AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

IMPLEMENTING THE AGRICULTURAL ACT OF 2014: CONSERVATION PROGRAMS

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

JUNE 11, 2015

Serial No. 114–17

Printed for the use of the Committee on Agriculture
agriculture.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

95–134 PDF WASHINGTON : 2015

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON AGRICULTURE

K. MICHAEL CONAWAY, Texas, *Chairman*

RANDY NEUGEBAUER, Texas, *Vice Chairman*
BOB GOODLATTE, Virginia
FRANK D. LUCAS, Oklahoma
STEVE KING, Iowa
MIKE ROGERS, Alabama
GLENN THOMPSON, Pennsylvania
BOB GIBBS, Ohio
AUSTIN SCOTT, Georgia
ERIC A. "RICK" CRAWFORD, Arkansas
SCOTT DESJARLAIS, Tennessee
CHRISTOPHER P. GIBSON, New York
VICKY HARTZLER, Missouri
DAN BENISHEK, Michigan
JEFF DENHAM, California
DOUG LAMALFA, California
RODNEY DAVIS, Illinois
TED S. YOHO, Florida
JACKIE WALORSKI, Indiana
RICK W. ALLEN, Georgia
MIKE BOST, Illinois
DAVID ROUZER, North Carolina
RALPH LEE ABRAHAM, Louisiana
JOHN R. MOOLENAAR, Michigan
DAN NEWHOUSE, Washington
TRENT KELLY, Mississippi

COLLIN C. PETERSON, Minnesota, *Ranking Minority Member*
DAVID SCOTT, Georgia
JIM COSTA, California
TIMOTHY J. WALZ, Minnesota
MARCIA L. FUDGE, Ohio
JAMES P. MCGOVERN, Massachusetts
SUZAN K. DELBENE, Washington
FILEMON VELA, Texas
MICHELLE LUJAN GRISHAM, New Mexico
ANN M. KUSTER, New Hampshire
RICHARD M. NOLAN, Minnesota
CHERI BUSTOS, Illinois
SEAN PATRICK MALONEY, New York
ANN KIRKPATRICK, Arizona
PETE AGUILAR, California
STACEY E. PLASKETT, Virgin Islands
ALMA S. ADAMS, North Carolina
GWEN GRAHAM, Florida
BRAD ASHFORD, Nebraska

SCOTT C. GRAVES, *Staff Director*
ROBERT L. LAREW, *Minority Staff Director*

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

GLENN THOMPSON, Pennsylvania, *Chairman*

FRANK D. LUCAS, Oklahoma
STEVE KING, Iowa
SCOTT DESJARLAIS, Tennessee
CHRISTOPHER P. GIBSON, New York
DAN BENISHEK, Michigan
RICK W. ALLEN, Georgia
MIKE BOST, Illinois

MICHELLE LUJAN GRISHAM, New Mexico, *Ranking Minority Member*
ANN M. KUSTER, New Hampshire
RICHARD M. NOLAN, Minnesota
SUZAN K. DELBENE, Washington
ANN KIRKPATRICK, Arizona

CONTENTS

	Page
Conaway, Hon. K. Michael, a Representative in Congress from Texas, opening statement	4
Kuster, Hon. Ann M., a Representative in Congress from New Hampshire, opening statement	3
Peterson, Hon. Collin C., a Representative in Congress from Minnesota, opening statement	4
Thompson, Hon. Glenn, a Representative in Congress from Pennsylvania, opening statement	1
Prepared statement	2

WITNESSES

Weller, Jason, Chief, Natural Resources Conservation Service, U.S. Department of Agriculture, Washington, D.C.	6
Prepared statement	9
Submitted questions	55
Dolcini, J.D., Val, Administrator, Farm Service Agency, U.S. Department of Agriculture, Washington, D.C.	12
Prepared statement	13
Submitted questions	67
Van Dyke, Brent, First Vice President, National Association of Conservation Districts, Hobbs, NM	27
Prepared statement	29
Allen, William "Buddy" H., Member, Conservation Committee, USA Rice Federation; rice producer, Tunica, MS	31
Prepared statement	33
Martynick, Hon. Karen L., Executive Director, Lancaster Farmland Trust, Strasburg, PA	36
Prepared statement	37
Inglis, James E., Governmental Affairs Representative, Pheasants Forever, Inc. and Quail Forever, Upper Sandusky, OH	41
Prepared statement	43

IMPLEMENTING THE AGRICULTURAL ACT OF 2014: CONSERVATION PROGRAMS

THURSDAY, JUNE 11, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CONSERVATION AND FORESTRY,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:04 a.m., in Room 1300, Longworth House Office Building, Hon. Glenn Thompson [Chairman of the Subcommittee] presiding.

Members present: Representatives Thompson, Lucas, Gibson, Allen, Bost, Conaway (*ex officio*), Lujan Grisham, Kuster, Nolan, DelBene, Kirkpatrick, and Peterson (*ex officio*).

Staff present: Jackie Barber, Josh Maxwell, Matt Schertz, Mollie Wilken, Patricia Straughn, Skylar Sowder, Faisal Siddiqui, John Konya, Anne Simmons, Evan Jurkovich, and Nicole Scott.

OPENING STATEMENT OF HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

The CHAIRMAN. Good morning, everyone. This hearing of the Subcommittee on Conservation and Forestry to review implementing the Agricultural Act of 2014: conservation programs, will come to order.

Welcome to today's hearing. Since 1985, Congress has created over 20 farm bill conservation programs to address specific natural resource concerns. With this piecemeal approach over the past 30 years, we were left with programs that started as regional initiatives and were duplicative of national approaches. And many programs had overlapping functions and goals.

The Agricultural Act of 2014 reversed this trend by looking at conservation programs in a more comprehensive way. The 2014 Farm Bill made significant reforms by streamlining and consolidating 23 conservation programs into 13, while still maintaining the core function and goals of conservation initiatives. These reforms are estimated to not only save the American taxpayer over $6 billion but were also intended to improve conservation delivery. Through assistance and incentives provided by farm bill conservation programs, our farmers and ranchers have voluntarily reduced soil erosion, protected wetlands, improved water quality and quantity, and preserved farmland and wildlife habitat. These environmental gains they have achieved are testimony to our producers who truly are the most dedicated conservationists.

Today, we will hear from Chief Jason Weller of the Natural Resources Conservation Service and Administrator Val Dolcini of the

Farm Service Agency, whose agencies have spent the last year and half implementing the many reforms and changes found in the conservation title of the farm bill. I will be interested to hear about the status of implementation for each program and hear the Administration's view on how consolidation has impacted program delivery.

Since June 1, the deadline for producers to file their AD–1026 form has recently passed. And it is very timely to receive feedback on issues related to conservation compliance, with crop insurance. And I appreciate both gentlemen taking the time to be here today.

We are also going to hear from a panel of stakeholders who are directly impacted by the implementation of these programs and the changes made by Congress. Consolidation of programs was necessary for funding and administering the programs. But we need to make sure it actually works on the ground. These stakeholders will be able to give us their perspectives on how they feel implementation is going and how the different programs are working. I look forward to hearing about our witnesses' experiences with the newly created Regional Conservation Partnership Program, RCPP in the acronym world.

RCPP is an innovative approach to targeting conservation initiatives and leveraging funds. In the initial roll out, RCPP funded 115 projects across all 50 states and matched $370 million in program dollars with $400 million with partner contributions. Important programs like EQIP and CSP had relatively small changes in the Agricultural Act of 2014. However, they remain integral tools in conserving our natural resources.

The longest-standing conservation program, the Conservation Reserve Program, CRP, saw a significant reduction in the maximum acres allowed to be enrolled in the program. But in exchange the the 2014 Farm Bill afforded landowners more flexibility, especially for haying and grazing. It will be interesting to see the impacts the reduced acreage cap has had on the CRP program. And I am intrigued to hear our witnesses' opinions on it.

Easement programs are an important conservation tool in my region. I would like to personally welcome Ms. Karen Martynick, who is representing the Lancaster Farmland Trust in Strasburg, Pennsylvania. The consolidation of farmland, grassland, and wetland easement into one program, the Agricultural Conservation Easement Program, ACEP, will streamline delivery as well and has provided permanent baseline funding for future conservation programs.

I would like to thank all the witnesses for taking the time to be here today. I look forward to hearing each of your testimonies.

[The prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

Good morning. Welcome to today's hearing to review the implementation of conservation programs in the Agricultural Act of 2014.

Since 1985, Congress created over 20 farm bill conservation programs to address specific natural resource concerns.

With this piecemeal approach over the past 30 years, we were left with programs that started as regional initiatives and were duplicative of national approaches and many programs that had overlapping functions and goals.

The Agricultural Act of 2014 reversed this trend by looking at conservation programs in a more comprehensive way. The 2014 Farm Bill made significant reforms by streamlining and consolidating 23 conservation programs into 13 while still maintaining the core functions and goals of the conservation initiatives.

These reforms are estimated to not only save the American taxpayer over $6 billion but are also are intended to improve conservation delivery.

Through assistance and incentives provided by farm bill conservation programs, our farmers and ranchers have voluntarily reduced soil erosion, protected wetlands, improved water quality and quantity, and preserved farmland and wildlife habitat.

These environmental gains they have achieved are a testament to our producers who truly are the most dedicated conservationists.

Today, we will hear from Chief Jason Weller of the Natural Resources Conservation Service and Administrator Val Dolcini of the Farm Service Agency whose agencies have spent the past year and a half implementing the many reforms and changes found in the conservation title of the farm bill.

I will be interested to hear about the status of implementation for each program and to hear the Administration's view on how consolidation has impacted program delivery.

Since the June 1 deadline for producers to file their AD–1026 form has recently passed, it is very timely to receive feedback on issues related to conservation compliance with crop insurance. I appreciate both the gentlemen taking the time to be here today.

We will also hear from a panel of stakeholders who are directly impacted by the implementation of these programs and the changes made by Congress.

Consolidation of programs was necessary for funding and administering the programs, but we need to make sure it actually works on the ground.

These stakeholders will be able to give us their perspectives on how they feel implementation is going and how the different programs are working.

I look forward to hearing about our witnesses' experiences with the newly-created Regional Conservation Partnership Program (RCPP).

RCPP is an innovative approach to targeting conservation initiatives and leveraging funding. In the initial rollout, RCPP funded 115 projects across all 50 states and matched $370 million in program dollars with $400 million from partner contributions.

Important programs like the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP) had relatively small changes in the Agricultural Act of 2014; however they remain integral tools in conserving our natural resources.

The longest-standing conservation program, the Conservation Reserve Program (CRP), saw a significant reduction in the maximum acres allowed to be enrolled in the program, but in exchange, the 2014 Farm Bill afforded landowners more flexibility, especially for haying and grazing.

It will be interesting to see the impacts the reduced acreage cap has had on the CRP program, and I am intrigued to hear our witnesses' opinions on it.

Easement programs are an important conservation tool in my region. I would like to personally welcome Ms. Karen Martynick who is representing the Lancaster Farmland Trust in Strasburg, Pennsylvania.

The consolidation of farmland, grassland and wetland easements into one program—the Agricultural Conservation Easement Program (ACEP)—will streamline delivery as well as provide permanent baseline funding for future conservation programs.

Again, thank you to all of the witnesses for taking time to be here today. We look forward to hearing each of your testimony.

The CHAIRMAN.I am pleased to yield for an opening statement.

OPENING STATEMENT OF HON. ANN M. KUSTER, A REPRESENTATIVE IN CONGRESS FROM NEW HAMPSHIRE

Ms. KUSTER. Good morning. I am pleased to be here today for the Subcommittee's first in-depth look at the implementation of the Agricultural Act of 2014's Title II conservation programs.

I want to thank Chairman Thompson and our Ranking Member, Ms. Lujan Grisham, for holding this important hearing and for their leadership on this Subcommittee. The 2014 Farm Bill made reforms to the conservation title in order to make conservation pro-

grams more efficient, effective, and user-friendly for producers. These programs serve as important tools that our farmers and ranchers use to improve water quality, mitigate drought, and improve soil health.

From New Mexico to New Hampshire, conservation programs like the Conservation Stewardship Program and the Environmental Quality Incentives Programs, EQIP, are helping farmers and ranchers endure drought conditions and allowing rural families to remain on their land and ranches. In fact, New Mexico is one of the leading states in CSP with close to 1 million acres enrolled and funded through this program. In addition to these traditional conservation programs, New Mexico has also benefited from the Regional Conservation Partnership Program, which is one of the new conservation programs the farm bill created.

The RCPP aims to encourage innovative partnerships through a Federal/non-Federal cost-share in order to accomplish important conservation work at a watershed level. New Mexico's four RCPP projects are going to help the state prevent wildfires, combat invasive species, and preserve traditional communal irrigation systems. I am disappointed that our conservation programs have endured some cuts that will ultimately mean fewer resources for farmers and ranchers. But I am looking forward to hearing how this Committee can continue to support these programs which are vital in protecting rangelands, wildlife habitat, and water quality.

I thank the witnesses for taking the time to be here with us today and share their testimony and expertise. And on behalf of Representative Lujan-Grisham, I want to extend a special welcome to Brent Van Dyke from New Mexico on the second panel. I look forward to the discussion. And with that, Mr. Chairman, we yield back.

The CHAIRMAN. I thank the gentlelady. I am actually pleased to acknowledge the presence of our full Committee Chairman who I understand does not have an opening statement. But I want to wish him a very happy birthday today.

OPENING STATEMENT OF HON. K. MICHAEL CONAWAY, A REPRESENTATIVE IN CONGRESS FROM TEXAS

Mr. CONAWAY. Well I thank the Chairman. I appreciate that and yield back. I appreciate the birthday wish. Thank you.

The CHAIRMAN. I appreciate you sharing your birthday with the Subcommittee.

Mr. CONAWAY. Actually I am sharing it with a baseball team tonight. That is our secret weapon. To win the Congressional baseball game tonight is my birthday present to myself, and it will be a victory by the Republicans. I yield back.

The CHAIRMAN. I am pleased to recognize the full Agriculture Committee Ranking Member, Mr. Peterson, for an opening statement.

OPENING STATEMENT OF HON. COLLIN C. PETERSON, A REPRESENTATIVE IN CONGRESS FROM MINNESOTA

Mr. PETERSON. Well thank you, Mr. Chairman. And thank you for holding this hearing. And I want to thank the folks from the Department and their hard work and the other witnesses that are

here. And Chief Weller, I thank you for the work you have done on the RCPP in our part of the world. We appreciate that. And we continue to work on implementing that. So that has been very much appreciated.

I just want to bring up a couple concerns that I have heard too. I haven't looked into this as much, but I have been having farmers talk to me here the last month or 2 that they are not able to qualify to get back into the CSP. I don't know exactly what is going on, if it is a limitation on the dollars or what it is. But I have had two or three of them talk to me about it. Mostly, I want to discuss the CRP a little bit.

A history lesson for those that haven't followed farm policy since 1985, which is a long time ago, the original CRP program was not a conservation program. The original CRP program was to reduce production because prices had collapsed, we had to get land out of production because we had too much production. And so we set up the CRP as a production control mechanism. Back in the 1950s, we had the forerunner, the Soil Bank. And back in those days, in my area, my home county, we had pheasants and ducks all over the place. And then Eisenhower, Ezra Taft Benson, came in, got rid of it. And I have been around too long.

And we today haven't got a pheasant or a duck in that county. And the reason is we lost the Soil Bank and we never got it back in. Because by the time we reestablished the CRP program, that land had become too valuable. And it is all being farmed. So what I am concerned about is that we have added environmental factors into the CRP as we have gone along. Back in 1996, the one thing that was positive in the 1996 Farm Bill was that I convinced Chairman Roberts to raise the cap on CRP to 36 million acres. What that did is it spread out CRP all over the country. And it put in a lot of big tract CRP, which is the main reason why wildlife really responded to the CRP program. Because we had big tracts of half a section or a section where you could spread the predators out and they weren't able to zero in and wipe out all the wildlife like they do on the wildlife management areas in these 40 acre tracts and so forth. So that was really positive.

But as we have gone forward, we keep putting more and more restrictions on the CRP. And we are narrowing where this can be, where people can get in. And I am concerned that where we are heading with CRP is going to really erode the wildlife benefits of the program. And we still have in the statute that ⅓ of this is supposed to be wildlife benefits, which are supposed to be one of the primary reasons for the CRP.

So I am somewhat disappointed and I have had discussions with the Secretary about the fact that we are not having a general sign-up this year. They have extended the contracts another year. And there is going to be a sign-up, as I understand it, probably the 1st of December, which, for Minnesota, that means nothing happens until the year after this. So I am concerned about the fact that we are not doing it this year. And there was an announcement made, there is going to 800,000 acres targeted. And, frankly, I am a little bit concerned about that. Because what we are doing, once again, is pushing all of these targeted programs which are okay to some extent. But ½ of the 800,000 acres is going to go to be SAFE acres

which are basically controlled by the state DNRs. And they have their agenda.

And there is another 300,000 acres for nesting habitat which, apparently, you have to be able to prove that you have nesting pairs of ducks in your field in order for you to qualify. I am not that familiar with it. But that is what I have been told. And then we have the wetland restoration which makes you plug ditches and allow the wetlands to be restored which, I guess, means you are going to have wetlands on your land from that time forward, which has caused some controversy.

And so these targeted programs have contributed to people setting up folks to help get people into these programs. And so in North Dakota, we have a big controversy that has developed because Ducks Unlimited have put a whole bunch of biologists in the FSA offices in North Dakota. And part of the criticism is that we have not funded the technical assistance, so this is necessary. But what is happening is they are pushing people into these other programs and now there is a backlash going on in North Dakota where they want to have a, they are talking about having a bill to tell them they can't have Ducks Unlimited people involved. So it has created some controversies out there.

So I am a little concerned about where we are headed with all this. And I just think as we get to the next general sign-up, I just hope that we can ramp down some of these environmental things so that we can still have big tract CRPs spread across the country and get these wildlife benefits, in addition to the environmental benefits. So with that, Mr. Chairman, I will yield back. And, again, I appreciate you having this hearing.

The CHAIRMAN. I thank the gentleman. The gentleman yields back. The chair would request that other Members submit their opening statements for the record so the witnesses may begin their testimony, to ensure there is ample time for questions.

The chair would like to remind Members that they will be recognized for questioning in order of seniority for Members who were present at the start of the hearing. After that, Members will be recognized in the order of arrival. I appreciate the Members' understanding.

Witnesses are reminded to limit their oral presentations to 5 minutes. All written statements have been distributed ahead of time and will be included within the record.

I would like to welcome our first panel witnesses who are at the table. Chief Jason Weller, Natural Resources Conservation Service, and Administrator Val Dolcini, Farm Service Agency. Thank you, gentlemen for being here today and for your leadership. And Chief Weller, please begin whenever you are ready.

STATEMENT OF JASON WELLER, CHIEF, NATURAL RESOURCES CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

Mr. WELLER. Well good morning, Mr. Chairman, and Ranking Member Lujan Grisham. Nice to see you. And I appreciate very much the opportunity to be here before the Committee this morning. And if nothing else, I just want to express the gratitude and how grateful I am for the authorities and the resources this Com-

mittee provides to USDA and the stewardship you provide for America's private lands incentive-based conservation programs.

Through the 2014 Farm Bill, what you provided, what you crafted in that bill provides USDA enormous flexibilities and authorities to go out, in partnership with farmers and ranchers, deliver real results for agriculture, to help them maintain, if not boost their production, but also then help them manage their natural resource challenges in a way that is really effective. And in that farm bill, as you know, you have streamlined a lot of programs. You have maintained flexibilities, even enhanced flexibilities, and then really emphasized the value and the importance of partnerships.

And so with these authorities, on behalf of NRCS, we have been able to deliver very significant results just in the last year alone. But also looking back over previous farm bills too, there are some very significant results across America that I would like to talk about very briefly this morning. The bottom line is you can be extremely proud of the work that is being done in partnership with producers through the programs and authorities that you have authorized and funded through your hard work in the 2014 Farm Bill.

Speaking of birthdays, Mr. Chairman, our agency celebrated our 80th birthday 2 months ago. So 2 weeks after Black Sunday in April 1935, President Roosevelt, in partnership with Congress, enacted and put into law what created the Soil Conservation Service. So 80 years of history working in partnership with farmers and ranchers, on a collaborative voluntary basis, working with soil and water conservation districts, state agencies and other private partners across America. I am very honored to represent the 10,000 professionals that work at NRCS, work in field offices across America, in state offices, in centers, and in national headquarters. These men and women are true professionals. They do a lot of unheralded work that, in my view, is very honorable and is very valuable. And it is truly on behalf of America's farmers and ranchers. I am very honored to represent NRCS and hopefully convey a little bit about the results we are helping to deliver in partnership with producers.

So, first, let me talk a little bit about some of the soil benefits. In the Chesapeake Bay region alone, since 2006, producers have put in place effective conservation practices to reduce sediment loss from their crop fields, upwards of 62 percent. That translates into over 15 million tons of sediment that no longer flows in the Chesapeake Bay estuary. That is enough sediment to fill 150,000 train cars which would stretch from D.C. to Albuquerque, New Mexico every year.

In terms of soil health, Mr. Chairman, you hosted and invited us to participate in a soil health briefing last year. And we heard from producers like Mr. Groff from Pennsylvania on how they have experimented and put in place soil health management practices. In the case of Mr. Groff, he manages 225 acres in Pennsylvania. He has put in place soil health systems going back decades. And he reports yield boosts of upward of ten percent above local averages because of cover crops and wise tillage practices he has in place.

Well since 2012, NRCS, through your programs, has put in place 3.7 million acres of cover crops, to help farmers put in place 1.7 million acres of no-till practices, to help protect the soils. And in

periods of drought, back in 2012, when producers were surveyed in the heartland states, this one practice alone, cover crops, produces a reported yield benefits of 12 to 15 percent for corn and beans above conventional farmers that did not incorporate cover crops as part of their rotation.

In terms of water, sometimes there is too much, sometimes there is too little, and sometimes we need to protect the water we have. In terms of water protection, because of the programs that you have authorized, we have partnered with producers in Arkansas to focus results. And because of that collaborative approach to protect water resources, the State of Arkansas is going to be able to de-list two waters from the section 303(d) impaired lists in Arkansas. And in Mr. Lucas' home State of Oklahoma, since 2007, the state, NRCS in partnership with Oklahoma Conservation Commission, de-listed upwards of 40 streams and river segments in the state, 900 miles of stream segments taken off 303(d) lists because of positive proactive conservation on behalf of farmers.

In terms of water conservation, the Ogallala Aquifer Region, in over 4 years we have put in place an effective irrigation efficiency practice with farmers that we estimate save 1.5 million acre feet of water. That is enough water to supply drinking water for 3.3 million households every year, an incredible quantity of water that is sustaining the healthy aquifer, maintaining productivity in the agricultural heartland, and also allowing for industry and municipalities to have access to that important water.

Sometimes it rains too much like in Oklahoma and Texas. Because of wise investments that this Committee has made in previous decades, we estimate we have helped protect and prevent $130 million worth of flood damages that would have occurred but for the infrastructure. This Committee, in the 2014 Farm Bill, invested in the rehab programs to help protect that infrastructure investment. And because of the wise investments, we were able to protect hundreds of thousands of families, communities, homes, public infrastructure, railways, bridges, schools, and hospitals, because of the hard work this Committee put in place.

One final example, in terms of animals, just incredible benefits on wildlife. And, oftentimes, wildlife can be the best indicator. When you manage your forests, your grasslands, your crop fields effectively, nature will respond. Just 2 weeks ago with the Louisiana black bear, Secretary Jewell, Governor Jindal proposed removing the Louisiana black bear from the endangered species list, because of investments through private lands conservation easements.

In Louisiana alone, over 217,000 acres were put in place through the Wetlands Reserve Program. And because of wise targeting and partnership with the state, we helped put in place a network of habitat that is good for protecting farmlands, protecting the values of those lands, but also protecting wetland resources, migratory bird resources. In this case, the Louisiana black bear.

North in Montana, the Arctic Fluvial Grayling was taken off the candidate list because of actions of producers, of ranchers. In Oregon, the Oregon chub, was the first fish in history to be taken off the list not because it was extinct or extirpated, but because it came back. Conservation investments through your authorities

brought the Oregon chub back from a population of less than 1,000 fish, today over 140,000 fish and growing.

And then, most recently, the bi-state population of sage grouse on the border between California and Nevada, taken off the candidate list. Again, because of proactive investments through private lands conservation and the partnership of private landowners, ranchers, making a difference on their operations, going to keep them intact, keep them operating, keep them on their land, but also, in this case, keep the bird off the endangered species list.

Thank you very much, Mr. Chairman, for inviting me here today. And I look forward to your questions.

[The prepared statement of Mr. Weller follows:]

PREPARED STATEMENT OF JASON WELLER, CHIEF, NATURAL RESOURCES CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

Mr. Chairman, Ranking Member, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss implementation of the conservation programs authorized by the Agricultural Act of 2014 (2014 Farm Bill). The continuing support of this Subcommittee for voluntary private lands conservation is making a critical difference. Farm bill conservation programs provide America's farmers, ranchers and others with technical and financial assistance to enable conservation of natural resources while protecting and improving agricultural operations. Seventy percent of the American landscape is privately owned, making private lands conservation critical to the health of our nation's environment and ability to ensure our working lands are productive.

Farm Bill Implementation

The 2014 Farm Bill was signed into law on February 7, 2014. The new farm bill delivered a strong conservation title that makes robust investments to conserve and support America's working lands and consolidates and streamlines programs to improve efficiency and encourage participation. The Natural Resources Conservation Service (NRCS) has the privilege of administering many of these programs, including the: Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Agricultural Conservation Easement Program (ACEP), Regional Conservation Partnership Program (RCPP), Healthy Forests Reserve Program (HFRP), and Voluntary Public Access and Habitat Incentive Program (VPA–HIP).

Enacted in early 2014, the 2014 Farm Bill initially allowed NRCS to continue to serve customers using existing program rules. As a result, FY 2014 service proceeded seamlessly and NRCS enrolled approximately 20 million acres in voluntary conservation programs and obligated nearly $3 billion. At the same time, NRCS moved swiftly to draft rules, program guidance, and policies to support full implementation of the new and modified programs. The following provides an overview of 2014 Farm Bill implementation activity:

- Since the *Conservation Stewardship Program (CSP)* started in 2009, the program has become a major force for agricultural conservation, and it continues to inspire action to enhance America's natural resources. In FY 2014 NRCS enrolled about 9.6 million acres and now CSP enrollment exceeds 60 million acres, about the size of Iowa and Indiana, combined.

