FINAL

Programmatic Environmental Assessment for Conservation Reserve Program

November 2019

USDA

COVER SHEET

Proposed Action:	The United States Department of Agriculture Farm Service Agency proposes to implement programmatic changes to the Conservation Reserve Program (CRP) based on those changes included in the Agricultural Improvement Act of 2018 (Public Law [PL] 115-334).
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ACRONYMS AND ABBREVIATIONS

ACE	U.S. Army Corps of Engineers
ACEP	Agricultural Conservation Easement Program
AMA	Agricultural Management Assistance Program
BCAP	Biomass Crop Assistance Program
BGEPA	Bald and Golden Eagle Protection Act
BMP	Best Management Practice
CCC	Commodity Credit Corporation
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CH_4	Methane
CLEAR	Clean Lakes, Estuaries and Rivers
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CP	Conservation Practices
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CSP	Conservation Stewardship Program
CTAP	Conservation Technical Assistance Program
CWA	Clean Water Act
EA	Environmental Assessment
EE	Environmental Evaluation
ECP	Emergency Conservation Program
EFRP	Emergency Forest Restoration Program
EQIP	Environmental Quality Incentives Program
EWP	Emergency Watershed Protection Program
FOTG	Field Office Technical Guide
EI	Erodibility Index
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ERS	Economic Research Services
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
FSA	Farm Service Agency
FWP	Farmable Wetland Program
FWS	U.S. Fish and Wildlife Service
GHG	greenhouse gas
GRP	Grassland Reserve Program
GWP	Global warming potential
HFRP	Healthy Forests Reserve Program
LIP	Landowner Incentive Program
MBTA	Migratory Bird Treaty Act
N_2O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standards
NASS	National Agriculture Statics Service
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NRCS	National Resources Conservation Service
PEA	Programmatic Environmental Assessment
PEIS	Programmatic Environmental Impact Statement
PFW	Partners for Fish and Wildlife
PL	Public Law
PNS	Primary Nesting Season
ROD	Record of Decision
SAFE	State Acres for Wildlife Enhancement
SEIS	Supplemental Environmental Impact Statement
SHIPP	Soil Health and Income Protection Program
SPEIS	Supplemental Programmatic Environmental Impact Statement
STC	State Technical Committee

TMDL	total maximum daily load
TSP	Technical Service Provider
U.S.	United States
USC	U.S. Code
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFS	U.S. Forest Service
VPA-HIP	Voluntary Public Access and Habitat Incentive Program

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1.0 PURPOSE AND NEED

1.1 INTRODUCTION

The United States Department of Agriculture (USDA) Farm Service Agency (FSA), on behalf of the Commodity Credit Corporation (CCC), proposes to implement programmatic changes to the Conservation Reserve Program (CRP) based on those changes included in the Agricultural Improvement Act of 2018 (Public Law [PL] 115-334, herein referred to as the 2018 Farm Bill). CRP is authorized by the Food Security Act of 1985 (1985 Farm Bill), as amended, and is governed by regulations published in 7 Code of Federal Regulations (CFR) part 1410. CRP is a voluntary program that supports the implementation of Conservation Practices (CPs), which are long-term conservation measures designed to improve the quality of ground and surface waters, control soil erosion, and enhance wildlife habitat on environmentally sensitive agricultural land. In return, CCC provides participants with rental payments and cost-share assistance under contracts that generally extend from 10 to 15 years. CRP is a CCC program administered by FSA with the support of other Federal and local agencies.

This document has been prepared in accordance with the National Environmental Policy Act (NEPA) (PL 91-190); implementing regulations adopted by the Council on Environmental Quality (CEQ) (40 CFR 1500-1508); and FSA's implementing regulations *Environmental Quality and Related Environmental Concerns – Compliance with NEPA* (7 CFR 799).

The changes to CRP being addressed in this document are programmatic in nature and some of the components have been analyzed previously in other NEPA documents; therefore, this document is a Programmatic Environmental Assessment (PEA) and examines only those aspects of the program not covered in previous analyses and the changes apply to future CRP contracts.

