states concerning priority areas.

14.76 Technical assistance; cost share: Secretary shall prepare technical guidance materials that may be used to assist producers in complying with state or federal environmental laws or goals.
Upon request, Secretary shall provide technical assistance to agricultural producers in eligible areas, primarily through technical guidance materials developed by SCS. The Extension Service and the Agricultural Research Service may provide assistance as well.
Claims or actions against officials based on technical assistance used for complying with environmental laws are not permitted.
Secretary shall encourage participants to obtain cost-share assistance under other federal, state, or local programs. However, incentive payments may not be made for practices receiving cost-share assistance under another federal program.

14.77 Demonstration and pilot programs: Secretary may enter into contracts with farmers who participate in demonstration or model farm program sponsored by governmental or non-profit entities.
Secretary may establish pilot program in priority areas.

14.78 Report: Secretary shall provide interim report to Congress by 9/30/92 and final report by 9/30/94.

Environmental Easement Program
(Chapter 3)

14.79 Establishment: Secretary may enter into easement agreements with owners of eligible lands to ensure long-term protection of environmentally sensitive lands.

14.80 County enrollment limitation: Cropland acreage counts toward 25-percent overall cropland limitation for CRP, WRP, and the Environmental Easement Program and the 10-percent county limitation for WRP and the Environmental Easement Program.
Exception provisions same as for CRP.

14.81 Enrollment goal: None specified.

14.82 Eligible lands: Lands enrolled in the CRP or Water Bank that are likely to return to production when contracts expire, other cropland that contains riparian corridors, critical habitat, or other environmentally sensitive areas where continued cropping prevents compliance with environmental goals.
CRP timber stands and pasture planted to trees are not eligible.
Existing CRP and Water Bank contracts may be terminated or modified upon enrollment.

14.83 Easement agreement: Permanent, or for maximum time allowed under state law.
Base permanently retired.

14.84 Plans; acceptable practices: Natural resource conservation plan approved by Secretary in consultation with Secretary of Interior.
Activities consistent with customary forestry practices shall not be prohibited.
Commercial production of Christmas trees and nuts are not allowed; agricultural commodity production for wildlife only; haying and grazing only if included in plan.

14.85 Cost of easement: Payment for an easement will be for the difference in the value of the land with and without an easement but cannot exceed $250,000 in total.
The maximum annual payment is $10,000.
Secretary may waive limit for states, subdivisions, or agencies that have approved environmental easement enhancement programs.

14.86 Payment terms: Up to 10 annual payments.

14.87 Cost sharing: Secretary may pay up to 100 percent of cost of conservation practices.

14.88 Acceptability of offers: Secretary may consider extent goals achieved, productivity of the land, and environmental threat if production continued.

14.89 Exemption from sequester: Payments are exempt from automatic sequester.

14.90 Payments to heirs: Payments may continue to be made to heirs, even if $50,000 limit has been reached. (See Title XI, General Commodity Provisions.)

14.91 Ownership requirement: Land must be owned at least 1 year, unless acquired by will or succession, before 1/1/90, or Secretary agrees that land was not acquired for enrollment.
Miscellaneous Provisions (Chapter 4)

14.92 Monitoring and evaluation of conservation provisions: Secretary shall assess progress, perform on-site inspections, collect data, assess contributions to objectives, and report results to Congress by 6/30/93 pertaining to all programs and policies of the Title.

14.93 Appeals: Secretary shall maintain data concerning number and status of appeals pending in excess of 120 days or resolved under the Title.

14.94 State technical committees: Secretary shall establish committees, composed of federal and state officials, to assist in technical considerations relating to implementation of conservation provisions. Committees shall meet regularly to provide information, analysis, and recommendations. Committees shall be responsible for preparation of technical guides for wetland and wildlife habitat option of the WQIP within one year of 11/28/90. ASCS is to participate.

Subtitle D — Other Conservation Measures

Integrated Farm Management Program (Chapter 1)

14.95 Establishment: Secretary shall establish a voluntary program to assist producers in adopting resource-conserving crop rotations by protecting participants' base acreage, payment yields, and applicable program payments.

14.96 Eligibility; Requirements: No environmental criteria for eligibility. Producer follows an approved integrated farm management plan, and enters into a 3- to 5-year contract, renewable upon mutual agreement.

Producer must devote an annual average of 20 percent of crop acreage base over the contract period to a resource-conserving crop.

Producer must comply with ARPs in effect for crop acreage base contracted.

14.97 Acreage: Secretary shall, to extent practicable, enroll 3 to 5 million acres of cropland through December 31, 1995.

14.98 Plans: Specify acreage, crop rotation, farm operations and practices, productivity and profitability enhancement, soil fertility improvement; and water supply protection.

Technical assistance provided by Secretary, in consultation with local conservation districts, state conservation committees, or other local authorities.


Small grains are defined as not including malting barley or wheat, except for wheat interplanted with other small grains and not for harvest for human consumption.