  The *CSP Interim Final Rule* was published in November 2014, reflecting statutory changes to the acreage enrollment cap, stewardship levels, contract modifications, and CRP and certain easement land eligibility. Public comments were accepted through January 20, 2015. NRCS received nearly 500 individual comments; most related to access to the program, minimum payments, contract rates, and stewardship thresholds. We are working to address the public comments and expect to publish the final rule in Summer 2015.

- Through the *Environmental Quality Incentives Program (EQIP)* producers addressed their conservation needs on over 11 million acres in FY 2014; over $928 million was obligated in nearly 40,000 contracts to support this conservation work.

  The *EQIP Interim Final Rule* was published in December 2014, reflecting the statutory changes to incorporate the purposes of the former Wildlife Habitat Incentive Program and address the payment limitation and waiver authority, ad-

vance payments for historically under-served producers, and preferences to certain veteran farmers and ranchers. Public comments were accepted through February 10, 2015. NRCS received over 330 individual comments; most related to the irrigation history, confined animal feeding operations, EQIP plan of operations, program administration, payment rates and limitations, application selection, and funding levels for wildlife practices. The final rule is targeted for completion in early Fall 2015.

- *Conservation Innovation Grants*—In September 2014, NRCS awarded $15.7 million in CIG to 47 organizations that will help develop and demonstrate cutting-edge ideas to accelerate innovation in private lands conservation. The FY 2015 Funding Announcement was released in January 2015 offering up to $20 million. Project selection is targeted for late Summer 2015.
- Landowners participating in the *Agricultural Conservation Easement Program (ACEP)* enrolled an estimated 143,833 acres of farmland, grasslands, and wetlands through 485 new ACEP easements (88,892 acres in Ag Land Easements, and 54,941 acres in Wetland Reserve Easements) with the $328 million in FY 2014 funding. These easements will help preserve important agricultural lands and agricultural viability while they create and protect habitat for migratory birds and other important species.

  The *ACEP Interim Final Rule* was published in February 2015, reflecting statutory changes to consolidate the purposes of FRPP, GRP (easement component only) and WRP and address the certification process for ACEP–ALE; authority to subordinate, modify, or terminate an easement; grasslands of special environmental significance; and the agricultural land easement plan. Public comments were accepted through May 28, 2015. NRCS is evaluating public comments presently and developing recommendations for the final rule.
- The *Regional Conservation Partnership Program (RCPP)* created a new platform for engaging partners and leveraging the Federal conservation investment. The first RCPP announcement of over $370 million in program funding was rolled out on May 27, 2014. Following a rigorous two-stage competitive process, 115 high-impact projects across all 50 states and the Commonwealth of Puerto Rico were selected in January 2015. Partners brought forward an estimated $400 million in their own contributions for a total investment of nearly $800 million that will go to improve the nation's water quality and supply, support wildlife habitat and enhance agricultural production and the environment. The FY 2016 funding announcement was released in May 2015, making available up to $235 million for new agreements. This round of RCPP will have an even greater emphasis on partnerships, leveraging, and diversity to achieve innovative solutions to locally identified issues.
- The *Voluntary Public Access and Habitat Incentives Program (VPA–HIP)* assists states and Tribes to increase public access to private lands for wildlife-dependent recreation, such as hunting, fishing and hiking. In FY 2014, NRCS made $20 million available for VPA–HIP awards and was able to fund ten of the 30 proposals received. In February 2015, NRCS announced the availability of $20 million for VPA–HIP projects. Project selection is targeted for Summer 2015.
- The *Mitigation Banking program* provision will be implemented directly through an announcement of program funding. The implementation approach is being finalized with an expected announcement in Summer 2015.

In addition to the major rule changes discussed above, minor statutory changes to Technical Service Providers; State Technical Committees; Healthy Forests Reserve Program; Small Watershed Program; Regional Equity; Voluntary Public Access and Habitat Incentives Program, and Agricultural Management Assistance were published in a consolidated Interim Final Rule in August 2014. The few public comments received were addressed in the final rule published in April 2015.

Farm Bill Conservation Programs Deliver

With the tools and resources provided through the 2014 Farm Bill, USDA and its partners are positioned to help agriculture make a major difference in the lives of farming and ranching families and the quality of natural resources. While these programs work well independently, they are a family of tools that are providing comprehensive landscape-scale solutions and benefits. Below are a few highlights of how farm bill conservation programs are achieving natural resource results in balance with productive agriculture.

The right conservation practices put in the right places are an effective means to achieve cleaner more abundant water for farmers, ranchers, communities, and wildlife. Using farm bill programs through the *Mississippi River Basin Initiative*

(MRBI), NRCS has invested significantly in high-priority water quality projects in the Basin delivering on the ground benefits. For example, as a result of MRBI conservation efforts, Arkansas was able to remove two stream segments from the State's Clean Water Act 303(d) impairment designation. Working with partners and using farm bill tools, farmers, ranchers and other landowners have helped remove nine more streams from Oklahoma's 303(d) list of impaired streams in 2014. Oklahoma ranks second in the nation for EPA-recognized water quality success stories. And in the region overlying the Ogallala Aquifer in the Central Plains, farm bill programs have allowed NRCS to partner with farmers to install water conservation practices that conserved an estimated 1.5 million acre-feet of groundwater over 4 years, or enough water to provide annual water needs for about 3.3 million households.

If the widespread drought has shown us anything, it is the value of crop resilience through good soil health management systems. Using farm bill programs, NRCS has been accelerating adoption of soil health practices and helping producers build resilience in their production systems. Soil health management systems help increase organic matter, reduce soil compaction, improve nutrient storage and cycle and increase water infiltration and water availability to plants. These benefits lead to greater resiliency to adverse conditions but also boost yields. For example, a national survey of farmers documented an increase in yields of nine percent for corn following cover crops and ten percent for soybeans after cover crops.

The *StrikeForce for Rural Growth and Opportunity initiative* targets farm bill programs in persistent poverty communities to assist farmers and ranchers achieve economic and environmental objectives. Since 2010, NRCS and other USDA agencies have focused assistance and outreach in over 880 counties, parishes, boroughs, and Census areas, and in Indian reservations in 22 states. In FY 2014 alone, NRCS invested $286 million in partnership with producers in high-poverty communities to help their operations be more economically successful and environmentally sustainable. For example, NRCS in partnership with Tuskegee University has invested about $1 million to help nearly 40 producers in Alabama StrikeForce counties to incorporate innovative practices on their farming operations, including retro-fits for current irrigation systems, new wells, solar powered wells, and drip irrigation systems that will make their operations more productive and sustainable.

Farm bill programs and conservation efforts of farmers and ranchers have had major positive and measurable impacts on wildlife species. For example, the August 2014 decision by the U.S. Fish and Wildlife Service (USFWS) to not list the arctic fluvial grayling under the Endangered Species Act was a direct result of voluntary conservation work done by 30 landowners on more than 150,000 acres. The February 2015 decision to de-list the Oregon chub is another success story, with farm bill programs helping producers improve their operations at the same time delivering benefits to fish habitat. In April 2015, USFWS announced its decision to withdraw the proposal to list the bi-state population of greater sage grouse in California and Nevada as threatened under the ESA, based on the success of voluntary conservation efforts to recover this species and its habitat.

Voluntary conservation efforts are improving air quality in California's San Joaquin Valley. In April, EPA published a revision to California's State Implementation Plan that for the first time credits producer actions in clearing the air. Farmers and ranchers, with assistance from NRCS, have replaced aging diesel engines used for agricultural purposes with new, lower exhaust-emitting engines. Since 2008, NRCS has co-invested more than $100 million in this effort with producers and offset the equivalent of emissions from one million cars. The agriculture sector achieved its air quality improvement target 3 years ahead of the schedule mandated by state regulations—the only regulated sector to do so. Farm bill Programs are demonstrating how the voluntary actions by producers can translate to quantified air quality improvements in California's San Joaquin Valley.

Conclusion

Mr. Chairman and Members of the Subcommittee let me conclude by saying that our nation's farmers and ranchers have a tremendous track record of success in conserving our nation's soil and water resources. Through the work of this Subcommittee in providing the programs of the 2014 Farm Bill, NRCS has the tools to continue assisting these stewards to achieve their production and operational goals in balance with natural resource objectives that benefit rural communities and the nation as a whole. Voluntary conservation is working, and the programs and authorities provided through The Agricultural Act of 2014 are providing the programs and services that help strengthen agriculture, the environment, and rural economies. Thank you for the opportunity to be here today and update the Committee

on our Agency's efforts to effectively implement the 2014 Farm Bill. I would be happy to respond to any questions at this time.

The CHAIRMAN. Chief, thank you so much. Thanks for the insight on those southern black bears. I thought they only liked my corn farmers' fields.

Administrator Dolcini, please go ahead and proceed with your 5 minutes. Thank you.

STATEMENT OF VAL DOLCINI, J.D., ADMINISTRATOR, FARM SERVICE AGENCY, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

Mr. DOLCINI. Thank you, sir. Mr. Chairman, Members of the Subcommittee, I appreciate this opportunity to discuss FSA's implementation of the farm bill's conservation title. Like Chief Weller, I would like to thank this Subcommittee and the full Committee in this Congress and in past Congresses for the support that you have shown our programs, our people, and our resources. And like Chief Weller, I want to call out the hard work of 15,000 FSA employees in 2,124 service centers across this country, along with the 7,000 or so farmer-elected county committee men and women that support the work of FSA. They are our competitive edge. It is not the work that I do here in Washington, it is the work that is done in the field every day.

And to stay on the birthday band wagon, I will start my testimony with a note that the Conservation Reserve Program turns 30 this year. And so we are celebrating all year long the 30th anniversary of conservation achievements across the American landscape. CRP is a voluntary program that allows USDA to contract with farmers and ranchers so that environmentally sensitive lands and lands with wildlife benefits are not farmed or ranched, but, instead, are used for conservation benefits. Participants establish long-term covers, such as approved grasses or trees, to control erosion and water quality. And, in return, we provide participants with rental payments, cost-sharing, and other incentives for the period of the contract. CRP restores habitat for ducks, pheasants, deer, and other wildlife. And in doing so, it spurs hunting, fishing, recreation, tourism, and other forms of local economic development. We have a large number of partners who work collaboratively with FSA and contribute to these achievements, including our sister agency, NRCS, as well as numerous non-Federal partners that you will hear from later this morning.

Currently, 24.3 million acres are enrolled in CRP contracts, including 18.1 under general sign-up authority and 6.2 million under continuous sign-up authority. CRP contracts on 1.9 million acres will expire at the end of this fiscal year. With the enactment of the farm bill, the total number of CRP acres that can be enrolled nationwide has been reduced from 32 to 24 million beginning in Fiscal Year 2017. And as a result, we anticipate that CRP will increasingly focus on the most sensitive acreage and that the sign-ups will be increasingly competitive. To target this high-benefit acreage, Secretary Vilsack announced on May 29 that an additional 800,000 acres would be available under certain continuous authorities, including, as Congressman Peterson pointed out, 300,000

acres for duck habitat, 100,000 acres for wetlands, and 400,000 acres for the SAFE acre program.

He also announced that the next general enrollment period will begin on December 1 and will conclude on February 26 of 2016. Participants with eligible CRP contracts that expire this fiscal year will be provided an option on a 1 year extension. USDA also restarted continuous enrollment activity in the Transitions Incentive Program, the TIP program. This encourages transfer of expiring CRP lands to beginning and socially-disadvantaged farmers and ranchers. Other farm bill provisions, such as changes to haying and grazing, tree thinning and grasslands, require rulemaking and National Environmental Policy Act analysis. Both of these efforts are underway and both are nearing completion.

The 2014 Farm Bill also requires compliance with highly-erodible land and wetland conservation requirements in order to be eligible for crop insurance premium subsidies. While most farmers have a certification form on file, I would say many farmers do, USDA conducted informational meetings and training sessions all across the country for those who may not. And we reached tens of thousands of stakeholders to ensure that affected producers who filed their form by the June 1 deadline can remain eligible for premium supports during the 2016 reinsurance year.

In light of recent natural disasters, such as the serious flooding we have seen in Oklahoma and Texas and continued drought conditions in California and elsewhere in the West, I would like to also reemphasize the importance of our Emergency Conservation Program. ECP provides emergency funding and technical assistance to help farmers and ranchers rehabilitate farmland damaged by natural disaster. It also helps livestock producers enhance water supplies during severe drought. And we are standing by to assist states in need with that program.

Mr. Chairman, Members, as you have noted, our nation's farmers and ranchers are dedicated stewards of land conservation. For 30 years, their participation in CRP has prevented billions of tons of soil from eroding, reduced nitrogen and phosphorus run-off significantly, sequestered millions of tons of greenhouse gasses, and has protected about 170,000 miles of streams and creeks throughout this nation. Last month, we also reached the 1 million acre milestone in the SAFE acre program. And throughout the course of the year, we will be highlighting success stories from all over the nation to mark 30 years of successful CRP conservation work.

Farmers and ranchers are doing great things to conserve the environment in your Congressional districts and to build habitat. And they can count on FSA's support in those efforts. This concludes my testimony. And I am happy to answer any questions that you may have.

[The prepared statement of Mr. Dolcini follows:]

PREPARED STATEMENT OF VAL DOLCINI, J.D., ADMINISTRATOR, FARM SERVICE AGENCY, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to provide information on the Farm Service Agency's (FSA's) implementation of the conservation programs of the Agricultural Act of 2014 (the 2014 Farm Bill).

CRP and the Road to 24 Million Acres

The Conservation Reserve Program (CRP) first appeared in the 1985 Farm Bill and is one of USDA's largest conservation programs. CRP allows USDA to contract with landowners so that environmentally sensitive land is not farmed or ranched, but instead used for conservation benefits. Participants establish long-term, resource-conserving cover and, in return, FSA can provide participants with annual rental payments, incentive payments, and cost-share assistance. Contract duration is between 10 and 15 years. CRP improves water quality, reduces soil erosion, and restores habitat for ducks, pheasants, turkey, quail, deer and other wildlife. In doing so, CRP spurs hunting, fishing, recreation, tourism, and other economic development across rural America.

Currently, 24.3 million acres are enrolled in CRP contracts, including 18.1 million acres under general sign-up enrollment authority and 6.2 million acres under continuous sign-up enrollment authority. CRP general sign-up is a competitive process conducted on a periodic basis. The last general sign-up occurred in the spring of 2013. CRP continuous sign-up occurs on a continuous basis throughout the year and does not involve a discrete sign-up period. CRP contracts on 1.9 million acres (combined general and continuous) are set to expire on September 30, 2015.

The 2014 Farm Bill reduces the cap on overall CRP enrollment authority incrementally from 32 million acres to 24 million acres starting in Fiscal Year 2017. As a result of the enrollment cap and expected increase in demand for CRP due to lower commodity prices, we expect general enrollments to become more competitive in the future and the environmental benefits achieved per acre of CRP will potentially increase. We will also continue to pursue continuous enrollments to target the most environmentally-sensitive acreage to help address national, regional, state, and local resource concerns.

To mark the 30th anniversary of CRP, Secretary Vilsack announced an effort on May 29 to target the most valuable conservation land by increasing acreage allocations under certain continuous wetland and wildlife initiatives by 800,000 acres. This increase was offset by a combination of cost savings and efficiencies and includes 300,000 acres for duck nesting habitat (doubling the available acres); 100,000 for wetland restoration initiatives; and an added 400,000 acres for State Acres for Wildlife Enhancement (SAFE). In addition, the Secretary also announced that the next CRP general signup offer period will begin on December 1, 2015, and extend through February 26, 2016. We will enroll sufficient CRP acreage to closely meet as possible, but not exceed, the statutory acreage limits set in the 2014 Farm Bill.

Program participants with contracts expiring September 30, 2015, and less than 15 years in duration, have the option of a 1 year extension. Those with continuous sign-up contracts are eligible to re-enroll in CRP.

FSA is proud of the vital impact that CRP has had on the landscape. Since its inception, we estimate that CRP has prevented more than 8 billion tons of soil from eroding and reduced nitrogen and phosphorous runoff by 95 percent and 85 percent, respectively, on enrolled lands. In addition, CRP has sequestered an estimated 43 million tons of greenhouse gases annually, which is equal to taking eight million cars off the road.

Future CRP Actions and Activity in 2014

In addition to reducing the CRP acreage cap, the 2014 Farm Bill made other changes to the program. For example, it mandated that non-easement functions of the repealed Grassland Reserve Program be carried out under CRP, with enrollment of up to 2 million acres authorized. These enrollments count against the statutory CRP acreage cap. In addition, the 2014 Farm Bill mandates changes to routine, prescribed, and emergency grazing, managed harvesting frequency, tree thinning payments, and other provisions. Our rulemaking to implement those changes is well underway, as is the process to complete the National Environmental Policy Act requirements.

Some 2014 Farm Bill provisions could be implemented without regulatory changes and these provisions were implemented early in the summer of 2014. For example, continuous sign-up was re-started on June 9, 2014 after ceasing on September 30, 2013, when enrollment authority ended. Since sign-up re-started, roughly 600,000 new continuous sign-up acres have been enrolled.

Similarly, the Transition Incentives Program (TIP) was also re-started on June 9, 2014, which provides 2 additional years of payments for retired farmers and ranchers who transition expiring CRP acres to socially disadvantaged, veteran, or beginning farmers and ranchers who make conservation and land improvements, begin the certification process under the Organic Foods Production Act of 1990, or return the land to sustainable grazing or crop production. TIP was first introduced by the 2008 Farm Bill, and the $25 million funding provided in the 2008 Farm Bill was

completely expended. The 2014 Farm Bill increased TIP funding, providing up to $33 million through 2018. For 2014 CRP contract expirations, nearly $9 million of TIP funding was obligated.

The 2014 Farm Bill also allows termination of a CRP contract during Fiscal Year 2015, if the contract has been in effect for a minimum of 5 years and certain other conditions are met. Preliminary data indicate contracts associated with only about 90,000 CRP acres have been terminated to date in Fiscal Year 2015.

Emergency Assistance through non-Title II Conservation Programs

Given the increasing incidence of serious natural disasters, the Emergency Conservation Program (ECP) is of heightened importance. This program, which was first enacted in the Agricultural Credit Act of 1978, provides emergency funding and technical assistance to farmers and ranchers to rehabilitate farmland damaged by natural disasters and for implementing emergency water conservation measures during periods of severe drought. FSA has allocated $6 million over the past year to California farmers and ranchers to enhance livestock water supplies. With recent flooding in Texas and Oklahoma, we stand ready to provide ECP funding, within our available resources, to farmers and ranchers in those states to restore livestock fences and conservation structures, remove flood debris, and rehabilitate farmland.

2014 Farm Bill Conservation Compliance Provisions

The 2014 Farm Bill re-established the link between Highly Erodible Land and Wetland Conservation provisions and crop insurance subsidies. To be eligible for premium subsidy for the 2016 Federal Crop Insurance Corporation reinsurance year (which runs from July 1, 2015 to June 30, 2016), producers purchasing crop insurance were required to file form AD–1026, "Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification" with their local FSA office by June 1, 2015. This form is already required for participants in most FSA and Natural Resources Conservation Service (NRCS) programs, so an AD–1026 will already be on file for these producers.

Producers who are most likely to need to file an AD–1026 for the first time are specialty crop farmers who may not participate in other USDA programs. To reach these and other producers, FSA, NRCS, and the Risk Management Agency (RMA) have worked closely over the past several months on a coordinated outreach effort. We've deployed a variety of informational documents and online resources including news releases, fact sheets, frequently asked questions, and brochures to help farmers understand what they need to do. We have also coordinated with groups that helped us reach affected producers, and conducted informational meetings and training sessions for nearly 6,000 stakeholders across the country.

FSA could not implement our conservation programs without the extremely valuable assistance provided by our inter-agency and non-Federal partners. NRCS and the Forest Service, as well as non-Federal providers, have for many years provided technical assistance associated with CRP implementation. Since 1985, we have worked closely with NRCS to implement conservation compliance provisions. The 2014 Farm Bill has intensified our interaction with RMA, particularly in areas of data-sharing to run FSA's farm programs, and we look forward to seamless interaction regarding conservation compliance implementation as well.

This concludes my testimony. I am happy to answer any questions you may have.

The CHAIRMAN. Thank you, Administrator.

And I will take the liberty of the first 5 minutes of questioning. And thank you for your leadership of, really of implementing the farm bill that we worked on so diligently in this Committee. I appreciate your leadership with implementation. I have a question regarding, I know that conservation compliance was something that was in the farm bill and specifically impacting—I have a question related, probably mostly about specialty crop growers and possibly some, I am hearing maybe this impacts livestock as well.

In order to be eligible, there was a requirement to submit by June 1, which date has come and gone, the AD–1026. My understanding is the agencies have very aggressively tried to communicate and get the word out that in order to be eligible for the subsidy, crop insurance subsidy, you were going to be required to submit this form. And if they don't, then basically they would lose the subsidy. And they may not know that until the bill comes due in

October. So a bit of a delay here. I wanted to see, and I appreciate what has been described as your aggressive notification process. Any estimate in terms of actual completion or perhaps those who have not submitted by that date, and what type of follow-up measures to make sure that, specifically specialty crop and, again, possibly livestock producers.

Mr. DOLCINI. Sure, Mr. Chairman, I will take the first crack at that answer. I appreciate the fact that you have noted that we have done a pretty good job, thus far, with implementation. Implementing a farm bill is a real team effort. And at the Department of Agriculture, we work hand in glove on a variety of different issues, but mostly in the conservation compliance realm with our sister agencies, the Risk Management Agency, as well as the Natural Resources Conservation Service, to make sure that we are reaching everybody who potentially would be able to participate in that RMA program. Our primary goal is to make sure that farmers and ranchers, our customers, have as much access to information as they possibly can in order to make well-educated decisions about programs that they may or may not want to participate in.

And so in the case of conservation compliance, which was obviously re-linked in this last farm bill, the need to comply with highly-erodible land and wetland requirements and receiving Federal crop insurance premium subsidies. I would also add, sir, that many of our farmers already have AD–1026s on file. If they participated in our marketing assistance loan program or disaster assistance, perhaps other USDA programs, they already have an AD–1026 on file. We really went the extra mile, beginning last year, sending mail notifications, postcards by the Farm Service Agency. We held tens, if not hundreds, of public meetings around the country with specific commodity organizations. We participated in a conference call before that June 1 deadline to make sure their membership knew what the requirements were and that they needed to get an AD–1026 into the office by June 1. We did special outreach activities in every state, particularly those that grow specialty crops, like my home State of California. I traveled to California and conducted some meetings myself to make sure that commodity organizations and specialty crop growers and the affected industry, the insurance industry, knew about the June 1 deadline and that they would have as much access to FSA and USDA information as we possibly could make available. We are reconciling those numbers now, sir. And I don't have definitive numbers for you this morning, but we will certainly share those with the Subcommittee when we have completed that process. But I do want you to know that from the perspective of this three-agency effort, we really feel like we left no stone unturned when it came to making certain that people knew about the program and the deadline.

The CHAIRMAN. Thank you. My second question, and probably by the time I get done asking it, I will have run out of time. But let me ask it and then look forward to getting some type of follow up on it. I want to follow up on the Ranking Member's issue that he had raised. And it seems to me there is certainly a benefit of what the agency has done perhaps on its own initiative of creating or broadening a public-private partnership, of bringing biologists and individuals in from some great organizations that are involved in

habitat and wildlife. But I would really like to get a feel nationwide how many individuals do we have now that are working within our agencies, that are perhaps from organizations, great organizations like Ducks Unlimited or National Wild Turkey Federation. I am not sure what organizations may be involved.

How many, what the role is, and also what are the safeguards, because we need to make sure that obviously, first and foremost, that this is driven by, for our farmers and ranchers. We know the wildlife benefit, as Members of this Committee, quite frankly, as a sportsman myself, but I want to see what are the safeguards, make sure we are avoiding any kind of conflict of interest within those roles. I think those are important lines to define. And the Ranking Member had those concerns. And I have heard from folks that are raising kind of the same questions. So it would be good to get the information out. With that, my time has expired. And I am pleased to recognize the Ranking Member for 5 minutes of questioning.

Ms. LUJAN GRISHAM. Thank you very much, Mr. Chairman. Chief Weller and Administrator, thank you very much for being here. I agree, the entire Committee, appreciates your efforts and diligence. And the update of that, how we are proceeding and updating the latest investments and new authorities in the farm bill. Chief Weller, in your testimony and in your written testimony as well, you have mentioned the importance of the conservation programs and investments and their impact on yields and endangered species listings. Specifically today you talked about two, the Louisiana black bear and the Oregon chub. I really appreciate that because in that context, that is what we all want those positive end results, but I continue to hear, of course, concerns in my state and district from landowners and the industry about how listing of a species impacts their livelihood and their businesses. And I also hear, frankly and interestingly enough, those same concerns from environmental and conservation groups on how species population numbers and those critical habitats continue to shrink.

It is clear to me that both these groups may have a different means to an end, but they are concerned, quite frankly, about the very same things. They want to protect species. And they want to prevent listings. And I have seen stakeholders from many different backgrounds, frankly, come together and work toward this goal very successfully. And I will give you an example. In 2011, the oil and gas industry in my state was very concerned about the dunes sagebrush lizard listing that would eliminate drilling in the Permian Basin which produces 20 percent of all the oil in the lower 48 states. Now, as you might imagine, this has a significant set of consequences not only for my state and district, but for the entire country. Now, thankfully, the listing was avoided because landowners in New Mexico and Texas proactively took steps to remove the threats to the listing on 600,000 acres which covered 88 percent of the lizard's habitat. What I would love to do is replicate those efforts as often as I can. And I believe, of course, that NRCS is in a position to encourage real innovation.

What I worry about, however, is that stakeholders continue to tell me they don't have the information or the resources that they need to adequately participate in the conservation programs or to collaborate effectively so that they can have those kind of results.