Before offered lands are accepted into CRP, a site-specific Environmental Evaluation (EE) is completed, and a Conservation Plan is developed, by the Natural Resources Conservation Service (NRCS) or an approved Technical Service Provider (TSP). The EE includes an analysis of effects anticipated to result from enrollment of a site into CRP in accordance with its Conservation Plan. NRCS also considers the cumulative impacts of others' actions, including their own, during the EE. The results are documented on an EE worksheet (CPA-052) before recommending to FSA the next steps to conclude the EE process. The EE assesses the effects of conservation alternatives so the designated lead agency can determine the need for consultation or to develop an Environmental Assessment (EA) or Environmental Impact Statement (EIS) consistent with NEPA and other requirements for environmental protection (e.g., the National Historic Preservation Act [NHPA], the Endangered Species Act [ESA], and other related laws, regulations, and Executive Orders [EOs]). The site-specific EE, previous CRP NEPA documentation, and this PEA together provide full NEPA coverage for each CRP contract.

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1.1.1 Other NEPA Documents Incorporated by Reference

Over the last decade, FSA has undertaken NEPA analysis pertaining to CRP and components of the program. This PEA will incorporate, by reference, other applicable NEPA documentation as appropriate

and will tier from the NEPA document prepared for the 2014 Farm Bill, CRP Supplemental Programmatic Environmental Impact Statement (SPEIS) and 2015 Record of Decision (ROD) (USDA 2014, 2015). As such, only those changes to CRP in the 2018 Farm Bill that have not been adequately addressed in other NEPA documentation will be addressed in this PEA. Other NEPA documentation related to CRP is described below, in chronological order.

2018 PEAs for Emergency Grazing during Primary Nesting Season (PNS) in response to Wildfire and Drought for CRP for Missouri and Kansas, Oklahoma, and Colorado (USDA 2018a, b). Two PEAs evaluated authorizing Emergency Grazing on CRP land in Missouri and Kansas, Oklahoma and Colorado. In Missouri, counties classified at least D2 (Severe Drought) on the U.S. Drought Monitor and contiguous counties were authorized for Emergency Grazing during the last two weeks of the 2018 PNS. In Kansas, Oklahoma, and Colorado counties classified as D4 (Exceptional Drought) and contiguous counties as well as counties significantly impacted by 2018 wildfires were authorized for Emergency Grazing during the 2018 PNS.

2014 SPEIS and 2015 ROD for the CRP (USDA 2014, 2015). This SPEIS evaluated environmental consequences of changes to CRP under the Agricultural Act of 2014 (2014 Farm Bill). Changes included:

- Reduced the acreage enrollment authority to 24 million acres.
- Grasslands previously eligible for the Grassland Reserve Program (GRP) were made eligible for enrollment in CRP and enrollment was limited to no more than 2 million acres.
- In the final year of CRP contracts, participants could enroll expiring CRP land into the Conservation Stewardship Program.
- The Agricultural Conservation Easement Program was created, and expiring CRP land was made eligible for enrollment in the program.
- Emergency Haying and Grazing without reduction in rental rate was authorized.
- Targeted enrollment of environmentally sensitive land using reverse auctions was authorized to preserve the maximum environmental benefit given the reduced CRP enrollment cap.
- Managed Harvesting and Routine Grazing Frequencies to be developed by the State Technical Committee (STC) such that the frequency is at least once every 5 years, but no more frequent than once every 3 years for Managed Harvesting, and not more frequent than once every 2 years for Routine Grazing. Harvesting and grazing activities must avoid the PNS.
- Emergency Haying and Grazing on Additional Conservation Practices including CP8 (grass waterways, noneasement), CP21 (filter strips), CP22 (riparian buffers), CP23 (wetland restoration), CP23A (wetland restoration, non-floodplain), CP27 (farmable wetlands), CP28 (farmable wetland buffers), CP37 (duck nesting habitat), CP39 (constructed wetland), and CP 41 Flooded prairie farmable wetlands) as determined by the Secretary.