Legumes are defined as not including bean crops from which seeds are harvested.

14.100 Program rules; base, yield, and payment protection: Barley, oats, or wheat, as part of a resource-conserving crop, may not be harvested in kernel form.

Except for acreage receiving cost share for perennial cover, acreage devoted to resource-conserving crops in resource-conserving rotations may be designated as ACR and up to 50% of such acreage may be hayed or grazed without restriction.

Base, payment yields, and program payments shall not be reduced as a result of planting a resource-conserving crop as part of a resource-conserving crop rotation on payment acres.

14.101 Impacts on local economy: Secretary may restrict the total amount of crop acreage removed from production in an area, to limit adverse impacts on the local economy.

14.102 Tenant displacement: Plans that result in the involuntary displacement of tenants or lessees shall not be approved.

14.103 Haying and grazing restrictions: Producers forfeit program payments on land hayed or grazed during the 5-month restricted period, or if planted to a small grain crop and grazing occurs before grain is harvested in kernel form.

14.104 Base acre adjustments: Adjustments may be made to reflect resource-conserving crop rotations in effect prior to participation in the program. Adjustments may only be made to the extent that overall farm program payments would be reduced because of implementation of plans.

14.105 Under-planted acreage: Program payments shall not be made on traditionally under-planted acreage (e.g., 8 percent of the maximum payment acreage for 0-92 participants).

Miscellaneous Provisions (Chapter 2)

14.106 Resource Conservation and Development Act amendments: Extends program through 1995; increases areas from 225 to 450.

14.107 Noxious Weed Act amendments: Requires federal agencies to implement weed management plans under cooperative agreements with states.

Cost share may be provided if a majority of landowners in the area participate in a noxious weed management program.

14.108 Farmland Protection Policy Act amendments: Adds the words "to identify the quantity of farmland actually converted by federal programs."
Great Plains Conservation Program amendments: Extended to 2001; total authorization increased to $1 billion; more intensive management practices to be substituted for structural measures, where possible.

Composting: Appropriate methods of composting agricultural wastes and potential uses for such compost are to be identified. Secretary shall consider designating composting as a farm conservation practice for cost-sharing. Secretary shall report to Congress within 6 months of 1990 farm bill enactment.

Watershed Protection and Flood Prevention Act amendments: Adds water quality enhancement as an expressed purpose in plans. Requires that program sponsors be provided up to 50% of the acquisition costs of wetland easements.

Farms for the Future Act: Through FmHA, Secretary shall provide guarantees and interest rate subsidies for loans made by lending institutions to state trust funds for farmland preservation purposes. Vermont is the only eligible state, unless other states having agricultural land preservation program qualify, and funds are appropriated.

Agricultural Environmental Quality Council: Secretary shall establish such a council, under direct authority of Secretary, that is responsible for carrying out conservation provisions, and for coordination and direction of environmental policies. Council consists of Secretary, Deputy Secretary, Assistant Secretary for Natural Resources, Assistant Secretary for Science and Education, the Director of the Office of Agricultural Environmental Quality, and others as designated by the Secretary. The Council will be chaired by Secretary or designee. Director serves as Executive Director and may not serve as Chair.

Office of Environmental Quality: Such an office shall be established by the Secretary and shall be administered by the Agricultural Environmental Quality Council. Director, appointed by Secretary, assists, coordinates, and monitors USDA activities. In addition, the director shall make recommendations to the AEQC. Provides for liaison personnel from EPA and Interior.

Environmental quality policy statement: Council shall develop statement. Director, subject to Council's approval, prepares plan to implement statement. Council prepares annual environmental quality report to Congress.

Subtitle G — Water Quality Research, Education, and Coordination

Soil and water activities: Explicit statement that SCS and ES shall aid in protecting and improving water quality. Impacts of HEL conservation plans on agriculture and water quality planning shall be determined. Secretary shall prepare annual report on SCS activities, accomplishments, and plans related to water contamination problems.

Water quality research, education and coordination: Requires Secretary to develop, implement, and maintain a coordinated, integrated, and comprehensive intra-agency program to protect waters from agricultural contamination.

State water quality coordination program: Requires the establishment of a water quality coordination program within each state, to serve as the focal point for coordinating the USDA’s water programs with state agencies.

Water quality and nutrient management research: Requires USDA to undertake efforts to reduce sources of contamination, develop information and technologies, and monitor and evaluate contamination.

Repository of agriculture and ground water quality information: Secretary shall establish repository for all reports prepared and submitted, and shall report to Congress, within 270 days, on measures necessary to develop national database on information relevant to water quality.

Subtitle II — Pesticides

Pesticide recordkeeping: Certified applicators of restricted use pesticides are required to maintain records. Violators subject to fines. Requires survey of records and development of database. Secretary consults with EPA.

Agrichemicals and water policy: USDA is named principal federal agency responsible for providing education and technical assistance, and for conducting research program for users and dealers of agrichemicals. ASCS is to participate.