So I would love it if you would walk me through and describe what kind of outreach is going on, how are we educating and engaging landowners in the conservation programs. And as you do that, how you are encouraging them, as you reach out to that group of stakeholders, to have relationships with the environmental community, not only in their communities and their states but around the country so that you achieve the successes that you identified in your testimony and I identified in my question.

Mr. WELLER. Thank you for the recognition of the contributions that the USDA programs are providing for wildlife or, in this case, to also help producers be productive and stay on their lands. In my view and the view of my colleagues at NRCS, the common thread between the environmental interests, the wildlife interests, and agriculture, at the end of the day, it is in everyone's interest to keep working lands working. You have to keep people on the land. You want them working the range. You want them working the crop field. You want them working the forests. When those lands are either abandoned, like in the West where you then lose the forests to wildfire threats because those are no longer managed or fire is not allowed to be part of the ecosystem. Or when lands are developed, they are converted to other economic uses. It has an impact on wildlife, it has an impact on the agricultural economy and the integrity of that economy, and has impacts on waters. So in terms of how we are doing the outreach, it first starts with our partnership with agricultural groups. At the end of the day, a farmer or rancher can be our best salesperson on the value of conservation.

Ms. LUJAN GRISHAM. Can you give me a little more specificity about that partnership, I have about 40 seconds left, really looking at how I help my folks know exactly what to do.

Mr. WELLER. So often, for example, like in Wyoming, it is with the Wyoming Stock Growers Association, they are avid proponents for the value of easements, the value of range conservation. And with them, we have partnered with the Wyoming Stock Growers Association to put in place, in my view, one of the most effective sage step conservation efforts, frankly, in history, to help address concerns with sage grouse. But, in this case, it is also about keeping intact Wyoming ranching operations. It is also working through local soil and water conservation districts. They know, they have the local networks of relationships with producers. They can then have the networks and partnerships with agricultural groups at the local level, can help get the work out about opportunities, about how to work better with NRCS, but other opportunities that may be available through the state or other private groups.

Ms. LUJAN GRISHAM. Thank you.

The CHAIRMAN. I thank the gentlelady. Now I am pleased recognize Mr. Lucas, for 5 minutes.

Mr. LUCAS. Thank you, Mr. Chairman. And perhaps for a moment before we get into a lot of the details, considering the 80th anniversary of the founding of the NRCS's predecessor not many days ago, the 30th anniversary of CRP, we almost need to take a victory lap here, consider the progress and the great accomplishments of your predecessors out there, gentleman, over the course of the last 80 years. And, for that matter, our predecessors here. In my region of the country, in the last 4½, 5 weeks have had 22″

of rain. I average 24–28″ a year on the farm where I live. In 2011, we had 14″ for the entire year. It came at the wrong time of the year. And for the first time in my memory or the memory of any senior members of my community, we actually had substantial amounts of native grasses in the pastures die from dry freezes in the wintertime. We have bounced back and forth through these weather patterns. And in this last calendar year, another 14″ of rain.

The fact that we could go 5 years in the Southwest region of the country, where the Chairman and I are from, through those kind of conditions and not have the most amazing dust storms, not have the most amazing environmental collapse is an amazing compliment to the work of your predecessors and to the work of our predecessors on this Committee, absolutely amazing. And then to have Mother Nature change course and drop 22″ of rain where I live in 4–5 weeks and not have massive flooding, massive loss of human life, massive degrading of the environment, the wildlife up and down those streams is a statement once again about the work of all of our predecessors. The upstream flood control programs, the rehab programs, all of those things. So in the very cynical world that we live in, it is worth acknowledging for just a moment we have done some good stuff together here in the course of 80 years. And it gives us a tremendous foundation to build forward.

The Ranking Member alluded to the CRP situation. And he is exactly right. CRP, in its earlier reincarnation, was a creation, was the Soil Bank of the 1950s, a response to the price issues facing production agriculture. An acknowledgment that the programs from that period back to the AAA Act of 1933 had not always been cost effective or effective in providing relief. The Soil Bank, at least from the perspective of my predecessors in the early 1960s came to an end because it began the dramatic depopulation of the southern plains. You put your farm in the program, you sold your equipment, you moved to wherever the kids lived. We re-encountered that in the 1985 program. But that said, the effect that it has had on the environment, on the wildlife, on a variety of things across the country is without measure. At the time, the Ranking Member and I in this Committee worked to put the 2014 Agricultural Act together, we had $7 corn for much of that period. CRP, being a voluntary program, 7 million acres approximately, we predicted, would come out. And under the Budget Act of 1974, which I am not as impressed with as I have been impressed with all our conservation actions of the last 80 years, we were compelled to reduce the number of authorized acres to reflect what the market decisions were being made in order to preserve that revenue stream to be able to do the farm bill, as the Ranking Member well knows. We don't have $7 corn anymore. We have amazing weather patterns around the country.

At some point, as a Committee, we have to reassess our CRP situation. Wouldn't you agree, Mr. Ranking Member? We have to reassess that. But that said, we have a vehicle that is both good for the farm economy generally and good for wildlife generally that we can work with. And that is the legacy of the 2014 Agricultural Act. It has built off the good work for generations. If I get a little wound up, understand that I come from and live in that region on the east

side of the Rockies, in the southern part of the plains, it was so miserably horrible in the 1930s, thanks to Mother Nature and thanks to, in many cases, bad policy decisions. That same area that went through the drought of the 1950s, that same area that went through the horrible economic bust of the 1980s. Once again, many bad policy decisions. I just encourage all of us at this hearing to think not only about the circumstances now, but 5, 10, 20, 25 years down the road, to build off of the work that has been laid for us, to make sure that by accident or intention, we never have another 1930s or 1950s or 1980s. That is our responsibility. Again, gentlemen, thank you for your good work. And, Mr. Director, everything that you can do when it comes to the issue of the AD–1026s that Chairman Thompson referenced. We, as Members who spend a lot of time at home, may be about to discover that a lot of farmers perhaps didn't pay quite as close attention to their mail as they should have. And we will have to address that when the time comes. I yield back, Mr. Chairman.

The CHAIRMAN. I thank the gentleman. I am now pleased to recognize the full Committee Ranking Member, Mr. Peterson, for 5 minutes.

Mr. PETERSON. Thank you, Mr. Chairman. Mr. Dolcini, do you have any idea at this point what, the amount of acres you are going to be looking at with the general sign-up December 1?

Mr. DOLCINI. Sir, I don't have a specific number of acreage that might get enrolled in that general sign-up. As you pointed out earlier, the Secretary announced about 800,000 acres in the continuous part of CRP. We have authority for 1.9 million acres that we may be able to enroll. But it will be a very competitive process beginning in December. And we are hopeful that we get a lot of good applications for participation in the program——

Mr. PETERSON. Well, what I can tell, apparently you can have 25 million acres in Fiscal Year 2016. And you have to go to 24 in Fiscal Year 2017. So you could go into 25 million acres in this sign-up from what I can tell. Am I right about that?

Mr. DOLCINI. Sir, I don't know the exact number of acreage, of acres that may be——

Mr. PETERSON. Anyway, it looks like if the whole 800,000 acres are signed up, given what is expiring, it would be 22 million acres and potentially, so you might have, if you went to the maximum, you might have 3 million acres you could enroll. I doubt you are going to do that. I understand that. So, anyway, one thing I am concerned about is, with the $7 corn, as Mr. Lucas pointed out, we had people tearing out CRPs all over the country, including my area, taking out shelter belts and plowing up land that should not be farmed because they could make a little money renting it out and whatever. And now with what is going on, all of a sudden, as I tried to tell them at the time, now some of them are not so sure they made the right decision. So now they are looking at how am I going to get back into the program and so forth. It is going to be competitive and it has all these requirements. And I understand that.

But we have gotten carried away with some of this stuff. I don't know if any other Members here have tried to establish CRP but I have. And it is not easy to do. One of the things that bothers me

about what we have been doing is in order to get back into the program, you have to plow up what you have basically. If you don't and re-seed, you are not going to get enough points to get in. That is just the reality of what the situation is. In some cases, that is the right thing to do. In some cases, the CRP is not in good shape and needs to be redone. But in a lot of cases, it is fine. And when you plow that stuff up, you stir up a weed situation in a lot of cases. The weeds have been there for 20 years laying under the ground. And all of a sudden, you have a mess depending on what happens if you got a drought or wet or whatever the situation is. And then you make it worse with this pollinator stuff, which I also have experience with because I tried to put in 2.3 acres under the CSP. And basically what I got out of that, I spent $350 an acre and I got a weed patch. That is what a lot of people have experienced with the pollinator. I support trying to get this out there. And I have bees on my property. But this is not easy. And so I just think, I have had more complaints from farmers that are interested in getting back in about this idea that they got to plow out. I just think that somehow or another we have to have some kind of recognition of a good quality CRP that is established in this process. And so we don't force people to plow up what shouldn't be plowed up and cause maybe a deterioration in the habitat. Is anything being done to look at that situation?

Mr. DOLCINI. It absolutely is, sir. And I appreciate your comments and your support over the years of CRP. You have really been a stalwart in trying to develop programs that USDA can use to enhance wildlife benefits around the country, as well as environmental and other program benefits. CRP has changed quite a bit since 1985 when it was first signed into law by President Reagan. And we are always trying to make what is a good program an even better program, particularly in this year that we are celebrating its 30th anniversary. I was just in Howard County, Maryland last week talking with a farmer who has CREP land and is interested potentially in a pollinator strip but doesn't want to just put in something that he thinks might be a weed patch. So we are trying to work locally with farmers around the nation on doing things that make sense for their communities and for their landscape. This fall, I am going to be in Otter Tail County and would love to come out and meet with you or your staff or your constituents and really work through some of the local issues that you have identified there. But we are doing that all over the nation, sir. And the Conservation Reserve Enhancement Program, which is an element of CRP, has been a success in Minnesota and elsewhere. I think we now have 47 projects in 34 states. So we are trying to look at the continuum of what CRP offers and how it was refined in the 2014 Farm Bill to make a good program, one that has been a very successful conservation program throughout the American countryside, a better one. And I would love to continue to meet with you and your staff to work on those issues.

Mr. PETERSON. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman. I am now pleased to recognize the gentleman from Georgia, Mr. Allen, for 5 minutes.

Mr. ALLEN of Georgia. Thank you, Mr. Chairman. And I appreciate you holding this hearing. I appreciate your work at USDA

and conservation. I have worked with a few of my constituents that are working on the CRP opt-outs. And I want to let you know that I appreciate you all working with me on that. And it sounds like we have had a lot of folks who maybe have opted out of that program. Is there, how many folks have opted out of the CRP programs? And has it been just concentrated in areas? Because I represent the 12th District of Georgia. Where has the concentration been and how many opt-outs have you all seen in that program?

Mr. DOLCINI. Sir, I will provide a more detailed responses to your office and to the Subcommittee with that answer.

Mr. ALLEN of Georgia. Okay. That would be great.

Mr. DOLCINI. With regard to the issue that you and I have been working on and that our staffs have been working on, I really want to say that we are continuing to explore options. I think our Office of General Counsel at USDA determined there was a certain path that we couldn't really go beyond. Unfortunately, that wasn't really transmitted to you or to your constituents in a very clear way.

Mr. ALLEN of Georgia. Right. Exactly.

Mr. DOLCINI. But I want you to know that I am happy to continue to work with you to explore options there. And with regard to the detailed response, we can get that back to you and the Subcommittee.

Mr. ALLEN of Georgia. Well, I really appreciate and yes, you have been very diligent in responding and working with our office and our clients. I appreciate everything you are doing for us there. And we look forward to resolving that issue. Another comment is we have about 14.3 million acres of Georgia's forestland and it is owned by 504,000 families and individuals. Several of the conservation programs are important to provide these family forest owners with tools to do conservation practices on the ground, from tree planting to firebreaks to improvements for wildlife habitat and water quality. Given that the technical assistance needed to work with forest owners may be different from other producers, what is NRCS or FSA doing to continue to encourage coordination with the forest agencies at the state and local levels?

Mr. WELLER. I will take the first stab at that, sir. In part, in Georgia, but also along the Southeast, we are really focused with private landowners on the Longleaf pine ecosystem as one of the areas. And we have put a lot of assistance on the ground, partnering with other Federal agencies, like the Department of Defense, as well as Forest Service, but, crucially, with local landowners and locally led associations to really try and protect, but also recover and restore the Longleaf pine ecosystem. Just in the last 4 years, for example, we have helped put in place forestry management practices on about 260,000 acres of the Longleaf pine ecosystem, in a targeted fashion though, for example, around military installations, to provide an operating buffer around military bases, to reduce the pressure, development pressures, so the military can keep doing what they need to do to train, make sure they are prepared and ready, but also to offset some of the environmental pressures the bases themselves feel with ESA constraints and really provide a safety valve, a cushion around military installations.

So it is everything from, as you said, forest stand improvements, replanting, firebreaks, prescribed fire burns, a lot of different types of practices that, at the end of the day, empowering private landowners to better manage their stands for timber protection, but also to keep those stands intact from an ecosystem protection standpoint.

Mr. ALLEN of Georgia. And we are coordinating those with the local forestry groups and the local county agencies and whatnot?

Mr. WELLER. Absolutely. So we work with the State Foresters and local forestry groups as well. At the county level, we work with local communities and counties to really focus, because we don't have enough resources to do it by ourselves. It is truly a network of folks bringing the expertise, the forestry expertise, a little bit of financial assistance to help producers and landowners put in place the practices they need. But we are just, at the end of the day, a small component of a much bigger network of groups helping with forestry management in Southeast.

Mr. ALLEN of Georgia. They know the land. They know the habitat. And they know the conservation needs. And so thank you for coordinating with them locally. Did you have any comments?

Mr. DOLCINI. I do, sir. And I have an answer to the question that you first posed about how many acres have opted out. It is 266,000. But we will get a more fulsome letter back to the Committee with some details around that.

Mr. ALLEN of Georgia. Okay.

Mr. DOLCINI. With regard to Longleaf pine, we have established about 250,000 acres of Longleaf pine and have a CRP practice devoted to the Longleaf pine that has created a lot of habitat for a variety of different species there. And we are doing it in consultation with local and regional partners. After we publish the CRP rule, which will happen in the near term, we will be able to implement some tree thinning provisions and other management activities to enhance these stands as well. I think that a good practice will be made a better one.

Mr. ALLEN of Georgia. Good. Great. Thank you very much. I yield back the time I don't have.

The CHAIRMAN. I thank the gentleman. I am now pleased to recognize the gentlelady from Arizona, Mrs. Kirkpatrick, for 5 minutes.

Mrs. KIRKPATRICK. Thank you, Mr. Chairman and Ranking Member, for having this hearing. And I first want to take a moment just to thank my colleagues, Representative Lucas from Oklahoma and Representative Peterson from Minnesota, for their leadership on this Committee. And it just really shows that when we come together in a thoughtful, commonsense way, we can enact policy that makes our country better. And I just want to publicly thank them for their leadership and their example that they set for us as Members of this Committee. My mother's family were ranchers in Arizona. I have always said that ranchers are our original conservationists. Because healthy land means healthy cattle means healthy people. And the same thing can be said for our farmers. Healthy land means healthy crops means healthy people. And so I thank you for the work that you have done, especially in Arizona. We have two projects, two Regional Conservation Partnership Pro-

grams that have brought about $6 million to rural Arizona in purchase of materials, hiring local contractors, recreational activities. And that is great. Arizona Game and Fish tells me they have been excellent programs and they have worked really well. You have probably heard me say on this Committee before that I represent 12 land-based Tribes. And so my question to you, both of you, today is what incentives do we have for Tribes in terms of management of their land, their conservation efforts, their natural resources? And what can we do to make sure that they see the same economic benefits that we are seeing on non-Tribal land?

Mr. WELLER. It begins, again, at the local level as we talked about with Mr. Allen. In this case, working with the Tribal community and the Tribal government, and, first, truly understanding what is it they need and what is it they want to have happen on their lands, on their reservation? And that can be both a formal consultation. But, more importantly, it is really the day-to-day informal interaction we have. And more often than not, we actually co-locate, like in Arizona, we have field offices on the Navajo Nation, where we have employees who work full-time doing nothing but partnering with the Navajo Nation and members of the nation to, first, identify what their agricultural production goals are and then what assistance can we bring to help the nation be more efficient with water, to recover the range, to improve pasture, put in place low-cost infrastructure to help them irrigate. So there are examples of that across Arizona, but really across the United States.

We really start from the local level of the Tribe, listening, and then helping them identify what are some practices, whether they are culturally specific, to help them grow food that is appropriate for their nation or what are some of the expertise, whether it is engineering expertise, range, agronomy expertise, forestry expertise, at the end of the day, managing their Tribal land for productive purposes. One example, and it is actually from New Mexico, working with the Pueblo. It is a much smaller community. But it is an example, and this is the Santo Domingo Pueblo near Albuquerque. I had an opportunity to visit with the Pueblo and understand the value of what our assistance really means. In this case, they were using what they called Indian ditches which had been in place for centuries. And these ditches were worn out, really inefficient. And they were losing land, arable land. And you want to talk about producing food in a food desert, they literally are growing food in a desert. So they were very much concerned about maintaining the culture and the integrity of the Pueblo. And they wanted to be able to attract members back to the Pueblo, young families who were leaving because they didn't have economic opportunity.

Well, then NRCS came in, and we retrofitted their ditches, put in gravity pressurized subsurface pipes, and what used to take days, literally, for the water to flood irrigate a field, we can now irrigate in a matter of hours. They are able bring to bring back 200 acres into production, growing native culturally specific foods as part of their healthy diet, and I talked to veteran farmers who just had serviced the nation by defending us, had returned to the Pueblo solely because they had an economic opportunity.

It is examples like that where we are working with Tribal governments, Tribal communities to help them benefit from their lands and also do a better job of resource stewardship.

Mrs. KIRKPATRICK. Thank you, Chief. I have about 30 seconds left to hear from the Administrator, just your thoughts about that.

Mr. DOLCINI. Our approach is much the same as NRCS when it comes to reaching out to folks all over the country, including in Indian Country. We worked through the Council of Native American Farming and Ranching that I sit on and others around the nation do to make sure that our programs are open, accessible, understood, and available. And I spent a lot of time working one-on-one with individuals that have had challenges, but I also talked with larger groups and organizations about things that are going right with our relationship with Native American farming organizations around the nation. So we have a lot of work yet to do, Congresswoman, but we are on the right path.

Mrs. KIRKPATRICK. Great. I think it is a real opportunity for our Tribes in terms of economic development but also in terms of health opportunities, so I thank you, and I yield back.

The CHAIRMAN. I thank the gentlelady. I now recognize my colleague from New York, Mr. Gibson, for 5 minutes.

Mr. GIBSON. Well, thanks, Mr. Chairman, and I thank the panelists as well and agree with some of the sentiment expressed by my colleagues earlier. This is an issue area where we have worked together. I think it is really a great news story. I appreciate the leadership of the Administration on that score.

I do want to echo some of the concerns about the information flow and the June 1 deadline, and I would like to perhaps address another facet of that, which is the challenge, of course, that you are having in completing all these and getting it back out. And I just want assurances that for those that did get their paperwork in prior to June 1, that if they have some inaccuracy on their application, they still get credit for having been sent in by June 1?

Mr. DOLCINI. I can give you those assurances, sir. For forms that need to be perfected, and it might be a transposed number or a name that is misspelled, we will use that period after the 1st of June to make sure that those corrections are made appropriately.

Mr. GIBSON. Very well. That is reassuring. And then how is it going as far as just addressing the backlog?

Mr. DOLCINI. With regard to the receipt of the forms in FSA offices around the nation, it is going reasonably well. It is a big chunk of paperwork, to be sure, coming at a time when we are doing a lot of other important office work throughout our nation's field office infrastructure.

But I am hearing good things thus far about the way things are going. I think the fact that we really beat the drum so loudly over the course of the 2 or 3 months leading up to June 1 got people into the offices a little bit earlier than they might have otherwise. Certainly there is going to be a flood of activity towards the end of a deadline period. That is true for all of our programs, but we felt good about getting people in the door prior to June 1, and just really made the point to them that you have to get us your form, it has to be at least postmarked by the 1st of June in order for you to continue to receive these RMA crop insurance premium sub-

sidies, and that was a message that most everyone heard loud and clear.

Mr. GIBSON. Well, thank you. I want to move now to the administration of the Forest Legacy Program, and I am curious on your feedback on this proposal. I guess it has been a little over a dozen years now, and I am just interested in the feedback in general about an important facet of a conservation program.

About a little over a dozen years ago there were a series of reports that really led to a policy change in pulling up to the state level, the management of easements as it relates to Forest Legacy. From my listening to folks, and I am from upstate New York, and then also listening to folks in LTA, it appears that the conditions may be set now where we could allow for states to make a decision as to whether or not we want land trusts to manage the easement.

The arguments that are propounded is that they have the resources to better manage these easements, and they make the case that they actually can get more benefit, more usage and benefit of the potential program. I am just curious what the thinking is at USDA of that potential policy proposal?

Mr. WELLER. Well, sir, the NRCS does not administer the Forest Legacy Program, and so you can talk a little bit about our experiences of working through our portfolio, and I would be more than happy to take back any concerns or ideas to my counterpart Chief Tidwell at the U.S. Forest Service, as the Forest Service administers the Forest Legacy Program.

But through the Committee's programs, the Agricultural Conservation Easement Program, which is the main farm bill working lands focused program, there are two components, one of which is a little bit analogous to the Forest Legacy Program, and that is the Agricultural Land Easement Program, and truly is a partnership with land trusts.

The second panel is going to be one of our partners in Pennsylvania is going to be testifying, and through this program, we provide financial assistance actually directly to a partner, whether a state agency or through a land trust organization or conservancy, and they are the ones, at the end of the day, that close the deal, that work with the landowner, negotiate, enter into the easement, and they are really responsible for the long-term stewardship and management of that conservation easement.

So there are examples of this that the Committee supported where that locally-led approach through a partner like a land trust has been very effective, and together, in a partnership, we have been able to protect over a million acres of these easements, working land easements across the United States.

Mr. GIBSON. Well, I thank you, and I think that, in general, that empowerment at the local level is one that we are going to find that benefits all. There has to be quality control, obviously, but I am looking at that proposal, and I do appreciate if you could take that back.

So thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman, and I thank both the Chief and the Administrator for taking time out of a busy schedule and coming and being here. We look forward to continue—the Subcommittee and the full Committee—we look forward to continuing

to work with you as we provide our function of oversight, and your leadership and work in terms of the implementation of the 2014 Farm Bill, so I appreciate your testimony, and we will dismiss you gentlemen, and I will call up our second panel. Thank you very much.

Mr. DOLCINI. Thank you, sir.

The CHAIRMAN. As we make the transition here, I would like to welcome our second panel of witnesses to the table. Mr. Brent Van Dyke, First Vice President of the National Association of Conservation Districts from Hobbs, New Mexico. Mr. Buddy Allen, rice producer, USA Freedom—or USA Rice Federation. That was a legislation a couple of weeks ago, I guess. USA Rice Federation.

Ms. Karen Martynick, Executive Director of Lancaster Farmland Trust from Strasburg, Pennsylvania. I thought it was probably Starsburg when I read it the first time. When it says Strasburg, I am thinking that has to be Starsburg but maybe there is a little township I don't know about in Lancaster County. And Mr. Jim Inglis, Governmental Affairs Representative, Pheasants Forever and the Quail Forever from Upper Sandusky, Ohio.

And our panelists are all in place. Thank you so much for being here to each of you. And Mr. Van Dyke, please begin when you are ready.

STATEMENT OF BRENT VAN DYKE, FIRST VICE PRESIDENT, NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS, HOBBS, NM

Mr. VAN DYKE. Well, thank you very much, and good morning, Chairman Thompson, Ranking Member Lujan Grisham, and Members of the Subcommittee. I thank you for the opportunity to come before you to testify this morning on conservation programs in the 2014 Farm Bill.

I am Brent Van Dyke, First Vice President of the National Association of Conservation Districts, and as a retired agriculture teacher and FFA advisor for 31 years, my wife and I farmed, irrigated alfalfa and Coastal Bermuda hay in Hobbs, and also run a commercial and registered cattle operation in southeastern New Mexico.

NACD in America represents 3,000 soil and water conservation districts and 17,000 elected government officials that take conservation to the local level. The conservation districts are local units of government established under state law to carry out natural resource management programs at the local level.

Conservation districts work with cooperating landowners and operators in all 50 states as well as U.S. territories to help manage and protect land and water resources on private lands as well as lands of the United States. Our nation's farmers and landowners deserve to have long-term certainty to effectively and efficiently manage their land. Locally led conservation is critical for America's long-term environmental and economic stability.

Not only do farm bill conservation programs play a key role in supporting clean air, clean water, and productive soils, they also help producers avoid unnecessary regulation and promote our nation's food security and sustainability.

NACD appreciates the leadership of this Subcommittee in crafting a successful conservation title in the 2014 Farm Bill. We worked closely with the Committee throughout the process in developing the bill and strongly supported its final passage. Since that time, we have remained focused on successful program implementation to ensure programs work efficiently and effectively for landowners. We thank USDA for moving programs forward with an efficient and aggressive implementation process.

In the inaugural year of Regional Conservation Pilot Program, conservation districts are one of the most highly represented entities among the selected proposals. In New Mexico, RCPP is allowing for us to forge new partnerships with other Federal agencies and allowing ranches with Forest Service and BLM permits to do landscape scale projects and management and improvements of their entire operation.

The checkerboard ownership that has made this kind of watershed projects impossible in the past, but this year, last month, as a matter of fact, I met with NRCS Chief Jason Weller in Española, New Mexico, where we toured the oldest *acequia* in the nation. And *acequia* is a traditional water management system dating back to the Spanish colonial times.

The program has helped fund *acequias* and other critical irrigation systems through RCPP. This is just one example of the successful projects being implemented at local levels thanks to this new program.

Local soil and water districts also remain key partners within NRCS to efficiently and effectively enroll landowners into two key programs that enable them to best manage their resources on their land, the Conversation Stewardship Program, CSP, and Environmental Quality Incentives Program, better known as EQIP. The 2014 Farm Bill made a historic commitment to maintaining and repairing infrastructure associated with the nation's thousands of small watershed structures. Some of these structures are decades past their original design lifespan. The small watershed program benefits to rural and urban communities across the country add up to stronger infrastructure, better water management, and national disaster mitigation.