2012 PEA for Emergency Drought Response on CRP Lands (USDA 2012). This PEA evaluated the environmental consequences associated with authorizing Emergency Haying and Grazing of certain CPs, traditionally not eligible for haying and grazing with restrictions for 2012 only, as a means to alleviate local impacts to farmers and ranchers resulting from extreme drought and high temperatures during 2012.

2010 CRP Supplemental Environmental Impact Statement (SEIS) (USDA 2010). This SEIS examined various alternatives associated with implementing discretionary changes to CRP consistent with the 2008 Farm Bill and supplemented the 2003 CRP Programmatic Environmental Impact Statement (PEIS). In

addition to updating the cropping history requirements, the 2008 Farm Bill included changes to several provisions including:

- Reduced the enrollment acreage cap to 32 million acres.
- Revised CRP purpose to explicitly include addressing issues raised by state, regional, and national conservation initiatives.
- Allowed for alfalfa alone in an approved rotation practice with an agricultural commodity to contribute towards crop history requirements.
- Granted authority to exclude acreage enrolled under Continuous Sign-up and Conservation Reserve Enhancement Program (CREP) from the 25 percent county cropland limitation, with county government approval.
- Required management by the participant throughout the contract term to implement the CP.
- Provided exceptions to general prohibitions on use including:
    - Managed Harvesting with appropriate vegetation management during named periods and with a payment reduction.
    - Managed Harvesting for biomass with appropriate vegetation management during named periods and with a payment reduction.
    - Grazing of invasive species with appropriate vegetation management during named periods and with a payment reduction.
    - Required payment reduction for installation of wind turbines.
    - Required an annual survey of dryland and cash rental rates by the USDA National Agricultural Statistics Service (NASS).
- Added authority for incentives for socially disadvantaged farmers and ranchers as well as limited resource farmers and ranchers and Indian tribes to participate in conservation programs.
- Allowed for development of habitat for native and managed pollinators, and encouraged use of CPs that benefit them.

EAs for Managed Haying and Grazing (USDA 2010a-m)**.** In 2006, a legal settlement was signed between the National Wildlife Federation and FSA that, for some states, mandated allowable frequencies for Managed Haying and Grazing on CRP lands and established PNS dates during which no haying or grazing could occur. The settlement also stipulated that in order to change these mandated terms, an EA would be developed for each state to address the potential impacts associated with Managed Haying and Grazing. At the time, Managed Haying and Grazing was limited to lands with the following CPs: CP1 (introduced grasses and legumes), CP2 (permanent native grasses), CPs 4B and 4D (permanent wildlife habitat), CP10 (grass vegetative cover), CP18B (permanent vegetation to reduce salinity), and CP18C (permanent salt tolerant vegetation). In 2010, 13 EAs were completed that analyzed proposed variations on allowable frequencies and/or changes to PNS dates on CRP contracts. A FONSI was issued for each EA. The states addressed in these EAs included Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

2009 PEA for the GRP (USDA 2009). The purpose of GRP is to provide assistance to landowners and operators to protect grazing uses and related conservation values on eligible private range and pasture lands. Participants voluntarily limit future development and cropping uses of the land, while retaining the right to conduct common grazing practices and operations related to the production of forage and seeding. The PEA addressed changes to the eligibility criteria, enrollment options, and a reduction in the

enrollment cap presented in the 2008 Farm Bill, which expanded eligible land, removed the minimum eligible acreage enrollment of 40 contiguous acres, reduced contract and easement durations from 30 years to 10-, 15-, or 20-year rental contracts, included a permanent easement or an easement at the maximum duration allowed under state law, and reduced the enrollment cap from 2 million to 1.22 million acres.