Increasing funds for conservation technical assistance remains a top priority for conservation districts in Fiscal Year 2016 agriculture appropriation funding. Districts are uniquely positioned to work with NRCS technical service providers and other partners to expand CTA capacity to get more conservation to the ground. In New Mexico, CTA has been expanded thanks to partnerships that matches Federal funding with state funding.

Before I close, I want to thank the Chairman and Ranking Member for sponsoring the Concurrent Resolution 30, which recognizes the value of locally led soil and water conservation and the role of conservation districts within those efforts across the nation.

The Senate unanimously agreed to the resolution last month, and we look forward to working with you to move it forward in the House.

Thank you for the opportunity to testify today on behalf of the nation's conservation districts and their state and territory associations. I will be happy to answer any questions.

[The prepared statement of Mr. Van Dyke follows:]

PREPARED STATEMENT OF BRENT VAN DYKE, FIRST VICE PRESIDENT, NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS, HOBBS, NM

Good morning, Chairman Thompson, Ranking Member Lujan Grisham, and Members of the Subcommittee. Thank you for the opportunity to testify this morning on Conservation Programs in the 2014 Farm Bill.

I am Brent Van Dyke, First Vice President of the National Association of Conservation Districts (NACD), and a retired Agriculture Education teacher and FFA advisor. I am a life-long resident of New Mexico, where my wife and I farm irrigated alfalfa and coastal Bermuda hay in Lea County and run a commercial and registered cattle operation in Southeastern New Mexico. I have worked with USAID for more than 15 years on projects in Eastern Europe and Eurasia.

NACD represents America's 3,000 conservation districts and the 17,000 men and women who serve on their governing boards, as well as their respective state and territory associations. Conservation districts are local units of government established under state law to carry out natural resource management programs at the local level. They serve as the local component of the Federal, state, and local government and private sector conservation delivery system in this country. Conservation districts work with cooperating landowners and operators in all fifty states as well as the U.S. territories to help manage and protect land and water resources on private working lands and many public lands in the United States.

The association was founded on the philosophy that conservation decisions should be made at the local level with technical and funding assistance from partners in Federal, state, and local governments and the private-sector. As the national voice for all conservation districts, NACD supports voluntary, incentive-based natural resource conservation programs that benefit all citizens.

Our nation's farmers and landowners deserve to have long-term certainty to effectively and efficiently manage their land, resources and businesses for the years ahead. Locally-led conservation is critical for America's long-term environmental and economic stability. Not only do farm bill conservation programs play a key role in supporting clean air, clean water and productive soils, they also help producers avoid unnecessary regulation and promote our nation's food security and sustainability.

NACD appreciates the leadership of this Subcommittee in crafting a successful conservation title in the 2014 Farm Bill. We worked closely with the Committee throughout the process of developing the bill and strongly supported its final passage. Since that time we have remained focused on successful program implementation to ensure programs work effectively for landowners, and we thank USDA for moving programs forward with an efficient and aggressive implementation process.

I would like to briefly touch on some of our specific priority areas for farm bill implementation, starting with the new Regional Conservation Partnership Program (RCPP). In the inaugural year of RCPP, conservation districts were one of the most highly represented entities among the selected proposals. More than 200 conservation districts are directly involved in over 100 projects selected for state, national or Critical Conservation Area RCPP funding. We also recognize that many additional districts will be involved as partners as projects are implemented within their jurisdiction.

It is no surprise that districts are so heavily represented in these projects. After all, locally-led partnerships are what we are all about. Districts have a strong history of engaging with a variety of stakeholders at the local level to enact meaningful conservation on the landscape.

RCPP is about empowering local project sponsors in designing and delivering solutions that benefit natural resources where they live and work. As trusted and respected sources for conservation planning and assistance at the local level, conservation districts are well positioned to be leaders in these projects. We appreciate USDA's commitment to this locally-led approach to natural resource conservation.

Through its flexible, public-private partnership approach, RCPP is empowering partners to come together to deliver practical and effective solutions to address local communities' specific resource concerns. By leveraging Federal and private dollars, all stakeholders are closely invested in the project resulting in a stronger return on our combined conservation investment. In addition, RCPP's ability to utilize other program funds such as EQIP, CSP and ACEP not only increases the overall effectiveness of the program, it will help states to fully utilize all of their allocated funding.

It has always been our philosophy that "every acre counts." RCPP allows us to reach beyond the traditional scope of partners and projects. The program expands our opportunities to reach a higher level of commitment to conservation delivery on the working landscape in America.

In New Mexico, RCPP is allowing us to forge new partnerships with other Federal agencies and allowing ranches with Forest Service and/or BLM permits to do landscape scale management and improvements on the entire operation. The checkerboard ownership has made this kind of watershed project impossible in the past. Last month I had the pleasure of joining NRCS Chief Jason Weller at an RCPP event near Española, New Mexico where we toured the oldest *acequias* in the nation—a traditional water management system dating back to Spanish colonial times. The program has helped fund *acequias* and other critical irrigation systems through the RCPP. This is just one example of a successful project being implemented at the local level, thanks to this new program.

I want to thank NRCS for their tireless work to implement this new and innovative program, and for considering our comments and feedback on ways to continue to grow and improve RCPP. We are pleased with the positive direction and look forward to even greater conservation district involvement.

Local soil and water conservation districts also remain key partners with NRCS to efficiently and effectively enroll landowners in two key programs that enable landowners to best manage natural resources on their land: the Conservation Stewardship Program (CSP) and the Environmental Quality Incentives Program (EQIP).

CSP has been invaluable in New Mexico, helping to keep ranchers on the land despite the extreme drought conditions. Allowing the enrollment of CRP land into CSP, in the last year of its contract, and allowing the transfer of land from CSP to CRP, ACEP or other Federal or state program that offers greater natural resource protection is also extremely important. These adjustments will help ensure that producers keep their working lands enrolled in programs that benefit the natural resource base, while emphasizing the most effective programs offered. Rolling open enrollment is also important for CSP to remain an option for producers at all times throughout the year. This convenience helps prevent backlog and increases the efficiency of the program.

EQIP remains the foundation of voluntary conservation programs for agriculture and forest producers on private lands. Local soil and water conservation districts are poised to help landowners enroll in and implement EQIP practices on the landscape. NACD advocated for streamlining of conservation programs as one of our top priorities for the 2014 Farm Bill and we are happy to see it materializing as EQIP is being implemented as a versatile working lands program that improves natural resources for farmers, ranchers and wildlife.

NACD also supports the policy of re-linking conservation compliance to crop insurance premium subsidies as included in the 2014 Farm Bill. Conservation districts will play an important role in compliance, especially with helping provide technical assistance to producers. As the statute correctly provided, flexibility is critical for producers who are subject to compliance for the first time, including beginning and socially disadvantaged producers, as well as for specialty crop growers. NACD and our partners continue to work to ensure this provision is implemented in a manner that safeguards natural resources while maintaining critical safety net supports for eligible producers.

The 2014 Farm Bill made a historic commitment to maintaining and repairing the infrastructure associated with the nation's thousands of small watershed structures. Some of these structures are decades past their original designed lifespan. The small watershed program benefits to rural and urban communities across the country add up to stronger infrastructure, better water management and natural disaster mitigation. In addition, the program represents opportunity for both natural resource protection and the creation of economic opportunity and jobs in rural America.

In addition to securing healthy natural resources, investing in watershed structures provides invaluable benefits to community operations and infrastructure. Recent weather events in Texas and Oklahoma highlight the need for reinvigorated funding for the small watershed program, which continues to be a priority for NACD in Fiscal Year 2016 (FY16) appropriations.

Increasing funds for Conservation Technical Assistance (CTA) remains a top priority for conservation districts in FY16 Agriculture Appropriation funding. Districts are uniquely positioned to work with NRCS, Technical Service Providers and other partners to expand CTA capacity to get more conservation on the ground. In New Mexico, CTA has been expanded thanks to a partnership that matches Federal funding with state funding.

CTA is designed to help landowners take the critical first step of understanding the need for and benefits of conservation practices and to create solid conservation plans which outline necessary steps or actions to address solutions, including farm bill conservation program participation. CTA is utilized by landowners for all elements of conservation planning—from design and layout to implementation.

With ever increasing demand for farm bill conservation programs, it is essential that CTA funding sees a correlating increase in capacity in order to maximize landowner participation and realize a full return on conservation investments. Technical assistance is the backbone of Federal conservation programs, enabling local NRCS field staff and districts to assist landowners as well as state and local agencies to address local resource concerns.

In addition, NACD supports maintaining all mandatory conservation program funding for FY16 as allocated in the 2014 Farm Bill. We remain steadfastly opposed to changes in mandatory program spending, also known as CHIMPS, to farm bill conservation programs during the appropriations process. NACD signed a letter along with 130 other organizations opposed to such cuts.

At a time when farmers and ranchers are facing increased pressure to produce food and fiber for a growing population, it is extremely important they have full access to the tools and resources needed to implement conservation practices on their land. Further cuts to vital conservation program funding will hinder the implementation of voluntary, locally-led conservation on the ground, putting our land and natural resources at risk for the future. This is especially true as economic and regulatory pressures continue to increase on the landscape. Conservation funding helps incentivize landowners and producers to voluntarily implement best management practices at the local level, while mitigating the threat of burdensome top-down regulation.

Before I close, I want to thank the Chairman and Ranking Member for sponsoring the concurrent resolution H. Con. Res. 30, which recognizes the value of locally-led soil and water conservation and the role of conservation districts within those efforts across the nation. The resolution expresses support for: the designation of the year 2015 as the "International Year of Soils;" the 80th Anniversary of the Soil Conservation Act; and soil conservation through partnerships with the nation's 3,000 locally-led soil and water conservation districts. It also encourages voluntary landowner participation in Federal conservation programs. The resolution has wide ranging support from 27 farm, commodity, crop insurance and conservation groups.

The Senate unanimously agreed to the resolution last month, and we look forward to working with you to move it forward here in the House.

Thank you for the opportunity to testify today on behalf of the nation's 3,000 conservation districts and their state and territory associations. I will be happy to answer any questions you may have.

The CHAIRMAN. Thank you, Mr. Van Dyke.

Mr. Allen, go ahead and proceed with 5 minutes of testimony, please, whenever you are ready.

STATEMENT OF WILLIAM "BUDDY" H. ALLEN, MEMBER, CONSERVATION COMMITTEE, USA RICE FEDERATION; RICE PRODUCER, TUNICA, MS

Mr. ALLEN. Well, good morning, Chairman Thompson, Ranking Member Lujan Grisham, and Members of the Subcommittee. I am honored to have opportunity to be before you this morning and give my view on the implementation of the conservation title of the farm bill, Agricultural Act of 2014.

My name is Buddy Allen. I am a producer in Tunica, Mississippi. I grow cotton, rice, soybeans, corn, and wheat. I am passionate about conservation. I am also a partner in a California-based almond farm. I serve as Chairman of the Tunica County Soil and Water Conservation District. I am a member of the Mississippi Rice Council, Mississippi Association of Conservation Districts, Conservation Committee of the USA Rice Federation, and several other state and local conservation groups.

Conservation is a significant part of my agribusiness. As I implement stewardship on my farm, my productivity increases, and it

makes me more sustainable. So I am very grateful for the programs that are authorized by this Subcommittee in the Farm Bill of 2014.

I can't thank the Committee enough for the hours and the work you and your staff put into the passage of this farm bill. This piece of legislation provides a safety net that gives farmers certainty and tools to stay in business during tough times, which are now, as has been mentioned already this morning. And it also incentivizes us to invest in valuable conservation practices on our land. Voluntary incentive-based conservation programs are the first line of defense against the need for regulation.

In 2012, the USA Rice Federation and Ducks Unlimited forged a model of collaboration between a farm group and a conservation organization, the Rice Stewardship Partnership. This partnership has been working tirelessly to improve three of the nation's critical, national, and economic resources, working ricelands, water, and waterfowl.

This is an unlikely partnership between our organizations, and it is historic. One of the programs new to the recent farm bill is the Regional Conservation Partnership Program. Key to this program is leveraging Federal funds with private, state, and local assets. It empowers partnerships to design solutions and deliver measurable results. The partnerships draw on local knowledge and resources.

This locally-led approach is critical to the effectiveness of the program. RCPP offers the use of existing conservation programs such as CSP and EQIP to help reach a specified goal and helps to target critical conservation areas where the work is most needed. The partnership submitted in RCPP proposal, which was accepted in January entitled, *Sustaining the Future of Rice,* this project is a natural fit for our organizations to pursue and offers rice producers from every major rice growing county in each of the six rice growing states the assistance needed to address water quantity, water quality, and wildlife habitat on our farms.

NRCS is providing $10 million in funding to the project leveraged by $6.8 million of cash and in-kind contributions from private sector partners to utilize EQIP and CSP on rice farms. Each of the six states involved are set to receive a minimum of $1 million of the combined funding towards implementation.

One thing that is helpful about the flexibility built into RCPP is the ability to tailor programs such as EQIP and CSP, which as stand alone programs, are not necessarily geared towards rice production. We have been able to do just that and make a particular use of these very successful programs and make them available on rice working lands.

NRCS staff, under the leadership of Chief Weller has worked tirelessly to ensure that this program has been implemented as smoothly as possible. The announcement for program funding stayed very true to the intent of what Congress authorized in the statute and was able to maintain the flexibility of language throughout the application process.

USA Rice and Ducks Unlimited have had a very positive experience during the negotiation process, but because our final contract within NRCS is very complex, we have just recently finalized our

agreement last week, as a matter of fact. As an industry, rice producers have put years of work into finding new ways to reduce erosion, reduce water use, save energy, and address a number of other critical conservation priorities. For those unfamiliar with rice production, rice fields are flooded during the growing season to provide water the plants need and control weeds and pests. Because of this unique method of raising a crop in a flooded environment, rice farming, compared to other commodity production, is more sensitive to water quantity, water quality, and soil stability, and they are essential to maintain our operations.

That being said, RCPP is a natural fit for our industry to further our conservation goals. I appreciate the work that all of you have done to ensure that farmers have the tools they need to implement conservation practices on the landscape. It is a vital part of our industry and a necessary investment if we want to leave our farms as a legacy.

Again, thank you for your leadership and the opportunity to offer my testimony, and I would be happy to respond to any questions.

[The prepared statement of Mr. Allen follows:]

PREPARED STATEMENT OF WILLIAM "BUDDY" H. ALLEN, MEMBER, CONSERVATION COMMITTEE, USA RICE FEDERATION; RICE PRODUCER, TUNICA, MS

Introduction

Chairman Thompson, Ranking Member Lujan Grisham, and Members of the Subcommittee, thank you for holding this hearing on the implementation of the conservation title of the Agricultural Act of 2014. I appreciate the opportunity to offer testimony on behalf of the USA Rice Federation.

My name is Buddy Allen. I grow rice, cotton, soybeans and corn in Tunica, Mississippi. In addition to my row crops, I provide local ground and aerial custom application services and I am a partner in Miss Cal Orchards, a California-based almond farm. Because of the diversity of my business portfolio I believe I'm able to offer a unique perspective on the agriculture industry.

I am also a member of the Governor's Sustainable Water Task Force; Director for the Mississippi Association of Conservation Districts; Chairman of the Tunica Soil and Water Conservation District; Member of the Mississippi Rice Council; and Member of the Conservation Committee of the USA Rice Federation. If you cannot tell already, agricultural conservation is more than business; it is my passion.

Conservation in the Agricultural Act of 2014

From a farmer's standpoint, I cannot thank the Agriculture Committee and the rest of Congress enough for the countless hours of work you and your staff put into the Agricultural Act of 2014 (farm bill). This critical, bipartisan legislation provides the backbone giving farmers the certainty and tools to stay in business during tough times and incentivizes them to invest in valuable conservation practices on their land. The farm bill has the ability to directly affect my bottom line so the policies and programs being debated every 5 years are of great interest to me and the livelihood of my operation.

It was also good to see that Congress, particularly this Committee understands the value of investing in the future of our business through promotion of voluntary, incentive-based agricultural working land conservation. Working land programs not only address resource concerns, they increase productivity yielding sustainability by making cropland more diverse and efficient. The consolidation and streamlining of the conservation title will make these programs more efficient and easier to use for farmers and ranchers.

Rice Stewardship Partnership

In February 2012, the USA Rice Federation (USA Rice) and Ducks Unlimited (DU) forged a model of collaboration between a farm group and a conservation organization—the Rice Stewardship Partnership. This Partnership has been working tirelessly to bring about meaningful and long-term improvements to three of the nation's critical natural and economic resources: working ricelands, water, and waterfowl. To achieve these objectives, we have and will continue to engage in public pol-

icy making, conservation programs, communications strategies, and strategic research and land management efforts that advance these resources.

This unlikely partnership between our organizations should be labeled as "historic" to say the least. The relationship between rice farmers and duck hunters and conservationists is symbiotic and has been in the works long before the Partnership was established. I'd even go as far as to say that it could be used as the model going forward. While both organizations have separate missions and methods we have managed to collaborate and find a large amount of common ground and develop goals for our partnership.

Sustaining the Future of Rice Project

One of the programs new to the last farm bill was the Regional Conservation Partnership Program (RCPP). This program consolidated and streamlined a number of regional programs into one comprehensive program. RCPP uses a unique and innovative approach to investing in natural resource conservation. Key to the program is leveraging Federal funds with private, state and local assets. It empowers partnerships to design solutions and deliver specific measurable results. These unique partnerships draw on local knowledge and resources; and this locally-led approach is critical to the effectiveness of the program. RCPP offers the use of existing conservation programs such as the Conservation Stewardship Program (CSP) and the Environmental Quality Incentives Program (EQIP) to help reach a specified goal and helps to target critical conservation areas where work is most needed.

Map 2

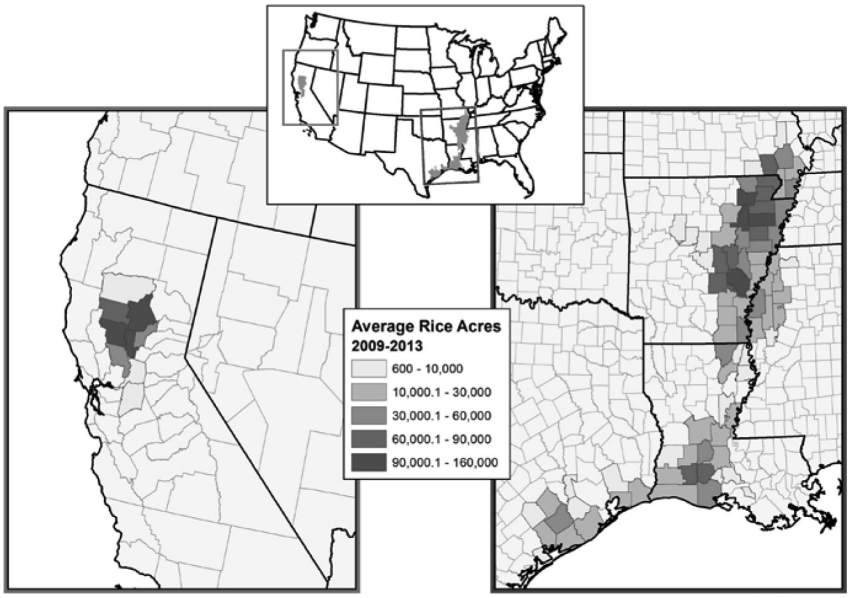


Figure 1: *Illustrates the key location of rice production in correlation to the Mississippi River Basin (where 44% of the U.S. freshwater sources drain) and the regions serve as major waterfowl flyways. This relationship further demonstrates the need for a strong relationship between rice farmers and waterfowl conservationists.*

The Partnership submitted an RCPP proposal which was accepted during the Fiscal Year 2014/2015 funding cycle entitled "Sustaining the Future of Rice." This project is a natural fit for our organizations to pursue and offers rice producers from every major rice-growing county in each of the six rice-growing states the assistance needed to address water quantity, water quality and wildlife habitat on their farms. The Natural Resources Conservation Service (NRCS) is providing $10 million in funding to the project leveraged by $6.8 million of cash and in-kind contributions from private sector partners to utilize EQIP and CSP on rice farms. Several conservation practices from each of the two programs that are geared toward rice production will be offered (*i.e.,* drainage water management, irrigation land leveling,

irrigation reservoir construction, wetland wildlife management, *etc.*). One thing that is nice about the flexibility built into RCPP is the ability to tailor programs such as EQIP and CSP which as "stand alone" programs are not necessarily geared towards rice production. Thanks to this new program, we have been able to tailor these effective programs to fit the unique needs of the rice farmer and go the extra mile. As of now, each state is set to receive a minimum of $1 million in funding from the NRCS contribution along with private contributions from partners and each will operate similarly to the others with tweaks depending on local conditions.

The project attracted over 40 collaborating partners from every sector, from the field to the market and we have estimated that up to 63,000 acres throughout the six states will benefit from our project. This effort represents the first ever of its kind—totally focused on rice farmers and what works best on rice-producing lands and we are lucky to have such a willing group of farmers to help make this a success.

RCPP Implementation Status

The NRCS staff has worked tirelessly to ensure that this program has been implemented as smoothly as possible. The folks writing the Announcement for Program Funding for RCPP stayed very true to the intent of what Congress authorized in the statute and were able to maintain the flexibility of the language throughout the application process. USA Rice and DU have had a very positive experience during the negotiating process but because our final contract with NRCS has been fairly complex we have just recently finalized our agreement.

While specific dates may vary from state to state, sign-ups for EQIP are expected to begin this summer and run through early fall. After the sign-up ends, applications will be ranked and contracts awarded. After the contracts are set, on-farm work will start shortly thereafter. In order to ensure project funds go to rice growers, NRCS, USA Rice Federation and Ducks Unlimited are developing screening and ranking criteria targeted to rice lands.

While EQIP will be the first out of the gate, the CSP won't be far behind. Work is underway to develop a specific package of enhancements for rice lands and it is expected that the sign-up will occur early in 2016. USA Rice Federation, DU, NRCS, and partners will notify rice producers of the specific dates when the sign-ups start in their state. Interested rice growers will sign-up in local NRCS offices like normal and just inform NRCS that the application falls under the Sustaining the Future of Rice RCPP project. The RCPP funds are in addition to regular EQIP and CSP and other funding may be available to growers as well.

Now that the Announcement for Program Funding has been published for the Fiscal Year 2016 funding cycle, the Partnership is looking again to see how else we are able to work together to increase our effectiveness. It is exciting to see the projects we are working on materialize and we are looking forward to using this project as a stepping stone for continuing our work together in the future.

Conclusion

As an industry we've put years of work into finding new ways to reduce erosion, reduce water usage and address a number of other critical conservation priorities. For those unfamiliar with rice production, rice fields are flooded during the growing season to provide water that the plants need and to help control weeds. Because of the unique methods for farming rice compared to other commodity crops, sensitivity of water quantity/quality and soil stability are particularly essential to maintain operations. That being said, the RCPP is a natural fit for our industry to further augment our already impressive conservation platform.

We are looking forward to bringing the USA Rice/DU project to fruition over the next couple of years and showing the success that can be achieved through unlikely partnerships. We anticipate that NRCS will continue to be supportive along the way from the Chief to the field staff on the ground helping to implement the EQIP and CSP practices.

I thank this Subcommittee for holding this important hearing to assess the implementation process of the farm bill. And I appreciate as a farmer, a conservationist and on behalf of the USA Rice Federation the work you have done to ensure that farmers have the tools they need to implement conservation practices on the landscape and feed our growing population. While conservation may not necessarily be a controversial issue, it is a vital part of our industry and a necessary investment if we want to leave our land and operations as a legacy for our children.

Again, thank you for your leadership and for the opportunity to offer my testimony this morning. I look forward to working with you and your staff and will be happy to respond to any questions you might have.

The CHAIRMAN. Thank you, Mr. Allen, for your testimony.

And now, Ms. Martynick, please go ahead and proceed with your 5 minutes of testimony when you are ready.

STATEMENT OF HON. KAREN L. MARTYNICK, EXECUTIVE DIRECTOR, LANCASTER FARMLAND TRUST, STRASBURG, PA

Ms. MARTYNICK. Thank you. Chairman Thompson and Members of the Subcommittee, my name is Karen Martynick, and I am the Executive Director of Lancaster Farmland Trust, a not-for-profit land trust located in Lancaster County in Pennsylvania, the home state of the Chairman.

It is an honor to testify before you today on the Agricultural Conservation Easement Program, or ACEP, and share with you the perspective of a land trust that has utilized both the farm and ranchland protection program and ACEP.

Lancaster County, Pennsylvania is known as the garden spot of the United States. Just a few miles west of Philadelphia, Lancaster County ranks 15th in the nation in agricultural production. It has the most productive non-irrigated soils in the country. The county's 5,700 farms, 99 percent of which are family owned, contribute $6 billion to the economy each year.

Lancaster County is also a leader in farmland preservation. In 2013, the county became the first county in the country to preserve 100,000 acres of farmland, a remarkable accomplishment when you consider the fact that the average size farm is just 78 acres. Today, there are more that 1,300 preserved farms in Lancaster County, farms that have been preserved utilizing public and private funds.

My comments today are intended to make ACEP as good as it can be. We are deeply appreciative of the work of NRCS staff and this Committee and the partnership we have with them to carry out the goals of ACEP. It is a great step forward, and we think that working together, we can make it even better.

First and foremost, the program must follow the statute. Much work went into making ACEP a new and improved FRPP. However, the rule does not always reflect the language or intent of the statute.

The program should not be overly complicated. Rules and procedures that micro-manage the work of land trusts will make them reluctant to participate. Land trusts have vast experience in protecting natural resources, and the rules should recognize and reflect that experience.

The program must be clear and concise. Decisions must be received in a timely fashion. Our experience with FRPP is that a project could take as long as 2 years to complete, while a project using other government funds can be completed in 6 months or less. Let me give you some specifics.

On the minimum deed terms: There is a contradiction between the statute and the final interim rule on the issue of minimum deed terms. The statute states that a, "eligible entity shall be authorized to use its own terms and conditions for agricultural land easement so long as the Secretary determines such terms and conditions meet their conditions."

While this clearly gives eligible entities the ability to use their own language, the interim final rule on ACEP states that eligible entities, "must use the NRCS required minimum deed terms speci-

fied therein." This will force Lancaster Farmland Trust, for instance, to use language that does not necessarily fit its program and does not recognize the special characteristics of Lancaster County.

Appraisal reviews: If you ask any land trust what causes the most delays, they would most likely say it is the appraisal review process. Lancaster Farmland Trust works only with certified appraisers. With 1,300 preserved farms in Lancaster County, the appraisers have a wealth of experience determining the value of conservation easements. When we submit an appraisal for review by NRCS, it can take months to get comments back. The reviewers are from other parts of the country and have little knowledge of Lancaster County.

One way to save time would be to stop requiring the reviewers to establish value on a property he has never visited and in an area with which he is not familiar. The reviewer should be charged with determining if the appraisal was done by a certified appraiser and if that appraisal meets all the required criteria. This would save a great deal of time.

Eligible entity certification: The certification is critical to streamlining the ACEP process; however, the terms necessary to achieve certification may be too onerous for land trusts to participate. The manual states that NRCS may require the entity to return any financial assistance provided by NRCS for easements that fail a quality assurance review. However, the manual does not provide criteria for quality assurance review. This provision prevents sufficient financial risk for a land trust like Lancaster Farmland Trust, and we would be unlikely to apply for certification because of that.

Clearly defining the standard about when such a nuclear option would occur would be absolutely necessary for land trusts to participate. These are just three examples of ways in which the interim final rule for the Agricultural Conservation Easement Program could be improved or could be clarified. I have included additional information in the written testimony I submitted.

On behalf of Lancaster Farmland Trust, I thank you for your time this morning and your consideration of my comments. The land trust community is committed to protecting the country's working lands and stands ready to assist NRCS in determining and implementing improvements for the Agricultural Conservation Easement Program. I appreciate your interest and am happy to take any questions you have. Thank you.

[The prepared statement of Ms. Martynick follows:]

PREPARED STATEMENT OF HON. KAREN L. MARTYNICK, EXECUTIVE DIRECTOR, LANCASTER FARMLAND TRUST, STRASBURG, PA

Introduction

Lancaster Farmland Trust appreciates the opportunity to present testimony to the House Committee on Agriculture Subcommittee on Conservation and Forestry regarding the interim final rule for the Agricultural Conservation Easement Program (ACEP) of the Agricultural Act of 2014. As a private, not-for-profit land trust, Lancaster Farmland Trust has utilized funding from the Farm and Ranch Land Protection Program and currently has two projects pending under the ACEP program.

Lancaster County, Pennsylvania, the "Garden Spot" of the United States, has the most productive, non-irrigated soils in the country. The county's 5,500 farms—99 percent of which are family owned—contribute $6 billion to the economy each year and provide one out of every five jobs in the county.

In addition to being a leader in agricultural production, Lancaster County is a national leader in farmland preservation. In 2013, the county became the first county in the nation to preserve 100,000 acres of farmland—a remarkable accomplishment considering that the average sized farm is just 78 acres! Today, there are more than 1,300 farms that have been preserved by Lancaster Farmland Trust and the Lancaster County Agriculture Preserve Board utilizing Federal, state, county and private funds.

Lancaster Farmland Trust was established in 1988 to work with Amish farmers to preserve their land. In the 27 years since its founding, the Trust has preserved 28,000 acres on 453 farms. Although reluctant when the program started, the Amish have embraced preservation. Now, approximately 80 percent of the farms preserved by Lancaster Farmland Trust are owned by Amish families.

Lancaster Farmland Trust is accredited by the Land Trust Accreditation Commission having received accreditation in 2008 and renewal of accreditation in 2014. In order to achieve accreditation, a land trust must demonstrate that it upholds the highest operating standards.

General Comments

Lancaster Farmland Trust is a member of the Land Trust Alliance which represents 1,700 land trusts throughout the country. Collectively, these organizations have protected 47 million acres of land in the United States. More than 140 of the member organizations—including Lancaster Farmland Trust—are eligible entities under the Farm and Ranchlands Protection Program or the Agricultural Conservation Easement Program. These organizations share the commitment of Congress and the Natural Resource Conservation Service to protect the country's most productive soils and are proud to have been entrusted with the responsibility of ensuring the program's success.

Lancaster Farmland Trust recognizes and appreciates the time that has been spent by NRCS staff in developing the interim final rule and responding to concerns and questions prior to and since its publication. The suggestions and comments contained in this testimony—and those offered by the Land Trust Alliance and other land trusts—are intended to improve the program and increase the ability of Lancaster Farmland Trust and other land trusts to carry out the goals of the program. The comments refer specifically to the rule as well as other NRCS materials including the new policy manual related to the program.

First and foremost, it is important that the program not be overly complicated. While recognizing the need for oversight, rules and procedures that micro-manage the work of land trusts will serve only to make those organizations reluctant to participate. Land trusts have vast experience in protecting the nation's natural resources and the rule should recognize and reflect that experience.

It is also critical that the rule be flexible to accommodate geographic and land use differences but it cannot be uncertain. Obtaining decisions and answers in a timely fashion helps to move projects along. Our experience with FRPP is that a project could take as long as 2 years to complete while a project using other government funding (state, county or municipal) can be completed in 6 months or less. The additional staff time required to complete a federally funded project utilizes resources that would otherwise be used to further our organization's mission.

It is with this as background that Lancaster Farmland Trust respectfully submits the following suggestions to enhance the Agricultural Conservation Easement Program. The comments reflect the experience of Lancaster Farmland Trust as well as other land trusts.

Suggestions for Improvement

Minimum Deed Terms

Section 1265B(b)(4)(C) of the statute clearly states under "Minimum Terms and Conditions" that "an eligible entity shall be authorized to use **its own terms and conditions for agricultural land easements** so long as the Secretary determines such terms and conditions (meet certain conditions)." However, Section 1468.20(a)(2) of the interim final rule states that eligible entities "must enter into a cooperative agreement with NRCS and **use the NRCS required minimum deed terms specified therein.**"

Further, 1468.25(c) states "The eligible entity may use its own terms and conditions in the agricultural land easement deed, **but the agricultural land easement deed must contain the minimum deed requirements** as specified NRCS in the cooperative agreement, either in the deed or in an addendum that is incorporated therein."

In the case of minimum deed terms, there is a contradiction between the statute and the final interim rule. Clearly the intent of Congress was to recognize a land

trust's ability to structure an easement to meet the terms and conditions intended by NRCS without using specific language prescribed by the agency. This has the effect of forcing an eligible entity to use language that may not fit its program, may not recognize characteristics specific to its geographic location and land use, and may not provide the eligible entity with the ability to make an easement more restrictive than the minimum deed terms specified by NRCS.

Allowing eligible entities the flexibility to use their own easement language will not only fulfill the intent of the statute, it will strengthen the program by reflecting regional and organizational differences and ensure adoption by eligible entities responsible for accomplishing the goals of the program.

Minimum Deed Terms—Enforcement

Section 1265B(b)(4) of the statute states that the terms and conditions of an easement must "include a right of enforcement for the Secretary that may be used **only** if the terms of the easement are not enforced by the holder of the easement." While providing a right of enforcement is understandable, the interim rule goes further by defining the right of enforcement as "the right of the United States to inspect the easement area and to enforce the easement entered into under this part in those instances in which the grantee of the easement does not fully protect the interests provided to the grantee under this easement."

The statute is clear that it is the responsibility of the eligible entity to monitor and enforce the easement and that NRCS may only step in "if the terms of the easement are not enforced by the holder of the easement." The construction of the rule could easily be interpreted to mean there is a right to inspect independent of the easement not being enforced.

Additionally, in Section 1468.28(c), the interim rule states:

> *"NRCS . . . reserves the right to enter upon the easement area if the annual monitoring report provided by the eligible entity documenting compliance with the agricultural land easement and agricultural land easement plan is insufficient or is not provided annually, the United States has evidence of an unaddressed violation or to remedy deficiencies or easement violations."*

Lancaster Farmland Trust believes that the eligible entities' failure to file a report or the filing of an incomplete report should not be sufficient to trigger NRCS's right to enter the easement area and that a failure to file a report or filing an incomplete report could be a procedural failure and should be handled between the eligible entity and NRCS and should not involve the landowner. Further evidence of a violation—other than the lack of a monitoring report—should be required before the "right to enter the easement area" is exercised.

Cash Match Availability

The interim rule (Section 1468.20(b)(1)(iv)) requires "sufficient evidence of . . . the availability of funds at the time of application sufficient to meet the eligible entity's contribution requirements for each parcel proposed for funding;" while the program manual states that entities must "document or certify that, at the time of application, . . . the required funds (are) available for each parcel". While NRCS staff has acknowledged it is not their intent to require that the eligible entity have the funds in its possession at the time of application, the language in the program manual seems to suggest that requirement.

Requiring the availability of funds at the time of application places an unnecessary burden on eligible entities and fails to recognize that other sources of funding utilized for project may have different requirements and timelines but would be available in sufficient time to complete the project.

To resolve the inconsistency in language between the rule and the manual, it is recommended that the rule language be used in the program manual. Further, it is recommended that "sufficient evidence" include a successful history of obtaining matching funds from public and private sources.

Agricultural Land Easement Plans

What is an Agricultural Land Easement Plan? Lancaster Farmland Trust has asked this question of NRCS staff who have acknowledged they do not yet know. This raises questions about what will be required of the eligible entity and the landowner.

NRCS has a long and successful tradition of voluntary conservation planning in which NRCS provides technical assistance and, in partnership with the landowner, decides what is reasonable to improve their operation. Given the success of conservation planning and the familiarity landowners have with that process, we believe inventing a new plan is unnecessary and will place an unreasonable burden on the eligible entity to monitor and enforce.

In addition, we have concerns that, eligible entities may not have the authority to "enforce" the elements of the plan nor the expertise to assist the landowner with compliance.

Eligible Entity Certification

The Eligible Entity Certification is critical to streamlining the ACEP process. We believe that NRCS is committed to making this element of the program successful so that both NRCS and the eligible entity can save time and conserve their resources. We agree that this is critical to the success of the program and hope that agreement can be reached on what is required to become "certified".

The provisions of one section of the manual (528.75(I)) may deter eligible entities from seeking certification. This section states that "NRCS may require the entity to return any financial assistance provided by NRCS for easements that fail a quality assurance review and are not remedied to NRCS's satisfaction."

The manual does not provide criteria for or a definition of a "quality assurance review." There are sufficient checks and balances throughout the process to provide NRCS opportunities to remedy any concerns it may have with an easement prior to closing or withdraw the offer of funding. Additionally, NRCS retains the right of enforcement if the entity fails to enforce the easement, thereby ensuring that the easement would not "fail" once executed.

Requiring the return of funds would present a tremendous hardship for any organization and would seem to be an unreasonably harsh penalty. This provision presents sufficient financial risk to make it unlikely that an eligible entity would apply for certification. Therefore, defining clear standards about when such a "nuclear option" would be used (*i.e.,* fraud, enrollment of an ineligible property) is absolutely necessary.

Ineligible Lands—Rights of Way

Section 1468.20(e)(5) of the rule designates land ineligible for the ACEP program "where the purposes of the program would be undermined due to onsite or offsite conditions, such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses . . . ."

The manual goes into more detail (528.34) which may, in some cases, be interpreted too broadly resulting in lands being determined as ineligible when they should be eligible. The prohibition in subsection (3)(ii) cites as disqualifying circumstances "proposed or existing rights of way, either onsite or offsite, such as transmission lines, highways, pipelines or other existing or proposed infrastructure that introduce disturbances of risks that undermine the purpose of the easement."

Depending on how this is executed, Lancaster County, Pennsylvania—with some of the best farmland in the country—could be largely ineligible to access ACEP funds. Lancaster County lies between Pennsylvania's Marcellus Shale region and markets and export facilities to the south. Currently three pipeline projects that traverse more than 60 preserved farms are either approved or proposed for Lancaster County. Others are anticipated. Lancaster County's success in preserving farmland makes it impossible to cite a large-scale utility project without impacting a preserved farm.

We believe that NRCS should more clearly define "proposed" and would suggest that a parcel not be deemed "ineligible" unless it lies along a route included in a preliminary or final application to the Federal Energy Regulatory Commission or appropriate state agency and, then, only if the right of way would materially affect the conservation purpose of the proposed easement.

Appraisal Review

If you ask any land trust that participated in the FRPP program what step in the process caused the most delays, they would most likely say the appraisal review process. Therefore, we were surprised that the appraisal review of ACEP easements was barely mentioned in either the rule or the manual.

We believe that more attention should be paid to improving the review process and recommend that the Chief work with eligible entities to review the current contract for review appraisers and the agency's instructions to those reviewers with the goal of improving and streamlining the process. Specifically, we would suggest that the appraisal be reviewed only to determine if all criteria has been met and not to determine value since the reviewing appraisers are unfamiliar with the particular situations relevant to that appraisal. If the reviewer does not need to establish value—but certifies that the value presented appears to be valid—the time taken by the review could be shortened.

Conclusion

Lancaster Farmland Trust appreciates the opportunity to comment on the interim final rule on the Agricultural Conservation Easement Program and is grateful to have the opportunity to participate in the program. The funds provided to us by the program help farm families realize their dream of protecting their land so that their children and grandchildren will have the opportunity to farm as they do. They are—above all else—committed to protecting the land and we are proud to be able to help them do so.

We hope that the comments we have offered in this testimony improve the program and help ensure that it achieves the goals intended by Congress and NRCS.

Finally, Lancaster Farmland Trust appreciates the efforts of the Land Trust Alliance to represent our interests and those of other land trusts who protect working lands. Specifically, we are grateful for the efforts of Russ Shay and his staff who have spent countless hours working to improve the Agricultural Conservation Easement Program and who provided assistance in the preparation of this testimony. Their work contributes to our success and ensures the success of the program.

The CHAIRMAN. Ms. Martynick, thank you so much for your testimony.

Now, I am pleased to introduce Mr. Inglis for your 5 minutes of testimony, please.

STATEMENT OF JAMES E. INGLIS, GOVERNMENTAL AFFAIRS REPRESENTATIVE, PHEASANTS FOREVER, INC. AND QUAIL FOREVER, UPPER SANDUSKY, OH

Mr. INGLIS. Okay. Thank you, Chairman Thompson, Ranking Member Lujan Grisham, and the Members of the Committee. I am the Governmental Affairs Representative with Pheasants Forever and Quail Forever based out of St. Paul, Minnesota. I am a wildlife biologist by education and experience. I grew up on a dairy farm in Western New York, and I currently live in Upper Sandusky, Ohio.

I am here today representing our 750 community-based Pheasants Forever and Quail Forever chapters, and 142,000 members and volunteers that work every day to promote and implement conservation programs. To compliment the work of our dedicated volunteers, we have a team of Farm Bill Biologists that work as natural resource professionals that have expertise in wildlife biology, forestry and range management. They work with landowners to find the best voluntary conservation solutions that fit the needs as part of their agriculture operations and their personal goals.

Over the last 12 years, these Farm Bill Biologists have worked with landowners in over 148,000 projects covering 5.1 million acres. These projects involve the establishment of quality conservation practices that improve soil health, water quality, and provide habitat benefits to a wide variety of wildlife, not only pheasants and quail but other species such as the Golden-winged warbler in Pennsylvania, Lesser Prairie chicken in the Southern Great Plains, Elk and Sage Grouse in the West, and honey bees and Monarch butterflies throughout our great country.

In addition, all Americans benefit from these conservation practices that improve the soil health, water quality and quantity. We are here today to discuss conservation program implementation, and I would like to spend a few minutes to highlight a couple of them. First of all, I would like to highlight the Conservation Reserve Program that we have heard quite a bit about here this morning. CRP celebrates its 30th anniversary this year. Farmers,

ranchers, landowners, and sportsmen will tell you that the program has been and continues to be very popular and productive.

We support CRP's ability to deliver a variety of conservation practices to landowners that address landscape-scale wildlife and natural resource concerns. This would include options to sign up conservation practices during a general CRP sign-up period but also having more targeted practices that are available through the year.

We supported Secretary Vilsack's recent announcement that USDA will host a general signup at the end of this calendar year, as well as adding 800,000 additional continuous acres. We are thankful to have the opportunity to work with USDA to make improvements to CRP to better carry out the intent of Congress by providing conservation benefits for taxpayers as well as the technical and financial resources for landowners and farmers.

Included in my written testimony are details on the CRP implementation recommendations that several sportsmen and wildlife groups recently drafted for USDA and FSA leadership at their request.

I would also like to highlight the Regional Conservation Partnership Program. We are one of 22 partners in the regional grassland, bird and grazing land enhancement project being coordinated by the Missouri Department of Conservation and implemented in four states: Missouri, Iowa, Nebraska, and Kansas. The partnership utilizes NRCS' Environmental Quality Incentives Program and agricultural land easement funds to improve forage quality on grazing lands while benefiting Bobwhite quail, and the Greater Prairie chicken, and numerous other grassland wildlife.

Ultimately, we are enhancing these working land grazing systems making them more productive and more resilient to periods of drought. Preliminary signup results, just in the last couple of weeks, suggest that there is going to be more interest from landowners than funds available. One of our organization's top priorities, along with many of our partners, are to maximize the wildlife benefit, soil health, and water quality on as many acres of farms, fields, ranches, forestlands as possible.

For example, this would include considering individual species' lifecycle needs in the design of conservation plans, such as addressing limiting factors of pollinators in that area. This could also be accomplished by something as simple as using updated seeding specifications and management techniques that would establish and maintain a diversity of vegetative cover but also addresses soil, water, and wildlife concerns.

CRP Mid Contract Management is another great example of having tools available to maximize the benefit to the program throughout the length of the contract.

I need to emphasize that these successes would not be possible without the numerous partnerships that we have across the country, especially with the Natural Resources Conservation Service, Farm Service Agency, and the state fish and wildlife agencies. There are hundreds of partnerships at the state and local levels around the country that leverage the Federal funds for the implementation of the individual conservation programs and practices and for the boots on the ground to deliver them.

Mr. Chairman, in closing, we often hear the term "precision agriculture" is going to be the way of future, and with the technology and partnerships we have available across this great country, we can also have precision conservation. The voluntary incentive-based conservation programs in the farm bill clearly give us the tools to accomplish that. I thank you for the opportunity to be here, and I look forward to any questions.

[The prepared statement of Mr. Inglis follows:]

PREPARED STATEMENT OF JAMES E. INGLIS, GOVERNMENTAL AFFAIRS REPRESENTATIVE, PHEASANTS FOREVER, INC. AND QUAIL FOREVER, UPPER SANDUSKY, OH

Chairman Thompson, Ranking Member Lujan Grisham, and Members of the Subcommittee, my name is Jim Inglis and I am the Governmental Affairs Representative with Pheasants Forever and Quail Forever based out of St. Paul, Minnesota. I am a wildlife biologist by education and experience; grew up on a dairy farm in western New York, and currently live in Upper Sandusky, Ohio.

I am here today representing our 750 community based Pheasants Forever and Quail Forever chapters; and 142,000 members and volunteers that work every day to promote and implement conservation programs. Each year our chapters complete more than 30,000 individual projects with farmers, ranchers and forest owners. To complement the work of our dedicated volunteers, we have a team of Farm Bill Biologists that work as natural resource professionals with expertise in fields such as wildlife biology, forestry, and range management. They work with landowners every day to find the best voluntary based, conservation solutions that fit producers' needs as part of their agriculture operations and personal goals.

Over the last 12 years, these Farm Bill Biologists have worked on over 148,000 projects with landowners covering over 5.1 million acres. These projects involve the establishment of quality habitat that meet the life cycle needs of a wide variety of wildlife, not only pheasants and quail, but other species such as Golden-winged warbler in Pennsylvania, Lesser Prairie Chickens in the Southern Great Plains and the iconic Elk and Sage Grouse in the West, and Monarch butterflies throughout the country. In addition to wildlife benefits, all Americans benefit from improved soil health and water quality and quantity by implementing these practices.We are here today to discuss farm bill implementation and I would like to spend a few minutes discussing a couple of the individual programs.

Conservation Reserve Program

First, I would like to highlight the Conservation Reserve Program (CRP). As many of you know, the CRP celebrates its 30th anniversary this year, and farmers, ranchers, landowners and sportsmen will tell you that the program has been, and continues to be popular and productive. We support CRP's ability to deliver a variety of conservation practices to landowners, both options of larger general CRP signup periods, and more targeted continuous practices are important for addressing landscape scale wildlife and natural resource concerns. We supported Secretary Vilsack's recent announcement that USDA will host a general signup the end of this calendar year, as well as open 800,000 additional continuous acres. We are also thankful to have the opportunity to work with USDA to make improvements to CRP, to better carry out the intent of Congress to conserve soil, water, and wildlife, providing conservation benefits to taxpayers as well as financial incentives to producers. Included with my written testimony are details on CRP implementation recommendations that several sportsmen and wildlife groups, including PF/QF, recently drafted for USDA and FSA leadership at their request.

Unlike some programs discussed today, the CRP rule has not been released so our recommendations are on how the CRP can best be implemented. On May 27th, a group of wildlife organizations including Pheasants Forever and Quail Forever provided our combined recommendations for the Conservation Reserve Program to USDA and FSA leadership. The below recommendations aim to help maximize enrollment on both the general and continuous sides of the program, in order to give landowners and producers a robust set of tools with which to implement conservation on their land.

Signups and Expiring Acres

One of the first priorities from several groups was that USDA hold a general signup as soon as possible, which will occur in December of this year. In addition,

we recommended that USDA provide re-enrollment options to producers for the ~2.17M acres that are set to expire at the end of this fiscal year (267,000 acres extended from FY14 and 1.91M acres set to expire FY15). USDA announced that producers will have an option to re-enroll for 1 year, allowing enough time to enroll lands under the general signup, or potentially a more targeted CCRP practice.

We also believe USDA should expand CCRP initiatives to cover areas with high contract expiration rates. As these acres come out of a general contract and are not extended/re-enrolled, we would ask USDA to promote keeping environmentally sensitive/important lands in CCRP practices. The trend has been that when a general CRP contract expires, the entire field is brought back into production.

Conservation Practices, Initiatives, and Management

We thank and support that USDA addressed the acres of CP38 State Acres For Wildlife Enhancement (SAFE) and CP37 duck nesting habitat as part of the recent announcement. We also would ask USDA to clarify with states their requested for acres and modifications to existing initiatives (*e.g.,* CP33, CP38, CREP). We encourage USDA to reevaluate initiatives and practices that are stagnant, with specific attention to improving incentives and/or lowering enrollment caps on those under-performing practices, and consider raising caps on the most successful initiatives.

We would like to see USDA continue to enroll lands in the highly erodible lands initiative, but better balance water quality and soil erosion with habitat and upgraded grassland cover. We think it is important for USDA to reevaluate the mid contract management cost share annual caps to encourage quality habitat management. The current caps, which have not been updated since 2002, do not adequately address management cost to achieve maximum benefits.

Working Grasslands

One of the most exciting additions to the CRP was adding 2 million acres of grassland eligibility. We would recommend fully enrolling the authorized 2 million acres by 2018. We also would like to see USDA prioritize limited acreage around specific resource concerns: target areas of high rates of native grassland conversion, maintaining perennial cover, especially on native grasslands and existing CRP enrollments; enrolling acres in areas with high risk of conversion; provide priority wildlife habitat through diverse, vegetation and large tract enrollment as appropriate to the species, protecting grasslands with proximity to wetlands or in regions with high wetland densities. In addition, we urge USDA to collect and publish data on native grassland loss annually.

We would to like to see USDA implement the program similar to the CRP SAFE by accepting Federal, state, local agencies and partner proposals for collaborative, stakeholder-sponsored enrollments but partners should not be required to contribute financial assistance as in CREP. We would greatly support an exemption of working grasslands acres from CRP county caps since these lands will be in agriculture production. We would also like to see USDA require a comprehensive conservation plan for all enrollments. Finally we recommend giving this new program a distinctive and recognizable name to avoid confusion by participants, partners, and USDA staff.

Regional Conservation Partnership Program

Another program that I would like to highlight is the Regional Conservation Partnership Program (RCPP) by providing a specific example. We are one of 22 partners in the Regional Grassland Bird and Grazing Land Enhancement project being coordinated by the Missouri Department of Conservation, which is being implemented in Missouri, Iowa, Nebraska and Kansas. The partnership utilizes NRCS' Environmental Quality Incentives Program (EQIP) and Agriculture Land Easement (ALE) programs to improve forage quality on grazing lands while benefiting the greater prairie chicken, bobwhite quail and numerous other grassland wildlife. Ultimately we are enhancing grazing systems and wildlife habitat that will be more resilient to periods of drought, like we experience in this region in 2012. These working lands will be more productive, have the ability to absorb more water and reduce erosion in high rainfall events. Preliminary sign up results just in the last couple weeks suggest that there is more interest from landowners than funds available.

Voluntary Public Access—Habitat Improvement Program

The last farm bill conservation program we would like to highlight is the Voluntary Public Access—Habitat Improvement Program (VPA–HIP) that we work on with our state wildlife agency partners. As you are aware, hunting, fishing and outdoor recreation can be an economic driver in many parts of the country. Hunters and anglers spend approximately $75 Billion pursuing their passions every year. In addition wildlife watchers spend about $55 billion each year. These expenditures include everything from rods and reels, guns, ammunition, boats, decoys, bows and

arrows and tree stands, to hotel stays and dinners in small rural towns across the country. As you may also recognize public access for hunting, fishing and recreation can be a factor in the lost participation because some areas of the country are limited on amount of accessible lands, especially in those landscapes that are comprised by mostly private ownership. VPA–HIP helps address that by working with state and local partners to provide incentives for landowners to voluntarily open up their lands for recreation, while conducting wildlife habitat improvements. We support the announcement of the first $20 million earlier this year, and look forward to the remainder of the funding allocation in the near future.

Improving Habitat Quality

One of our organizations top priorities, along with many of our partners, are to maximize the wildlife benefits, soil health, and water quality through voluntary Federal, state and local conservation programs on as many acres of fields, farms, ranches and forestlands as possible. This includes, for example, considering individual wildlife species life cycle needs, such as with pollinators, in the design of conservation plans that compliments an ecosystem approach. This can be accomplished by something as simple as updated seeding specifications and management techniques that establish and maintain a diversity of vegetative cover in conservation planning process. This will result in longer term natural resource benefits with a reduced need for management in the future.

We feel there are several opportunities to increase the value of conservation program plantings for pollinators like honey bees and Monarch butterflies as well as a wide range of upland wildlife. Some of the updates to USDA conservation programs that would have an immediate and positive impact on pollinators and wildlife include implementing up to date USDA seeding specifications currently being used to design conservation program seeding mixtures in some states. Examples of seeding specification improvements include:

(1) *Allow and encourage the use of a broader range of species adapted to a geographic area.* Both Honey Bees and Monarch Butterflies are known to receive increased benefits from highly diverse seeding mixtures. The more species that are included in a seeding mixture, the more pollinator species the seeding mixture will benefit. As an example, several state seeding specifications currently do not allow for the inclusion of critically important species for Monarch butterflies like Common Milkweed (*Asclepias syriaca*) and other species critical for fall migration.

(2) *Update seeding specifications to build seeding mixtures based on Pure Live Seed (PLS) seeds per square foot instead of the outdated PLS pounds per acre method.* A continued reliance on PLS pounds per acre seeding specifications in some states produces an inconsistency within USDA about how conservation program seeding specifications are written and applied. Pollinator mixtures increasingly require the use of wildflower species with a very wide range of seed sizes and weights. In order to create a balanced, properly designed and cost effective seeding mixture, the mixture needs to be based on the number of seeds that are being planted per given area and not the bulk pounds of species that have a wide range in the size of the seeds. This is an important update as some of the most important states to honey bee and Monarch butterfly health have not yet made these updates to their USDA seeding specifications.

(3) *Move forward with the adoption and use of a USDA 'Seed Calculator' in creating conservation program seeding mixtures that are based on PLS per square foot seeding specifications.* The use of a "seed calculator" to help create mixtures based on ratios assigned to species is important, yet many states that use a seed calculator still rely on PLS pounds per acre. Examples of seed calculators already exist within both USDA and the private sector that are function using PLS per square foot. There has been discussion within USDA regarding the creation of a USDA seed calculator for use by USDA staff for several years. Such a tool would enable staff to better design seeding mixture recommendations that are balanced, cost effective, had a higher diversity and provided increased quality pollinator habitat.

(4) *Implement seed establishment practices that allow a broader range of establishment options that includes dormant seedings in the fall and no-till drill seeding without disking ahead of seeding.* In several of the states that are the most important for Honey Bee and Monarch Butterfly foraging habitat, USDA seeding specifications provide direction that limits several of the best establishment practices. Seeding specifications to establish high diversity, polli-

nator habitat should allow the use of dormant seedings, broad cast seeding and eliminate field disking recommendations prior to establishment.

Each of these recommendations are already successfully in place in some of the state USDA seeding specifications in the country. Unfortunately, some of the most critical states for Honey Bee and Monarch Butterfly health have not yet incorporated these updated seeding specifications. When these seeding specification recommendations are all applied, the benefits include establishing habitat with significantly increased wildlife habitat quality, mixtures that are more cost effective and providing tools that allow resource professionals to design improved seeding mixtures.

Closing Statement

I need to emphasize that these successes wouldn't be possible without numerous partnerships that we have with the Natural Resources Conservation Service, Farm Service Agency, state fish and wildlife agencies, and other national, state and local agencies and organizations. There are hundreds of other partnership positions at the county and state levels that leverage funding for conservation practices, and for "boots on the ground" delivery.

Mr. Chairman, in closing, we often hear the term precision agriculture as the way of the future, and with the technology and partnerships we have available across this great country, we can also have precision conservation. The voluntary, incentive based, conservation programs in the farm bill, clearly deliver that.

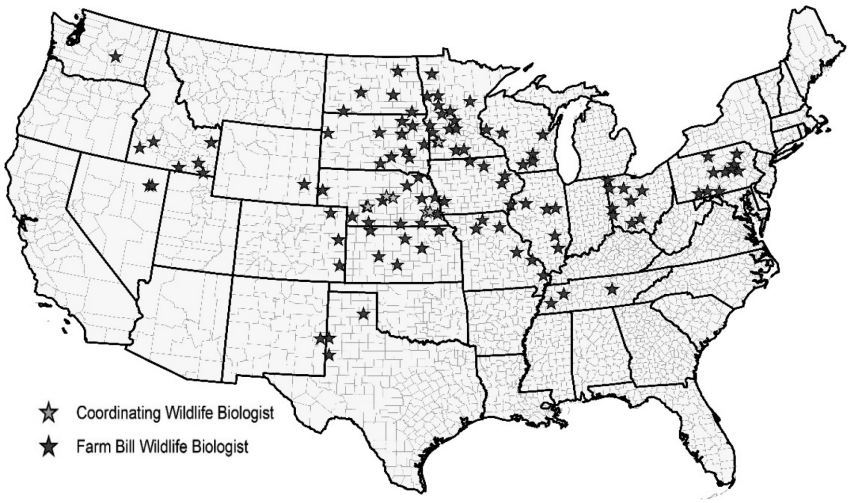
Thank you and I look forward to any questions.

ATTACHMENT

Farm Bill and Partnership Biologist Program Summary

- Pheasants Forever (PF) and Quail Forever (QF) Farm Bill Biologist (FBB) Program started in South Dakota in 2003 with four positions; there are currently 117 partnership positions in 19 states. Since inception, these individuals have worked on over 148,000 projects with landowners impacting 5.14 million acres. In addition, they have hosted over 920 landowner workshops to promote farm bill and other conservation programs that farmers, ranchers, and landowners use as part of their operations.
- Funding sources are diverse, and the effort would not be possible without the financial support of State Fish and Wildlife Agencies, USDA–NRCS, USFWS, Joint Ventures, National Fish and Wildlife Foundation, Local PF&QF chapters, watershed groups, foundations, and other state and local partners. FSA is also a key partner.
- With the increasing wildlife focus of the farm bill and various other state and Federal initiatives, FBB's add wildlife, range, forestry and other specialized technical assistance capacity in USDA offices. They assist NRCS/FSA and conservation partners maximize the benefits conservation practices provide on a landscape scale.
- Through the NRCS Working Lands For Wildlife and other wildlife focused initiatives, PF has entered into several agreements with partners (*i.e.,* State Wildlife Agencies, Intermountain West Joint Venture, Western Association of Fish and Wildlife Agencies) to assist in the delivering the Sage Grouse, Lesser Prairie Chicken, and Golden-winged Warbler Initiatives. PF&QF host positions and provide implementation, administrative and financial assistance services in these targeted regions.
- These partnership positions are involved in several other initiatives and projects such as expanding private land acres open to the public through NRCS's Voluntary Public Access and Habitat Incentive Program (VPA–HIP) along with state funded public access programs.

Location and Number of Partnership Positions by State



State	Year Partnership Implemented	Current Number of Partnership Positions
South Dakota	2003	10
Nebraska	2004	19
Minnesota	2004	16
Ohio	2005	9
Wisconsin	2007	6
North Dakota	2008	5
Iowa	2009	6
Illinois	2010	5
Kansas	2010	6
Colorado	2010	3
Idaho	2010	6
Pennsylvania	2011	9
Missouri	2011	6
Washington	2011	1
Nevada	2011	2
Texas	2011	3
New Mexico	2011	1
Wyoming	2012	1
Tennessee	2013	3
Total		117

For more information contact: Jim Inglis, Governmental Affairs Representative.

The CHAIRMAN. Thank you, Mr. Inglis.

Thanks to all members of all the panel for your testimony. And now I am pleased to yield to the gentleman from Georgia, Mr. Allen, for 5 minutes of questioning.

Mr. ALLEN of Georgia. Yes, sir. Thank you, Mr. Chairman. Many Members of this Committee see farmers as the best stewards of our land, but the EPA seems to think differently at times. And Congress has given producers tools through cost-share programs and voluntary incentive-based programs to improve water, soil, and air quality.

Can each of you speak to the importance of conservation programs in conjunction with these possible regulations, and also, Mr. Van Dyke and Mr. Allen, you talked about, on your own property, the importance of conservation and obviously their incentives to conserve with these various programs.

How responsible would farmers and ranchers be without such incentives? And I will address that to first, Mr. Van Dyke, and anybody else that would like to comment on those two questions, as far as the regulatory environment and then the incentive issue?

Mr. VAN DYKE. Well, thank you very much, and I strongly believe the majority of producers out there want to do the right thing, and they obviously are the stewards of the land. Their livelihood depends on healthy lands, healthy soil, healthy air, clean water. And as we deal with Federal regulations like the Clean Water Act and the Endangered Species Act, voluntary farm-based conservation programs can help positively address those issues.

And like myself, I farm and ranch because it is something that my family has always done, and I want to pass on that operation to my children, and I cannot do that if I destroy the environment in any way. I think the majority of producers are proactive. I think soil and water districts need to address local issues and find local solutions. That is what we have been doing for 80 years and have the relationships to do that. We are all about clean water and clean air.

Mr. ALLEN of Georgia. Okay. Mr. Rice. Mr. Allen, I am sorry.

Mr. ALLEN. Well, I agree with Mr. Van Dyke's comments, but I would like to add that in the declining nature of our commodity values today, any practice that does not create revenue is hard to justify, and as a producer, I said earlier that my productivity increases when I apply stewardship, and it makes me more sustainable, and I believe that.

But I believe that the title II programs and the cost-share incentives are critical and mandatory for the type of stewardship that we have described.

Mr. ALLEN of Georgia. Okay. So you would suggest that from an investment standpoint, these incentives are necessary for you and other farmers and ranchers to sustain your operations?

Mr. ALLEN. Absolutely.

Mr. ALLEN of Georgia. Okay. Any other comments on those questions?

Okay. Well, great. I yield back the remainder of my time, Mr. Chairman.

The CHAIRMAN. Thank you. The gentleman yields back. I am pleased to recognize the Ranking Member for questioning.

Ms. LUJAN GRISHAM. Thank you very much, Mr. Chairman, and I want to thank the entire panel. It is gratifying to hear about the successes, and we really are working diligently to make sure that we are organized in such a fashion to make sure that with the limited resources that we have available to USDA for the farm bill, that we are doing the very best that we can, but it is also important for us to hear about where those gaps are.

Mr. Van Dyke, it is wonderful to have you here, and it is impressive that NACD is involved in over 100 RCPP projects across the country, and having you as a partner in those projects, I know, un-

equivocally, really helped in moving them and getting them off the ground.

In your testimony, you discuss how the RCPP program has allowed you to form new partnerships that were previously impossible in the other programs like the traditional EQIP and CSP programs.

And I am most encouraged to hear about your work with the *acequias.* And I have talked a little bit about *acequias,* and now the Chairman is familiar, and we are working hard to get the entire Committee, but *acequia* refers, when they talk about the New Mexico ditches, to a traditional communal irrigation system, and it dates back literally to the Spanish colonial area from the 1500s, and they play a very significant and very critical role not only in our history and our culture, but that is how we continue today to deliver water for agricultural areas, particularly in rural areas.

And their involvement in conservation programs then, is critical to long-term success and broad and significant participation by New Mexico, and it highlights that there are going to be unique circumstances around the country that we are going to have to identify and encourage in order to take the full use of these programs.

I would love it, Mr. Van Dyke, if you could give me some specific examples about how the flexibility has changed the dynamic in other areas, what that means to the program overall, and how these efforts really assisted you to expand these partnerships and roles.

Mr. VAN DYKE. Well, thank you. We in New Mexico are so excited to have the RCPPs. *Acequias,* as we all know in New Mexico, are traditional. They represent rural New Mexico. They represent those communities that have been there forever, long family heritage and traditions, and we don't want those children leaving those communities because they do not have the opportunity to make a living, provide for their families, and it is amazing how RCPP, which prior to 2014, never had the opportunity to qualify for some of these programs.

And with the alternative funding and flexibility that is now in with the RCPP, it gives us the opportunity to address those natural resource concerns with input from those local communities and the local people who do have the answers to some of those resource concerns and bringing in non-traditional partners. Partnerships is what it is all about, whether you are in Chama, New Mexico or Carlsbad, Clovis, New Mexico, it is all about partnerships, and RCPP brings those people to the table to identify those needs and come up with solutions.

Everybody, that way, has skin in the game, so they really are more concerned with its success. And you are absolutely correct, the ability to address those *acequia* issues is so important to New Mexico, so we appreciate that, another tool in that NRCS toolbox.

Ms. LUJAN GRISHAM. With the limited time I have left, and I really appreciate your leadership here and your stewardship, and really, Mr. Chairman, I wanted to highlight that if we don't have the flexibility, these programs can often work against us as we try to leverage those resources to create partnerships. And we talk about drought driven and economic situations that are not stable and have been really damaging, frankly devastating to states like

New Mexico and other states in the Southwest, this is the only way to leverage those limited resources, create relationships and partnerships that make the best out of conserving and providing opportunities for farmers and ranchers.

So I want to thank you again for your leadership and I want to thank the entire panel for highlighting those efforts and successes around the country.

The Chairman is doing something that is very unique in these committees, which I hope reflects that this is a very bipartisan Committee. He said that basically I could ask anything I want and talk as long as I want, and that has——

The CHAIRMAN. Now, wait a minute. The gentlelady can yield—or consume as much time as she desires.

Ms. LUJAN GRISHAM. Thank you, Mr. Chairman. I really, I don't have any other specific questions. I will end with if you, anybody on this panel can identify other ways in which we might encourage USDA in the context of limitations about how flexible some of those programs can be, but they also ought to be in a position as they really look at leveraging that flexibility that meets the needs of all partners around the country and takes into account the different nuances in each of the regions.

I would be interested, and Mr. Chairman, perhaps we could get ideas funneled back to the Committee about ways in which we should be preparing to even highlight and identify additional places where we could be more flexible and make more programs available.

I am working on making sure that EQIP works for a group that is not a local body of government but operates in that way in their land-grants, and so there are still areas where we are not getting to the right groups the resources that they need, and those ideas would be very meaningful to me, and they would be meaningful to the Committee as we continue to do our work.

Thank you all very much. I yield back, Mr. Chairman.

The CHAIRMAN. I thank the gentlelady. I will have a line of questioning here.

Ms. Martynick, in your testimony you referenced that in your experience a federally funded project could take as long as 2 years to complete, but a state or county funded project could be completed in 6 months or less. In your opinion, why the difference? Why does it take so much longer to complete a federally funded project?

Ms. MARTYNICK. Well, there are a number of reasons. The first and foremost, I would say it is the—how long it takes to get answers to any questions. Our experience with FRPP, and obviously ACEP has improved a lot of this, but ACEP still has some of the same issues that there is enough that is unclear that you have to constantly go back and forth with NRCS to make sure that you are doing the right thing.

And there are a lot of things that need to be reviewed, there are a lot of documents that need to be reviewed and sometimes reviewed more than once, and it just takes a long time to do that. I highlighted the issue of the appraisal reviews. That takes months and months to get an appraisal review.

In a county and state program, that is not necessary as long as the appraiser is certified, because after all, they have to meet certain standards in order to be certified, so as long as the appraiser is certified, they are looking at the appraisal more quickly and getting and turning that back to the land trust or the county agency more quickly.

It is every step of the way there, it is a belt-and-suspenders thing in every step, so it just takes longer to get the answers. Sometimes it takes too long to get the answers, or takes longer to get the answers, how do we do something, and then it takes a long time when things have to be reviewed. I think that is probably what takes the most time.

The CHAIRMAN. I wanted to follow up, and you had made reference to a comparison between the previous authority that we had for easements and what we did within the farm bill, and there were a number of changes made in them in the 2008, 2014 Farm Bill to the easement programs. The creation of the consolidated Agricultural Conservation Easement Program, or ACEP, was done with the intention of providing flexibility and streamlining delivery of the program. Is the Lancaster Farmland Trust more or less inclined to participate in ACEP compared to the FRPP program?

Ms. MARTYNICK. I think that the ACEP program has cleared up a lot of the issues that we had with FRPP, and hopefully, as we move forward, we have two projects pending currently, so we are kind of feeling our way at this point, but we definitely can see the difference between this and FRPP, although there were some things in the ACEP program, things that we thought were going to be there that have turned out not to be there, at least in terms of the interim rule that has been issued by NRCS. I pointed out one major one, which is the minimum deed terms.

If you look at a place like Lancaster County, we work mostly with Amish farmers. It is a very specific constituency. Lancaster County is a unique place in many ways. It is really necessary, in order for us to effectively use the program, to be able to use our language, and as long as our language meets the minimum standard of NRCS, it just works out so much better for us if we don't have to use the language provided to us by NRCS.

When we have to use the language provided by NRCS, we do a lot of workarounds, and that doesn't make the easement any stronger. It certainly doesn't make the process any shorter, and proving that our language is just as effective and being able to utilize that language would help a great deal.

The CHAIRMAN. Okay. Thank you.

Mr. Inglis, there is a lot of interest, obviously, of this Committee, the full Agriculture Committee on pollinators, given the current state of pollinators, and anyone who likes growing food, pollinators play a pretty important role. And you had mentioned that in both your written and verbal testimony, so I wanted to follow up. Can you talk a little more about how the Pheasants Forever is working in this area and some of your suggestions in how we can improve pollinator habitat?

Mr. INGLIS. Sure. We have been involved in trying to make as many acres of grassland as productive as possible, so we like to say what makes good pollinator habitat is going to make good nesting

habitat, is going to help benefit soil health and water quality, so we have been involved in that for several years.

Some of the most recent projects we have been involved with is the Honey Bee and Monarch Partnerships in some areas of the country, and we are really putting some resources towards that to try to educate, whether it is landowners, farmers, and ranchers that this is an opportunity, and it might not be the best fit for their operation, but we want to make sure that they have the tools available to be able to address those.

As far as making them a little bit better, it is the education piece. We heard some concerns this morning that maybe the pollinator practices aren't going as well, and some of that can come back to updated seeding specifications and updating the technical methods to establish those. It is maybe a little bit different to establish, so we are all engaged in trying to make that process as easy as possible.

The CHAIRMAN. Thank you. Mr. Van Dyke, in your testimony you mention that conservation districts will play an important role in the implementation of linking conservation compliance with crop insurance. Today, what types of activities has the NACD engaged in to do this, and especially important for specialty crop producers who for the first time are subject to conservation compliance, was your organization or the members of the organization or conservation districts, both, certainly the volunteers, many volunteers who are involved and are professionals who are there, were they able to—did they participate in any outreach to educate these producers about filling out the AD–1026. Are we doing any current outreach to see if we missed some folks, some people that are going to get a really bad surprise when the bill comes in October?

Mr. VAN DYKE. Well, thank you. And I concur with you, the effects of not being in compliance could be very negative, but through our national organization communication outreach, we have done a good job of reaching out to those producers, starting at the national level with our E-notes and our mailings, working through our state associations. Every state association also had outreach not only nationally, and then that outreach also goes down to the local level because there is a local soil and water conservation district in just about every community in the United States, so starting with the national down through the state associations, and then the base, the locals' own water districts getting out to their cooperators.

And the unique thing about soil and water districts is those supervisors that are elected locally are usually leaders in their community in agriculture and conservation, so they will help disseminate that type of information. So those are the areas that we have worked to get the word out about AD–1026.

The CHAIRMAN. Okay very good. Well, I appreciate the work that you have done and others and certainly the USDA, and hopefully we won't have a lot of folks who are caught by surprise of not knowing that to qualify for that, it is a self-certification, but you did need to fill that form out by a certain date.

Mr. Allen, in your testimony you mentioned that as a stand-alone program, EQIP and CSP are not necessarily geared towards rice production, but with the flexibility in the RCPP, USA Rice has been able to tailor those programs to achieve the conservation goals

of rice farmers. Can you expand on that and give me some examples of how this is being done?

Mr. ALLEN. Yes, sir, Mr. Chairman. Many of the best management practices that are conducive to be associated with rice production don't rank as well in the ranking models from NRCS' larger structural installations, like the construction of an irrigation storage reservoir or tail water recovery system. The irrigation management practices generally find themselves unfunded because they have been outranked by the other practices I just described, so this is an opportunity to feature those and give them priority, and that now we actually have new forms of conservation being installed on the working lands because of that.

The CHAIRMAN. Very good. Thank you very much. I want to thank all the panelists for taking the time to come to Washington to be able to testify today and provide your written testimony and your oral testimony and your leadership, respective leadership.

The process that we have of—and this really was an oversight hearing, a chance to exercise oversight on the implementation of the provisions of the 2014 Farm Bill, to be able to get kind of an overview from USDA and their leadership in terms of how that is being done, but also to get a, as importantly, for those end-users, those folks who are using those programs, to get feedback.

I think this represents a good partnership. I think that partnership and that sincerity of this partnership of make making sure that we got it right when we did the farm bill and that we are getting it right as we implement it, I think that is reflective of the fact that Chief Weller, who was here through the second panel, I sit on a lot of committees, I don't always get that. Sometimes we get a hard time getting individuals from the Administration to come, but that is not the case with the USDA.

They are great partners, and sometimes, as hard as we try, we don't always get it exactly the way we want it. Perhaps we will find that we fail—we did pretty good on the farm bill, but you know what, that is why we do these oversight hearings, to make sure and work on that partnership, and so I want to thank everyone for being here.

And under the rules of Committee, the record of today's hearing will remain open for 10 calendar days to receive additional materials and supplementary written responses from the witnesses to any questions posed by a Member. This hearing of the Subcommittee on Conservation and Forestry is now adjourned.

[Whereupon, at 11:55 a.m., the Subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

SUBMITTED QUESTIONS

Response from Jason Weller, Chief, Natural Resource Conservation Service, U.S. Department of Agriculture,

Questions Submitted by Hon. Glenn Thompson, a Representative in Congress from Pennsylvania

Question 1. The conservation compliance provisions of the farm bill also required that any "affiliated person" of a producer requesting benefits subject to Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) also file an AD–1026. Has your agency, along with RMA and FSA, identified persons that this might affect, and if so, how were those individuals identified and notified of the new conservation compliance requirements? In your estimation, how many of these producers are now out of compliance?

Answer. Matters pertaining to the filing of AD–1026 forms fall under the administrative responsibility of the Farm Service Agency. According to FSA, all producers that identified "affiliates" in block 4 of AD–1026 are entered into the system by FSA as "Awaiting Affiliate Certification". Producers are reminded that they are not "Certified" for AD–1026 until those producers they identified as affiliates are also "Certified". It is the producer's responsibility to communicate to their affiliates that they need to complete their certification in order for the original certification to be complete and for the person to receive USDA benefits in the form of premium subsidies.

In addition to the responsibility of the producer to inform affiliates, RMA and FSA are working together to flag any remaining certifications that are awaiting affiliates and reminding producers of the requirement. Specifically, RMA has passed to FSA the first applicable sales closing date these producers had in 2014 that are entered into the system as "awaiting affiliate certification". FSA reaches out to the identified producers in advance of the sales closing date. FSA stresses the importance to these identified producers that they must communicate to their affiliates to come in and certify to conservation compliance by their first applicable sales closing date in order to remain eligible for the 2016 crop insurance premium subsidy.

Question 2. NRCS is in the process of finalizing a method for making off-site wetland determinations, but there seems to be a great deal of confusion about what you are doing. The wetland determination process has been, and probably still is, one for the most controversial processes for producers to go through with NRCS, and now producers are even more concerned with the conservation compliance linkage to crop insurance premium subsidies.

What are you doing to help guide producers through this process?

Question 2a. What information are you making available to them to help them understand the changes that you have made to the determination process?

Question 2b. How are you explaining the terms and data you are using and information that you need from producers to make determinations?

Answer 2–2b. The revised state off-site methods for wetlands determinations updates procedures that have been used since 1988, uses new mapping technologies to streamline initial determinations, and reduces the need for field visits, which will help expedite determinations and decrease the backlog. The revision process has included public listening sessions, review of the procedures at state technical committee meetings, posting of the revised procedures in the *Federal Register,* and a national webinar. Additionally, NRCS has conducted training for staff on the revised methods so that they can effectively explain and help producers through the process.

The revised process doesn't involve any change of regulatory language but incorporates the use of new technology, and improves the consistency and efficiency in how determinations are completed. The main change in terminology is that the agency now calls its technical procedures "State Offsite Methods" instead of "State Mapping Conventions." NRCS only completes wetland determinations when a USDA participant indicates they are planning to undertake a drainage improvement action in an area where no previously completed determination has been made. NRCS asks producers that indicate they are planning to make drainage improvements to provide their drainage records for the affected area. The process allows participants multiple avenues to request an onsite review and reconsideration with agency staff to fully explain the process.

Question 3. In 2015 NRCS released a number of new enhancements for CSP. While it is important for producers to have a number of conservation practice options to choose from, the availability of those options seems inconsistent in the field. This is resulting in producers not being able to sign up for all the enhancements available.

What are you doing ensure that field staff is trained on these options and that all producers have access to the enhancements offered?

Question 3a. Are state NRCS offices permitted to alter the CSP enhancements if they are not appropriate for crops grown in their state?

Answer 3–3a. CSP enhancements are defined conservation activities linked to one or more conservation practice standards. NRCS agency staff obtain technical training on enhancements through their state program and technical specialists and are also guided by the technical information contained in the Field Office Technical Guide.

The specifics of all enhancements offered to producers under each sign-up, including a full listing and description of the activities, is made available on the NRCS website. NRCS State Conservationists also may recommend new enhancements to encourage the adoption of new and emerging conservation technologies on farms, ranches and forest lands with an increased focus on resource concerns at the local level.

NRCS State Conservationists have the authority to modify the CSP activity list to target specific enhancements to a geographic area or to remove enhancements that are not applicable to crops grown in a state. While State Conservationists do not have the authority to change the purpose of an enhancement, they may refine enhancements to address local needs; for example, Grazing Management to Improve Wildlife Habitat may be adjusted to incorporate provisions that protect wildlife nesting periods in the state. State Conservationists make these decisions in consultation with NRCS technical staff and State Technical Committees.

Question 4. NRCS awarded $370 million for projects in the initial rollout of the Regional Conservation Partnership Program (RCPP). In May, NRCS announced another $235 million in RCPP funding to be available in FY 2016. I assume implementing this new and innovative program has had its share of challenges, but NRCS has been operating the program without a rule. Do you intend to create a rule for RCPP? Why or why not?

Answer. NRCS did not develop a rule for the Regional Conservation Partnership Program (RCPP) but has implemented the program through an Announcement of Program Funding (APF) process similar to its predecessor programs. The APF approach followed the program's statutory language, which provided solid structure and allowed for timely implementation of this new program. In addition, RCPP is delivered to producers through covered programs, each of which have program regulations. Correspondingly, RCPP technically is delivered via the EQIP, CSP, ACEP, HFRP, and P.L. 83–566 regulations. To strengthen that regulatory relationship, NRCS incorporated special RCPP provisions into each of the covered program rules, such as the ability of the Chief to waive the Adjusted Gross Income limitation or regulatory provisions in certain RCPP project areas. The APF process to solicit creative proposals from potential partners, combined with the consistent regulatory framework already in place through the covered programs, allowed a fair and flexible approach to delivering comprehensive conservation assistance to producers. At this time, NRCS does not intend to initiate rulemaking for RCPP; however, the approach may be revisited in the next regulatory cycle following a farm bill.

Question 5. Through its initiative to improve habitat, NRCS has placed quite a bit of emphasis on the sage grouse. Can you tell me how much has been spent on the Sage Grouse Initiative by program, by year, and by state?

Answer. See the following tables.

Sage Grouse Initiative

Number of Agreements, Contracts, Projects & Financial Dollars Obligated

Contract Fiscal Year 2010

State	FIPS	Environmental Quality Incentives Program			Wildlife Habitat Incentives Program			Grassland Reserve Program			Grand Total		
		No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	Contracts/ Agreements	FA Obligated	Acres
California	6	11	$1,787,245	77,328	10	$1,497,739	41,069				21	$3,284,984	118,397
Colorado	8	6	$687,279	13,059	3	$81,617	1,818	1	(*)	640	10	$768,896	15,517
Idaho	16	20	$1,089,991	159,349	1	$64,629	891				21	$1,154,620	160,240
Montana	30	7	$2,275,679	73,810	3	$622,399	13,803				10	$2,898,078	87,613
Nevada	32				5	$575,577	3,645				5	$575,577	3,645
North Dakota	38	18	$499,858	23,919	1	$32,984	795				19	$532,842	24,713
Oregon	41	13	$1,472,466	14,360	7	$611,417	3,271				20	$2,083,883	17,630
South Dakota	46	4	$557,042	35,795							4	$557,042	35,795
Utah	49	13	$1,061,093	26,055	1	$20,179	1,196				14	$1,081,272	27,251
Washington	53	74	$2,507,912	19,450	3	$44,674	11,701				77	$2,552,586	31,151
Wyoming	56	20	$2,725,336	117,151	3	$264,990	11,429				23	$2,990,326	128,580
Total		**186**	**$14,663,901**	**560,276**	**37**	**$3,816,205**	**89,618**	**1**		**640**	**224**	**$18,480,106**	**650,532**

* Not Available.

Sage Grouse Initiative

Number of Agreements, Contracts, Projects & Financial Dollars Obligated

Contract Fiscal Year 2011

State	FIPS	Environmental Quality Incentives Program			Wildlife Habitat Incentives Program			Farm & Ranchland Protection Program			Grassland Reserve Program			Wetlands Reserve Program			Grand Total		
		No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	Contracts/ Agree-ments	FA Obligated	Acres
California	6	19	$4,946,064	159,628	6	$990,815	6,233										25	$5,936,879	165,861
Colorado	8	1	$91,821	3,377	2	$104,812	8,242	2	$2,886,250	5,017	2	$700,000	2,760				7	$3,782,883	19,396
Idaho	16	26	$1,698,196	105,018	5	$109,313	17,277				13	$9,503,450	22,369				44	$11,310,959	144,664
Montana	30	9	$1,197,875	115,557	1	$5,100	665	2	$3,500,000	42,191							12	$4,702,975	158,413
Nevada	32	7	$986,989	4,834	4	$473,016	1,612				1	$618,170	1,269	3	$3,196,215	3,695	15	$5,274,390	11,410
North Dakota	38	11	$507,833	24,540													11	$507,833	24,540
Oregon	41	21	$2,748,134	28,122	11	$699,725	9,196										32	$3,447,859	37,318
South Dakota	46	5	$646,713	63,424	2	$110,751	11,893										7	$757,464	75,317
Utah	49	7	$1,030,477	9,307	3	$288,609	8,969				5	$1,426,595	17,476				15	$2,745,681	35,752
Washington	53	5	$224,940	8,833													5	$224,940	8,833
Wyoming	56	16	$3,917,340	295,502	4	$375,453	27,848	36	$38,000,000	88,335	10	$10,430,313	31,820				66	$52,723,106	443,505
Total		**127**	**$17,996,382**	**818,142**	**38**	**$3,158,094**	**91,935**	**40**	**$44,386,250**	**135,543**	**31**	**$22,678,528**	**75,694**	**3**	**$3,196,215**	**3,695**	**239**	**$91,415,469**	**1,125,009**

Sage Grouse Initiative

Number of Agreements, Contracts, Projects & Financial Dollars Obligated

Contract Fiscal Year 2012

State	FIPS	Environmental Quality Incentives Program			Wildlife Habitat Incentives Program			Farm & Ranchland Protection Program			Grassland Reserve Program			Wetlands Reserve Program			Grand Total		
		No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	Contracts/ Agree-ments	FA Obligated	Acres
California	6	14	$1,497,700	93,473	3	$90,360	1,026										17	$1,588,060	94,499
Colorado	8	5	$368,152	8,452				6	$2,886,250	12,563	1	$557,325	1,200				12	$3,811,727	22,215
Idaho	16	24	$2,787,103	89,031							13	$5,393,800	14,038				37	$8,180,903	103,069
Montana	30	11	$2,474,809	169,261	10	$256,256	6,080				1	$1,309,845	3,809				22	$4,040,911	179,150
Nevada	32	15	$2,067,160	328,964	6	$97,789	4,347	1	$5,001,790	4,064	1	$2,218,565	741	2	$3,980,442	6,136	25	$13,365,747	344,252
North Dakota	38	11	$364,424	24,740	4	$171,050	12,300										15	$535,474	37,040
Oregon	41	28	$3,307,965	44,854	10	$1,041,530	8,315										38	$4,349,495	53,169
South Dakota	46	6	$835,231	31,840	11	$1,090,400	45,198										17	$1,925,631	77,038
Utah	49	10	$1,139,010	31,002													10	$1,139,010	31,002
Washington	53	5	$537,479	8,299	7	$748,622	12,482										12	$1,286,101	20,781
Wyoming	56	29	$4,553,673	355,002	11	$845,207	37,314	7	$5,731,350	14,065	1	$3,100,338	8,402				48	$14,230,568	414,783
Total		**158**	**$19,932,706**	**1,184,918**	**62**	**$4,341,214**	**127,062**	**14**	**$13,619,390**	**30,692**	**17**	**$12,579,873**	**28,190**	**2**	**$3,980,442**	**6,136**	**253**	**$54,453,627**	**1,376,998**

Sage Grouse Initiative

Number of Agreements, Contracts, Projects & Financial Dollars Obligated

Contract Fiscal Year 2013

State	FIPS	Environmental Quality Incentives Program			Wildlife Habitat Incentives Program			Farm & Ranchland Protection Program			Grassland Reserve Program			Wetlands Reserve Program			Grand Total		
		No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	Contracts/ Agree-ments	FA Obligated	Acres
California	6	11	$1,321,531	27,879	2	$36,818	782	0	$0	—	1	$1,464,710	2,037	0	$0	—	14	$2,823,059	30,697
Colorado	8	8	$789,589	38,551	0	$0	—	4	$10,600,000	30,196	9	$4,301,680	1,964	0	$0	0	21	$15,691,269	70,711
Idaho	16	26	$2,546,201	80,716	0	$0	—	0	$0	—	7	$6,607,444	16,210	0	$0	—	33	$9,153,645	96,926
Montana	30	11	$2,385,236	76,957	11	$435,758	5,633	1	$500,000	4,087	3	$2,776,137	6,933	0	$0	—	26	$6,097,131	93,610
Nevada	32	14	$808,707	45,168	7	$156,145	5,957	0	$0	—	2	$8,105,847	4,456	3	$7,300,000	926	26	$16,370,699	56,508
North Dakota	38	7	$344,426	15,598	1	$39,470	1,840	0	$0	—	0	$0	—	0	$0	—	8	$383,896	17,438
Oregon	41	31	$3,048,196	42,237	16	$1,014,109	17,408	0	$0	—	0	$0	—	0	$0	—	47	$4,062,305	59,645
South Dakota	46	9	$900,437	44,034	3	$455,658	21,885	0	$0	—	0	$0	—	0	$0	—	12	$1,356,095	65,919
Utah	49	16	$2,544,891	18,906	0	$0	—	0	$0	—	3	$5,996,800	16,289	0	$0	—	19	$8,541,691	35,195
Washington	53	10	$869,588	12,745	0	$0	—	0	$0	—	0	$0	—	0	$0	—	10	$869,588	12,745
Wyoming	56	15	$1,410,280	116,371	0	$0	—	6	$5,269,766	17,972	0	$0	—	0	$0	—	21	$6,680,046	134,343
Total		**158**	**$16,969,0815**	**19,162**	**40**	**$2,137,958**	**53,504**	**11**	**$16,369,766**	**52,255**	**25**	**$29,252,618**	**47,888**	**3**	**$7,300,000**	**926**	**237**	**$72,029,423**	**673,735**

Sage Grouse Initiative

Number of Agreements, Contracts, Projects & Financial Dollars Obligated

Contract Fiscal Year 2014

State	FIPS	Environmental Quality Incentives Program			Agricultural Conservation Easement Program—ALE Program			Agricultural Conservation Easement Program—WRE			Grand Total		
		No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	No. of Contracts	FA Obligated	Acres	Contracts/ Agreements	FA Obligated	Acres
California	6	11	$1,917,054	13,583	1	$3,000,000	2,400	0	$0	—	12	$4,917,054	15,983
Colorado	8	9	$611,877	50,831	$0	—	0	$0	—	9	$611,877	50,831	
Idaho	16	22	$1,967,689	21,060	2	$2,560,763	3,839	0	$0	—	24	$4,528,452	24,899
Montana	30	5	$1,473,078	53,686	$0	—	0	$0	—	5	$1,473,078	53,686	
Nevada	32	9	$656,886	48,499	2	$1,467,750	4,556	1	$589,000	108	12	$2,713,636	53,163
North Dakota	38	7	$182,773	9,277	$0	—	0	$0	—	7	$182,773	9,277	
Oregon	41	41	$4,649,511	56,496	$0	—	0	$0	—	41	$4,649,511	56,496	
South Dakota	46	3	$871,593	41,669	$0	—	0	$0	—	3	$871,593	41,669	
Utah	49	34	$4,308,895	92,922	5	$3,729,750	9,312	0	$0	—	39	$8,038,645	102,234
Washington	53	11	$722,869	11,626	$0	—	0	$0	—	11	$722,869	11,626	
Wyoming	56	13	$2,034,497	171,278	$0	—	0	$0	—	13	$2,034,497	171,278	
Total		**165**	**$19,396,722**	**570,926**	**10**	**$10,758,263**	**20,107**	**1**	**$589,000**	**108**	**176**	**$30,743,985**	**591,141**

Question 6. Under this Administration, NRCS has launched a number of special initiatives to target natural resource concerns. Do you believe EQIP and CSP dollars are better invested in the initiative areas?

Answer. Targeting natural resource concerns through special initiatives and the new Regional Conservation Partnership Program allows NRCS and partners to align and leverage resources to address shared objectives. While targeting efforts through initiatives address prioritized resource concerns, there are also significant and diverse resource concerns identified at the local level that NRCS conservation programs effectively address. For that reason, NRCS has maintained initiative spending below 20 percent of the overall budget of our programs. This allows us to adequately fund a number of high priority regional efforts, while also making available significant funding for producers to address resource concerns in areas where initiatives are not targeted.

Question 7. What percentage of EQIP and CSP funding is being used for Technical Assistance (TA)? How does this compare to recent years?

Answer. The following table provides the technical assistance (TA) and financial assistance (FA) funding for the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP):

EQIP and CSP Funding, 2012–2015

(Dollars in thousands)

FY	EQIP Total	EQIP FA	EQIP TA	EQIP TA %	CSP Total	CSP FA	CSP TA	CSP TA %
2012	1,400,000	1,018,075	381,925	27.3%	768,500	695,534	72,966	9.5%
2013	1,400,000	1,018,075	381,925	27.3%	945,905	847,396	98,510	10.4%
2014	1,350,000	981,715	368,285	27.3%	1,078,942	962,871	116,071	10.8%
2015*	1,398,685	1,000,176	398,510	28.5%	1,210,167	974,682	235,485	19.5%

*Note: FY 2015 figures include unobligated balances generally related to Regional Conservation Partnership Program (RCPP) agreements needing to be carried over from FY 2014.

FY 2015 was the first re-enrollment year for the new CSP, roughly 35 million acres in total, correspondingly the apportionment was adjusted to provide for the increased the technical assistance workload.

Question 8. Are EQIP dollars being invested on public lands?

Answer. NRCS does allow eligible agricultural producers to receive EQIP payments for completed conservation practices on public lands, provided that the:

- public land is a working component of the participant's agricultural and forest operation,
- participant has control of the public land for the term of the contract, and
- conservation practice on public land will contribute to an improvement in the identified natural resource concern.

Question 9. With the extreme droughts we have seen in recent years, what is being done to target conservation of water quantity?

Answer. Since 2012, historically dry conditions in large parts of the United States have compelled NRCS to make substantial investments to help producers manage acute drought conditions and increase the resilience of their operations against extreme weather events. From 2012 to 2014, NRCS has invested more than $1.5 billion to help producers implement conservation practices that have a benefit to water conservation or improve operation resilience. This substantial investment includes $27 million in special funding directed toward states impacted most severely by the historic drought of 2012. During this drought, NRCS partnered with nearly 2,000 producers to implement practices to protect soil, reduce water use and increase the resiliency of their operations. In May of 2015, an additional EQIP allocation of $21.3 million was provided to Utah, Texas, Oklahoma, Nevada, Idaho and California, to assist producers with addressing resource concerns caused or exacerbated by the drought.

In 2011, NRCS launched the Ogallala Aquifer Initiative to target financial and technical assistance to this unique resource underlying parts of Colorado, Kansas, Oklahoma, Nebraska, New Mexico, Texas, South Dakota and Wyoming. Since the Initiative's inception, NRCS has invested more than $66 million in financial assistance to more than 1,540 producers to help them implement groundwater conservation on approximately 325,000 acres of agricultural lands.

Question 10. Could you go over the accommodations available for producers who are subject to the conservation compliance for the first time as far as the length of time available for developing and implementing a conservation plan? How many producers are in the situation of utilizing those provisions now that we have passed the deadline for filing AD–1026 forms for this year?

Answer. Producers who are subject to conservation compliance for the first time have 5 years to develop and comply with a conservation plan approved by NRCS from the date they are determined, through exhaustion of administrative appeal, to have highly erodible land. If the producer has participated in USDA programs before, but dropped out of the programs due to a violation, they have 2 years to develop and comply with a conservation plan approved by NRCS. Based on a recent review of AD–1026 filings, there are 23,617 producers who are new to conservation compliance who have 5 years to develop and comply with a conservation plan if they are farming highly erodible land.

Questions Submitted by Hon. Collin C. Peterson, a Representative in Congress from Minnesota

Question 1. The Committee included provisions in the farm bill to allow CRP acreage in its final contract year to be prepared for enrollment in other programs. Is this something you are able to be doing already? Or is this held up waiting for the final rule?

Answer. Allowing Conservation Reserve Program (CRP) acreage in its final contract year to be enrolled in conservation programs helps to sustain the investment to protect designated highly erodible and other sensitive lands and their accompanying resource benefits. NRCS and FSA have been coordinating their respective program efforts to ensure that producers transitioning lands back into production are able to access other conservation program opportunities to further the environmental benefits obtained through their participation in CRP. The new provision will be implemented once the CRP regulation is published.

NRCS has policy under the Environmental Quality Incentives Program (EQIP) to allow producers who currently own or operate CRP land to request NRCS assistance in the development of grazing or upland wildlife habitat management systems to retain these lands in permanent cover. Additionally, the Conservation Stewardship Program and the Agricultural Conservation Easement Program prioritize enrollment of land that is coming out of CRP. For example, NRCS amended the CSP regulation to allow transitioning land to participate in CSP as authorized in the 2014 Act, and has established a seamless process to transition from CRP back to agricultural production. Presently, NRCS offers four enhancements designed to preserve the benefits gained while in CRP or mitigate negative effects from transitioning expired CRP lands to production agriculture.

Question 2. The Committee heard from existing CSP contract holders who were surprised to find out that they would be receiving a lower payment rate for their acres upon re-enrollment, even though they are doing additional and potentially just as costly practices as in their original contracts. Can you help shed some light on why producers are being offered a lower rental rate on re-enrollments?

Answer. Renewal contracts are not simple extensions of an initial contract and require a higher level of conservation above and beyond what was implemented in the initial contract. Under a renewal contract, activities that were newly adopted during the initial CSP contract period are now considered existing activities, and compensated at a lower rate than in the initial contract. Total payments under the renewed contract may be higher or lower depending on the number of additional activities selected for implementation as well as their magnitude and duration, respectively. Field office personnel have the capacity to explain publicly available programmatic information sheets which detail scoring and payment processes. With CSP, our goal is to provide incentives to farmers, ranchers and forest landowners to adopt and continue to improve upon conservation work that leads to cleaner water and air, healthier soil and better wildlife habitat.

Question 3. The Committee has also heard frustrations from some landowners who did not re-enroll their acres because they found it hard to find additional practices that they thought made sense, particularly on forestland. What are the states doing to address these situations?

Answer. In FY 2015, NRCS released a revamped conservation activity list which included thirteen innovative enhancements and four bundles, beyond those previously available, benefiting forest production or wildlife habitat improvement. With these expansions for forest land conservation, producers have many more options for enhancements that fit their operations and conservation objectives.

Question 4. The Committee has heard from landowners that it takes months to get easements completed under Wetland Reserve Easements, as was the case with its predecessor, WRP. What is the agency doing to ensure that signing up for wetland easements is not a long, drawn out process that tends to dampen landowner interest?

Answer. NRCS has updated its policy to require much of the due diligence to be completed prior to entering into easement purchase agreements. This will help ensure that issues that would preclude or delay the acquisition of the easement, such as legal issues, title issues, hazardous substance contamination issues, *etc.,* are detected prior to entering into a purchase agreement.

Typically acquisition delays result from issues detected after the purchase agreement had been executed and often take significant amounts of time to resolve, for example, the landowner obtaining subordination or release from a holder of a superior interest in the property. By identifying and addressing these issues prior to entering into the purchase agreement, NRCS can ensure that properties move to closing in a timely manner.

Question 5. How many eligible entities has NRCS certified under Ag Land Easements? Has this number increased or dropped off since we gave you the authority in the 2008 Farm Bill?

Answer. NRCS has not yet certified any eligible entities under the Agricultural Conservation Easement Program—Agricultural Land Easement authority. Under the 2008 Farm Bill only four entities submitted requests to be certified; one was approved. With the publication of the ACEP Interim Rule and ACEP Policy Manual in February and March, 2015, NRCS introduced a few key changes to streamline and improve the certification process and expand the availability of certification to eligible entities. NRCS has conducted outreach to eligible entities to make sure they are aware of the new certification process and benefits of certification. NRCS received a number of inquiries regarding certification, however, to date NRCS has not received any requests for certification under the new process.

We anticipate that NRCS will receive certification requests in the early part of next fiscal year. Because entities have not had the opportunity to submit requests for certification in Fiscal Year 2015, any entities certified in Fiscal Year 2016, will be able to retroactively apply the benefits of certification to include parcels selected for funding in Fiscal Year 2015.

Question 6. We've also heard some frustration about the amount of funding that is getting out the doors for ag land easements. Have we streamlined things or do we have too many points where the Federal interest is bogging things down? Is the program operating as a pass-through of funds or is NRCS duplicating many of the same steps that the enrolling entities also do? We will hear from a witness on the second panel which makes me believe we still have issues.

Answer. NRCS simplified the easement enrollment process under the new ACEP–ALE, including the use of significantly pared down and standardized deed terms. This new approach streamlines program delivery, increases the transparency of program requirements, ensures the equitable treatment of all participants, and reduces inconsistency in the long-term management and enforcement of the easements. Eligible entities are permitted to use their own deed terms, including those that are more restrictive than those terms required by NRCS.

ACEP–ALE is not structured as a pass-through program. Statutory requirements make clear the intent for the Secretary to administer and manage achieving the program purposes, for example, the requirements to include a right of enforcement for the United States, subject the land to an agricultural land easement plan, limit on impervious surfaces consistent with the agricultural activities to be conducted, and determine that program funds are not used to acquire easements on ineligible land. These and other statutory requirements are to protect the Federal investment and require NRCS due diligence, such as determining that the amount of Federal funds provided is supported by an appraisal or other valuation method, that the easement deed meets the statutory requirements and program purposes, and that the land meets the statutory eligibility requirements. These NRCS reviews are not a duplication of the eligible entity's acquisition procedures but rather derive from an oversight role to ensure that the specific statutory requirements of the ACEP–ALE are met.

Question 7. How does the agency deal with right of way issues such as we'll hear about on the second panel? Is the hassle of potentially dealing with a utility or highway work worth it to protect farmland in some of the country's most vulnerable areas?

Answer. NRCS deals with right-of-way and utility issues in the initial evaluation of the eligibility of the parcel or, for easements that have already been acquired, through an evaluation of requests for an easement administration action. Prior to selecting a parcel for funding, NRCS is required by statute to determine whether the purposes of the program would be undermined due to on-site or off-site conditions, such as proposed or existing rights-of-way, infrastructure development, min-

eral development potential or adjacent land uses. Therefore, NRCS will conduct an evaluation prior to determining the land eligible for enrollment under ACEP–ALE.

For parcels on which the easement has been acquired, in the ACEP Interim Rule and ACEP Policy Manual, NRCS has published the criteria and procedures for evaluating and authorizing easement administration actions which include the modification, exchange, subordination, or termination of all or a portion of the Federal interest on a conservation easement acquired using Federal funds.

NRCS understands that addressing potential highways or utilities is part of the responsibility any easement management agency assumes when administering programs in the rural landscape. The conservation values that are achieved through easement protection, especially in the country's most vulnerable areas, greatly outweigh any administrative inconvenience of addressing potentially conflicting land use objectives.

Question 8. Can you tell us whether you waived any program rules in the recently signed round of RCPP awards?

Answer. In the recent round of RCPP awards, NRCS received and is processing 26 requests for adjustment of terms related to the following topics:

- Adjusted Gross Income (AGI) Waivers.
- Payment schedule updates.
- Interim practices.
- Alternative ranking processes.
- Changing payment method.

Question 9. How many RCPP projects did you have drop out between the initial awards and the final signed 5 year contracts? Why did some project sponsors end up not being able to make it to that step?

Answer. None of the 115 projects that were approved for funding dropped out, thus all 115 have moved forward with signed 5 year partnership agreements.

Question 10. What can we expect to see further efforts to utilize the $10 million for wetland mitigation that was provided in the farm bill? Could those funds be used to help farmers or ranchers facing potential mitigation as a result of the expanded definition of *Waters of the U.S.* under final rule announced by EPA and the Army Corps?

Answer. The 2014 Farm Bill provided NRCS with up to $10 million to develop a wetlands mitigation banking program to help agricultural producers remain in good standing with the wetlands conservation compliance provisions in Subtitle C of Title XII of the Food Security Act of 1985, as amended. Consequently, NRCS's focus will be on wetlands that fall under these statutory provisions. NRCS' approach is intended to make this type of mitigation cost-effective for producers who decide that off-site mitigation is their best wetlands compliance alternative.

Question 11. Where do things stand with helping smaller and limited resource producers improve their irrigation systems? I know you were trying to provide flexibility in this area on what counted as having a "history of irrigating" to include systems that smaller operations might be using.

Answer. Historically, NRCS has had EQIP rule and policy requirements to provide evidence that land has been irrigated 2 of the past 5 years, to ensure that EQIP assistance addresses a natural resource concern and that it does not result in adverse impacts to aquifer depletion or surface streams experiencing decreased flow. However, the strict irrigation history requirement may have inadvertently disadvantaged some individuals or groups and there may be specific situations where adjustment of the requirement may be appropriate. Therefore, pursuant to the Secretary's authority under 16 U.S.C. 3844 to address barriers to participation by historically under-served producers, NRCS incorporated a limited waiver to the irrigation history requirement under the revised EQIP regulation that was published in December 2014.

NRCS believes that this narrowly tailored waiver provision will address these participation barriers in a manner that ensures EQIP continues to meet its statutory purposes. The waiver authority is only available to limited resource and socially-disadvantaged producers, including individual Indian tribal producers, and Indian Tribes who wish to install an efficient irrigation system as a means to assist with the adoption of sustainable agricultural production methods, as determined by the Chief, and such adoption will not adversely impact limited surface water or groundwater supplies.

NRCS has incorporated this waiver into its policy manual and provided training to the states so that they are able to identify whether affected producers may qualify for a waiver. In addition to the waiver provision above, the NRCS has clarified

policy to allow producers to use various forms of justification to document irrigation history such as: aerial photography, written records, water rights certificates, water bills, *etc.*

Question 12. What kinds of projects are states using the Voluntary Public Access funding for?

Answer. The state wildlife agencies of Arizona, Georgia, Illinois, Iowa, Michigan, Montana, Pennsylvania, South Dakota and Texas, and the Confederated Tribes and Bands of the Yakama Nation, all received FY 2014 funding from the Voluntary Public Access and Habitat Incentive Program (VPA–HIP). They are using VPA–HIP funds for the following kinds of projects:

- Enrolling new private landowners and their lands into existing state Public access programs.
- Extending or initiating leases with private landowners to allow public access.
- Enhancing existing private property public access lands to facilitate non-consumptive (*e.g.,* hiking, nature watching, photography, camping) recreational uses in addition to the existing hunting and fishing activities.
- Enhancing fish and wildlife habitat on existing and new private property public access lands.
- Taking advantage of the opportunity to provide public access to lands already enrolled in other natural resources conservation programs where wildlife habitat is being enhanced.
- Monitoring outdoor recreational use data to assess the impact of new lands being accessible.
- Soliciting the level of satisfaction and suggestions for improvement from both participating private landowners and public recreationists.
- Increasing outreach to the public about the Public Access programs through hard copy materials, web pages, public meetings, signage, presentations, and other marketing methods.
- Installing improved signage to facilitate a more positive outdoor recreational experience by the public.
- Establishing new river access sites for fishing, paddling, and wildlife viewing.
- Improving outreach to youth and young adults to encourage their participation in outdoor recreational activities.
- Working in partnership with USDA-Natural Resources Conservation Service staff to ensure compliance with requirements of the National Environmental Policy Act.

Question 13. The Committee tried to help give you support in your apportionment requests to the Office of Management and Budget. Have you generally asked to spend all the funding that is available under the farm bill? Has OMB been granting your full apportionment requests?

Answer. The apportionment requests provided to the Department and OMB request the authority to obligate all funding provided under the authorities provided in the Agricultural Act of 2014 (2014 Farm Bill), including unobligated balances carried forward from FY 2014 to FY 2015, and OMB has been approving those apportionments as submitted.

Question 14. Why did you open up the producer side of your IT modernization first?

Answer. The NRCS Conservation Client Gateway (CCG), one of the three components of the Conservation Delivery Streamlining Initiative (CDSI), provides information and tools to enable many client-centric activities, like asking a technical or programmatic assistance question, requesting technical assistance for a conservation plan, applying for financial assistance, documenting the completion of conservation practices, and requesting and tracking payments for completed conservation practices. Traditionally, these activities required the client to make several trips into the NRCS field office.

By deploying CCG now, clients and NRCS are able to immediately reap the benefits of reduced trips to and from the office to perform these activities. By empowering the clients to perform these tasks virtually if they choose, it reinforces that clients own their conservation plans and have access to them 24 hours a day, 7 days a week in their document library in CCG.

Question 15. Are your computer systems and more importantly, the producer information databases, accessible by each agency in the field?

Answer. The USDA Service Center agencies: Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA), and Rural Development (RD), share a single database that contains basic producer information needed to administer authorized programs. The Service Center Information Management System (SCIMS) contains producer information that includes name, address, telephone numbers, e-mail addresses, demographics (race, gender, ethnicity), and entity type (*e.g.,* individual, business entity). SCIMS is a secure information system and has controlled access for authorized employees.

SCIMS is in the process of being replaced by a new system, Business Partners (BP). Business Partners is being maintained by FSA, who makes these data available to NRCS. Currently, entry and editing of client information is restricted to authorized FSA employees.

Question 16. Have we finally fixed the communication and overlapping issues on cover crops?

Answer. NRCS has worked with Risk Management Agency (RMA), Farm Service Agency (FSA), and a wide number of stakeholder groups to address cover cropping issues. There is good progress being made in communicating and addressing issues as appropriate for different regions of the country.

Question Submitted by Hon. Michelle Lujan Grisham, a Representative in Congress from New Mexico

Question. Mr. Weller, in your testimony you mentioned the importance of conservation programs and their impact on endangered species listings. I often hear concerns from landowners and industry about how the listing of a species could impact their livelihood and their businesses. I also hear concerns from environmental and conservation groups on how species population numbers and critical habitat continue to shrink. It's clear to me that both of these groups have the same goal in mind, which is to protect species and prevent listings. I have seen stakeholders from many different backgrounds come together and work toward this goal. In 2011, the oil and gas industry was very concerned that the listing of the dunes sagebrush lizard would eliminate drilling across the Permian Basin, which produces 20 percent of all oil in the lower 48 U.S. states. As you can imagine, this would have had significant consequences all over the country. Thankfully, the listing was avoided because landowners in New Mexico and Texas proactively took steps to remove threats to the lizard on 600,000 acres, which covered 88% of the lizards' habitat. I am very interested in seeing these efforts and outcomes replicated all over the country and I believe NRCS in a position to encourage real innovation in this area. However, I finding it concerning when stakeholders tell me that they do not have the resources or information they need to participate in conservation programs.

Can you please describe what kind of outreach NRCS is doing to educate and engage landowners on these conservation programs? Can you describe what efforts NRCS is making to create a collaborate environment that will encourage stakeholders, from backgrounds, to work together on conservation projects?

Answer. In recent years, NRCS has dedicated significant funding and innovative policy development to help landowners impacted, or potentially impacted, by an Endangered Species Act (ESA) listing. Single-species focused efforts such as the Sage-Grouse Initiative and the Lesser Prairie-chicken Initiative include a variety of landowner outreach activities and coordination with Federal agencies as well as state wildlife agencies to achieve their intended goals. The results of the Sage-Grouse Initiative helped inform the U.S. Fish and Wildlife Service's (USFWS) recent decision to not list the bi-state Greater Sage-grouse population as threatened or endangered, a significant victory for the birds and private landowners in Nevada and California.

In addition, NRCS has worked closely with the USFWS to provide landowners who are doing the right thing for candidate and potentially listed species with regulatory predictability. Landowners who engage with NRCS and undertake actions favorable to a select group of species can receive from the USFWS a letter that allows the landowner to keep farming or ranching consistent with current practices, for up to 30 years, even if the species is eventually listed. This innovative approach has been extended to all seven of the species included in NRCS's Working Lands for Wildlife initiative.

NRCS has engaged in significant efforts to provide outreach to landowners, through national, state, and local media outlets. NRCS also coordinates closely with state wildlife agencies and local partners on many of these efforts, including both the Sage-Grouse and the Lesser Prairie-chicken Initiatives. When providing technical assistance, NRCS creates landowner awareness about threatened and endangered species issues as well as makes suggestions on improving threatened and endangered species habitat. Conservation plans oftentimes include an alternative that addresses a limiting habitat factor. Both financial assistance and easement pro-

grams provide financial support to landowners interested in addressing threatened and endangered species issues.

NRCS has taken additional steps through the Working Lands for Wildlife initiative to promote landowner awareness about threatened and endangered species issues and how landowners can become involved in preventing the need to list or supporting a de-listing or down-listing of species under the Endangered Species Act through implementation of specific conservation practices and associated conservation measures. NRCS has generated, in coordination with the USFWS, many public outreach materials and fact sheets in association with Working Lands for Wildlife. Additionally, the NRCS public affairs division maintains Working Lands for Wildlife as a priority for news releases and public events.

Questions Submitted by Hon. Suzan K. DelBene, a Representative in Congress from Washington

Question 1. Recently, NRCS announced that Washington State has been allocated $750,000 for the ACEP–ALE (Agricultural Conservation Easement Program—Agricultural Land Easements) 2015 grant cycle. As you know, the national budget for the NRCS ACEP program is $322 million.

While I understand that programs were consolidated and funding has been cut in recent years, Washington is receiving a very small amount of funding given the total program budget. At the same time, land trusts alone have measured demand for the program at $10,083,925 for 27 projects and 22,837 acres.

A number of conservation folks in my district have been unable to determine how ACEP funds are distributed across the United States and why certain geographical areas receive huge investments and others receive relatively little. In 2014, only three farmland preservation projects moved forward in Washington state with NRCS matching dollars, a critical component for preserving farmland.

Can you clear up how the funding allocation for ALE is determined for states—what is it based on and when? Is it a continuous nationwide competition or are there distinct state allocations based on a formula?

Answer. There are distinct state allocations. ACEP allocations are based on an analysis of data from the Agency's State Resource Assessment process, as well as program application data, NRCS landscape initiatives and priority resource concerns, demand, distribution, historic allocation and obligation data, and workload. For FY 2015, the State NRCS offices submitted their State Resources Assessments in December 2014 and allocations were provided to states in February 2015.

Question 2. ALE funding in Washington in 2014 was roughly $1.6 million. Why did ALE suffer a 53% reduction in WA from 2014 to 2015, far greater than the 7% across the board reductions?

Answer. In FY 2014, Washington obligated a total of $1,071,000 for ACEP–ALE. In FY 2015, Washington has been allocated $840,000 for ACEP–ALE, which is 78% of FY 2014 (a 22% reduction from FY 2014). When determining a state's ACEP allocation, both components of ACEP (WRE and ALE) are taken into account as it is now a consolidated program. Washington's total ACEP allocation for FY 2015 is 92% of what was obligated in FY 2014, which is above the national average.

Question 3. Other farm bill programs like EQIP have been underutilized by WA in the past. How much has/does this impact the funding allocation for ALE? How, in your opinion, can we raise the funding level to match the demand?

Answer. State use of EQIP funds is not a factor in the ACEP allocations. The FY 2015 allocation to Washington will address 76 percent of the demand for ACEP based on the information regarding demand and capacity that was provided by the Washington NRCS State Office in their State Resource Assessment. Total funding under ACEP is approximately 47 percent of what was previously available under the former easement programs that are now combined under ACEP. As a result, NRCS is not in a position to have the funding levels match the demand for the program, but at this time, Washington is receiving allocations above the national averages.

Question 4. Is the new RCPP (Regional Conservation Partnership Program) impacting allocations to ALE–ACEP? If so, should land trusts be pursuing RCPP as an avenue to rebuild some of the Federal support for easements in Washington?

Answer. Interested, eligible entities should certainly consider RCPP as an avenue they should be pursuing for funding ACEP easements. As required by statute, ACEP contributes 7 percent of its available funding to RCPP. However, RCPP also receives $100 million each fiscal year beyond funds contributed by the covered programs, and any of these RCPP funds can be requested by a potential partner to fund ACEP projects.

Response from Val Dolcini, J.D., Administrator, Farm Service Agency, U.S. Department of Agriculture

Questions Submitted by Hon. Glenn Thompson, a Representative in Congress from Pennsylvania

Question 1. Now that the deadline to file an AD–1026 has passed, do you know how many producers have been affected by conservation compliance?

Question 1a. Could you provide any additional details on (1) how many producers could have been potentially impacted by the new requirements, and (2) how many of those producers failed to file their AD–1026 forms by the June 1 deadline?

Answer 1–1a. Since the passage of the Agricultural Act of 2014 (2014 Farm Bill), approximately 245,000 AD–1026s have been filed at FSA by producers to certify conservation compliance. Late in calendar year 2014, the Risk Management Agency (RMA) reported approximately 44,000 persons and entities earned a crop insurance premium in 2014 and did not have an AD–1026 on file. As of June 22, 2015, RMA reported that 9,352 producers that earned a crop insurance premium subsidy in 2014 still did not have an AD–1026 on file. This number includes producers that timely filed the AD–1026, but there was inadequate information to make a determination. These producers have until their first applicable sales closing date for reinsurance year 2016 to provide this information and still be eligible for the premium subsidy. In July 2015, USDA announced that over 98.2 percent of producers have met the 2014 Farm Bill requirement to certify conservation compliance to qualify for crop insurance premium support. Of the small number of producers who have not certified their conservation compliance, USDA records suggest the majority are no longer farming or may have filed forms with discrepancies that can still be reconciled. FSA and RMA are proactively reaching out to all of these producers before their sales closing date and working with individuals facing extenuating circumstances who have not filed the form in order to assist them with certifying compliance.

Question 2. FSA has had to implement several farm bill programs over the past year and a half, and because of this, offices have experienced a backlog.

How bad is the backlog for processing AD–1026s?

Answer. There is no backlog of completed applications waiting to be entered. There are only a few hundred forms that were timely filed but have inadequate information (*e.g.,* missing Tax Identification Number) to make a determination. FSA and RMA are working with producers to fill in the missing information.

Question 2a. Obviously this has been concentrated in specialty crop growing areas. What is the backlog in some of these areas, such as California, Texas, Florida, compared with the rest of the country?

Answer. California, Texas and Florida report all AD–1026s have been filed timely and entered. FSA County Offices will continue to working on the AD–1026s with inadequate information (as all states will) up until the first applicable sales closing dates for reinsurance year 2016.

Question 2b. How will producers caught in this backlog be treated, especially if they produce crops will an early crop insurance sales-closing date?

Answer. There is no backlog of completed AD–1026s waiting to be entered. For the AD–1026s that are missing information or that require a correction, the date the form was originally delivered to the FSA office will be entered into the system as the certification date and is the date transferred to RMA for their use. As long as the certification date is on or before June 1, these producers are treated the same as any other producer.

Question 3. With the June 1 deadline for producers to file their AD–1026 form passed, how will those producers who did not file an AD–1026 be notified that they no longer have premium support for Federal crop insurance? Will one of your agencies be sending them a letter, postcard, e-mail, phone call? Surely you're not going to wait until they receive a bill from their crop insurance agent.

Answer. In May 2015, USDA made over 25,000 phone calls to remind remaining producers of the new requirements. In July 2015, RMA sent letters to producers that did not have the AD–1026 on file to make them aware of the possibility that they may lose premium subsidy. In addition, for most crop insurance policies, producers will have forty five days after the sales closing date to cancel their policies if they do not have an AD–1026 on file. Prior to upcoming sales closing dates, RMA is calling every producer that our records show do not have an AD–1026 on file to ensure they take appropriate action to make corrections to the AD–1026 to come into compliance or take action to cancel their policy to avoid paying full premium.

Question 4. What is FSA doing to address new producers that do not have an AD–1026 on file when they start farming?

Answer. RMA grants an exemption for filing the AD–1026 by June 1 if a producer is new to farming after the June 1 filing date. If producers certify they meet the parameters that qualify them for this exemption it is granted by RMA.

Question 4a. What about for producers who bring new land into production that is not covered by their AD–1026?

Answer. As with past provisions of conservation compliance, all new land brought into production by a producer that does not have a highly erodible land determination must file a new AD–1026. Also if any activities are planned that may impact wetlands (land leveling, filling, dredging, land clearing, or excavation) to enable bringing this new land into production, that have not been evaluated by NRCS, the producer would also be required to file a new AD–1026.

Question 4b. Will outreach efforts be made in subsequent years to have new farmers or farmers without an AD–1026 to file an AD–1026 in time for the next reinsurance year?

Answer. Yes. Outreach efforts will continue each year with information about the June 1 filing deadline for the applicable reinsurance year.

Question 5. We've talked a lot about crops being impacted by conservation compliance, but I want to shift the focus to livestock and pasture. How many livestock and pasture insurance policies were impacted by conservation compliance and AD–1026 form requirements?

Answer. RMA reports approximately 64,000 producers had policies in which they earned a premium subsidy in 2014 for livestock and pasture. Of these, less than one percent are reported as not having an AD–1026 on file for reinsurance year 2016. This number includes those timely filed with inadequate information and those that will not obtain insurance in 2016 for a variety of reasons (*e.g.,* obsolete entity, retirements, decided not to participate, converted to row crops, *etc.*)

Question 5a. What efforts were made to reach out to individual producers and to industry groups to be sure that these producers were aware of the new requirements prior to the June 1 deadline?

Answer. The average producer without an AD–1026 on file received 2015 policies with the requirement in their contract, received three coordinated mailings from USDA (two RMA letters, one FSA postcard), was on at least four lists given to agents/AIPs who conducted outreach, received at least one call from FSA/RMA, received county specific mailings/newsletters from FSA and NRCS, and likely saw news articles and agent/AIP newsletters with information about the need to file an AD–1026. The end result of these outreach efforts was that over 98 percent of crop insurance participants had an AD–1026 on file.

FSA and RMA participated in a U.S. Cattlemen Association's conference call to inform them about the conservation compliance requirements for the crop insurance premium subsidy benefit. With widespread drought over significant areas in the past few years, over 600,000 cattlemen signed up for the Livestock Forage Program from FSA since February 2014 and would have already completed an AD–1026.

USDA held several meetings with stakeholder groups, including hosting recurring meetings with the Specialty Crop Farm Bill Alliance representatives. We developed Factsheets, Question and Answer documents, process flow sheets for producers to understand how the process works, and brochures for RMA customers that were available through RMA, FSA and NRCS websites. NRCS created a website for producers that were new to conservation compliance to walk them through the process. Additionally, USDA hosted a webinar for specialty crop producers nationally that could be downloaded and redistributed. In Florida and California, USDA staffs participated with stakeholders in webinars stakeholders hosted for producers who were new to conservation compliance. Our state and field offices attended many meetings and events across the country where they distributed information about conservation compliance. Our RMA, FSA and NRCS staffs were on hand locally and nationally to address questions as they were raised.

Question 6. "Affiliated producers" are also required to file AD–1026's to certify conservation compliance. How is FSA defining affiliated producers?

Answer. The definition of affiliated persons is unchanged by the 2014 Farm Bill. Affiliated persons for conservation compliance purposes for individuals are:

a. spouses and minor children.

b. estates, trusts, partnerships, and joint ventures in which the individual or the individual's spouse or minor children have an interest.

c. corporations in which the individual or the individual's spouse or minor children have more than 20 percent interest.

Affiliated persons of general partnerships, limited partnerships, limited liability companies, joint ventures, estates, irrevocable or revocable trusts, and Indian Tribal ventures or groups are:

d. first level members of the entity.

Affiliated persons of corporations with stockholders are:

3. first level shareholders with more than 20 percent interest in the corporation.

Any person or entity requesting benefits that are subject to conservation compliance must file AD–1026. Any affiliated person or entity, not requesting benefits, but has a separate farming interest (owner, operator, tenant or share cropper on any farm or undeveloped land), based on the above affiliation, must also file AD–1026 and be in compliance with conservation compliance provisions in order for the one receiving the benefit to also be considered in compliance.

Question 6a. What sort of outreach was made to these groups?

Answer. Outreach efforts to all specialty crop groups included the information about who affiliated persons are and the parameters that requires them to adhere to conservation compliance provisions due to an affiliation to a person or entity receiving benefits that are subject to conservation compliance. The person submitting the name of an affiliated person has an interest in informing the affiliate of the need to file the AD–1026.

We understand that the affiliated person provisions are complicated. Therefore we included information about affiliated persons in our factsheets, question and answer documents and during our webinars. We had many teleconferences and meetings with stakeholder groups where affiliated person provisions were discussed to ensure the provisions were understood.

Question 6b. Can FSA guarantee that its definition of affiliated producers is being applied consistently from one county office to the next?

Answer. This is not a new definition or process. This definition and procedures have not changed with the 2014 Farm Bill and have remained the same since 1985. Virtually all FSA programs have required, and continue to require, the same conservation compliance certification including the affiliated persons' provisions. FSA conducted a refresher National Training on affiliated persons in September 2014. Affiliated persons filing requirements are published in FSA Handbook 6–CP and in number 7 of the appendix of form AD–1026. All FSA employees are given the same consistent information on affiliated persons and that any incorrect interpretations of affiliate persons that are discovered are remedied.

Question 7. The conservation compliance provisions of the farm bill also required that any "affiliated person" of a producer requesting benefits subject to Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) also file an AD–1026. Has your agency, along with NRCS and RMA, identified persons that this might affect, and if so, how were those individuals identified and notified of the new conservation compliance requirements?

Answer. All producers that identified "affiliates" in block 4 of AD–1026 are entered into the system by FSA as "Awaiting Affiliate Certification". Producers are reminded that they are not "Certified" for AD–1026 until those producers they identified as affiliates are also "Certified". It is the producer's responsibility to communicate to their affiliates that they need to complete their certification in order for their certification to be complete and eligible to receive USDA benefits in the form of premium subsidies.

In addition to the responsibility of the producer to inform affiliates, RMA and FSA are working together to flag any remaining certifications that are awaiting affiliates and reminding producers of the requirement. Specifically, RMA has provided FSA the first applicable sales closing date these producers had in 2014 that are entered into the system as "awaiting affiliate certification". FSA reaches out to the identified producers in advance of the sales closing date. FSA stresses the importance to these identified producers that they must communicate to their affiliates to come into the local FSA County Office and certify to conservation compliance by their first applicable sales closing date in order to remain eligible for the 2016 reinsurance year crop insurance premium subsidy.

Question 7a. In your estimation, how many of these producers are now out of compliance?

Answer. As of June 22, 2015, approximately 250 producers nationwide are not considered as "Certified" to conservation compliance because they are "Awaiting Affiliate Certification". However, they have until the first applicable sales closing date for their affiliates to certify or to correct the original form if an affiliate was erroneously included.

Question 8. Crop insurance companies have told us that when they ask the local FSA office about whether or not their customers were on the non-compliant list, FSA has said that they cannot provide the information on whether farmers are eligible for subsidies due to privacy concerns. Unless the producer knows, which is unlikely, how are agents supposed to know if this customer will be eligible for premium support?

Answer. Producers can ask their crop insurance agent to verify their compliance status. The Risk Management Agency (RMA) has worked with all of the Approved Insurance Providers (AIPs) to ensure that agents can promptly find out whether their producer has filed an AD–1026 before a policy is purchased. Producers can also visit or call their local Farm Service Agency (FSA) to find out their conservation compliance status.

Question 9. How many producers have taken advantage of the one-time early-out option of the CRP program? Was it concentrated in any specific regions of the U.S.?

Answer. As of September 9, 2015, about 1,439 contracts utilized the early out option. Based on our most recent data, the state breakdown is as follows:

State	Acres	Contracts
Alabama	20	1
Colorado	1,790	8
Florida	432	8
Georgia	58	1
Idaho	1,656	11
Illinois	2,500	73
Indiana	700	39
Iowa	3,194	86
Kansas	7,060	98
Kentucky	424	10
Michigan	3,108	87
Minnesota	9,112	196
Mississippi	265	5
Missouri	2,209	43
Montana	31,508	157
Nebraska	6,990	132
New Jersey	36	1
New York	871	32
North Carolina	166	5
North Dakota	7,146	82
Ohio	5,017	140
Oklahoma	2,864	34
Oregon	182	4
Pennsylvania	332	17
South Carolina	419	6
South Dakota	1,671	30
Tennessee	78	3
Texas	6,999	43
Virginia	199	6
Washington	7,064	32
Wisconsin	805	49
Total	**104,876.3**	**1,439**

Question 10. You have announced a General Sign-up to begin in December of this year as well as the availability of 800,000 acres for Continuous Sign-up. How do you make these announcements without a rule?

Answer. Certain elements of CRP were not modified significantly in the 2014 Farm Bill and did not require a regulation to implement. For example, Continuous sign-up resumed soon after passage of the farm bill when authority to operate CRP was restored after it had lapsed. Similarly, the decisions related to Continuous allocations and whether and when to have a General sign-up are administrative decisions and do not require regulations. However, the interim rule was published in the *Federal Register* for comment from July 16, 2015 through September 14, 2015 and all provisions pertaining to the 2014 Farm Bill, such as the new grasslands component of CRP and tree thinning incentives are now being implemented.

Question 11. FSA recently announced a new general signup to begin in December and 800,000 acres available for continuous sign-ups. When will you begin sign-up for grazing land acres?

Answer. Sign-up for CRP grasslands is currently under way. The sign-up began September 1, 2015 and continues through November 20, 2015.

Questions Submitted by Hon. Collin C. Peterson, a Representative in Congress from Minnesota

Question 1. The Committee has been asking for several months now to get statistics on how many landowners have taken the early out option and where they are located. In your testimony you indicated that only about 90,000 acres have been terminated. Can you tell us how many contracts that includes and in what states?

Answer. About 1,100 CRPAs of September 9, 2015, about 1,439 contracts utilized the early out option. Based on our most recent data, the state breakdown is as follows:

State	Acres	Contracts
Alabama	20	1
Colorado	1,790	8
Florida	432	8
Georgia	58	1
Idaho	1,656	11
Illinois	2,500	73
Indiana	700	39
Iowa	3,194	86
Kansas	7,060	98
Kentucky	424	10
Michigan	3,108	87
Minnesota	9,112	196
Mississippi	265	5
Missouri	2,209	43
Montana	31,508	157
Nebraska	6,990	132
New Jersey	36	1
New York	871	32
North Carolina	166	5
North Dakota	7,146	82
Ohio	5,017	140
Oklahoma	2,864	34
Oregon	182	4
Pennsylvania	332	17
South Carolina	419	6
South Dakota	1,671	30
Tennessee	78	3
Texas	6,999	43
Virginia	199	6
Washington	7,064	32
Wisconsin	805	49
Total	**104,876.3**	**1,439**

Question 2. How much longer will folks in the field have to wait before they can utilize the grassland contract portion of CRP? Will the rule be issued in proposed form and mean further delays?

Answer. Sign-up for CRP grasslands is currently under way. The sign-up began September 1, 2015 and continues through November 20, 2015.

Question 3. The Committee included provisions in the farm bill to allow CRP acreage in its final contract year to be prepared for enrollment in other programs. Is this something you are able to be doing already? Or is this held up waiting for the final rule?

Answer. This provision has been included in the interim rule and is currently ongoing using the new names of the associated eligible NRCS programs.

Question 4. Are your computer systems and more importantly, the producer information databases, accessible by each agency in the field?

Answer. NRCS does have access to FSA's Customer Information, Farm Record Information including Geospatial Information, Producer Eligibility Information and Acreage Reporting Information. RMA Employees have access to FSA's Geospatial Information and Acreage Reporting Information. Agency initiatives are currently ongoing to share more customer information between these Agencies. Rural Development (RD) has access to FSA's Customer Information.

Question 5. Have we finally fixed the communication and overlapping issues on cover crops?

Answer. The Interagency Work Group on Cover Crops, consisting of representatives from NRCS, RMA, and FSA, have continued to work towards refining the Cover Crop Termination Guidelines and finalized revision three last fall. These guidelines were developed to provide consistent eligibility requirements for a crop

planted following a cover crop. The planted crop, providing the cover crop is managed following the guidelines, will now be considered eligible for all program benefits across agencies, providing other eligibility criteria is met. These programs include crop insurance, ARC/PLC, and NAP.

The guidelines have been presented by all three agencies using one or more of the following; webinar, teleconference, notices, national training, and web publications. A consistent set of questions and answers have been made available including input from all three agencies.

The National Working Group on Cover Crops and Soil Health have continued to meet with representatives from all three agencies, as recently as this June, to communicate the current cover crop needs and to present action items for each agency to address. FSA has addressed their items and maintains a high level of cooperation with this group.

○