2008 PEA for Select Provisions of the 2008 Farm Bill Regarding the CRP (USDA 2008). This PEA evaluated only those mandatory changes to CRP reauthorized with Title II provisions enacted by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). Other changes associated with the 2008 Farm Bill were addressed in the 2010 CRP SEIS (USDA 2010). A Finding of No Significant Impact (FONSI) was issued in December of 2008 for the following proposed changes to CRP:

- Expanded Farmable Wetland Program (FWP) land eligibility, with enrollment limits.
- Authorized cost sharing for thinning of certain tree stands to improve wildlife benefits and the condition of resources on the land.
- Established new limits and possible waiver from the adjusted gross income limitation for environmentally sensitive land of special significance.

2003 PEIS for the CRP (USDA 2003). This PEIS evaluated environmental consequences of changes to CRP under the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) including:

- Increased the acreage enrollment authority to 39.2 million acres.
- Expanded the FWP nationwide with an aggregate acreage cap of 1 million acres.
- Allowed a 1-year extension for certain contracts on lands planted with hardwood trees.
- Allowed participants to enroll entire fields through certain continuous CRP practices when more than 50 percent of the field is enrolled as buffer and the remainder of the field is infeasible to farm.
- Allowed participants to continue existing vegetative cover, where practicable and consistent with the goals of CRP.
- Provided for Managed Haying, Grazing, and construction of wind turbines on CRP land.

PEAs for the CREP. CREP was first implemented in 1997 as a component of CRP. CREP targets high-priority conservation issues of both local and national significance and focuses on impacts to water supplies, loss of critical habitat for threatened and endangered wildlife species, soil erosion, and reduced habitat for fish populations. Historically, states or political subdivisions of states, and the CCC enter into legal CREP Agreements to address particular agriculture-related environmental issues of state or national significance. The CREP Agreements define the goals and objectives of the CREP, establish which CPs would be authorized, and set the CREP boundaries. The appropriate level of NEPA analysis is completed prior to implementation of any CREP. Over 36 CREP PEAs have been prepared and a FONSI was issued for each.

1.1.2 CRP Overview

The 2014 SPEIS and 2010 CRP SEIS (USDA 2014, 2010) provided a thorough description of CRP including eligibility requirements, enrollment options, conservation planning, contract maintenance, and payments; a brief overview is provided here.

CRP was established by the 1985 Farm Bill and enrollment began in 1986. The program is governed by regulations published in 7 CFR 1410. CRP is a voluntary program that supports the implementation of CPs designed to improve the quality of ground and surface waters, control soil erosion, and enhance wildlife habitat on environmentally sensitive agricultural land. In return, CCC provides participants with rental payments and cost-share assistance under contracts that generally have a duration of 10 to 15 years. Funding for CRP is provided by CCC and governed by acreage caps set by the Farm Bill.

CRP is a voluntary program designed to improve water quality, control soil erosion, and enhance wildlife habitat

Producers can enroll in CRP using one of two processes: (1) offer lands for General Sign-up enrollment during specific sign-up periods and compete with other offers nationally, based upon the Environmental Benefits Index; or (2) enroll environmentally desirable land to be devoted to certain CPs under CRP Continuous Sign-up provisions, if certain eligibility requirements are met or if a state and county are involved in a CREP, and the land qualifies.

Land eligible for enrollment in CRP must meet cropland or marginal pastureland eligibility criteria in accordance with policy set forth by the 1985 Farm Bill, as amended and detailed in the *FSA Handbook: Agricultural Resource Conservation Program for State and County Offices (2-CRP (Revision 5)*) (2-CRP). Eligible cropland must be planted or considered planted to an agricultural commodity during four of the six crop-years as specified in the Farm Bill and must be physically and legally capable of being planted in a normal manner to an agricultural commodity as determined by the County Committee. In addition, eligible cropland must fall into one or more of the following secondary categories:

- Highly erodible cropland where the weighted average Erodibility Index (EI) for the three predominant soils on the acreage offered is eight or greater;
- Land currently enrolled in CRP scheduled to expire September 30 of the fiscal year and the acreage is offered for enrollment;
- Cropland located within a National- or State-designated Conservation Priority area; and
- Grasslands that contain forbs or shrublands for which grazing is the predominant use, are located in an area historically dominated by grasslands, and which could provide habitat for animal and plant populations of significant ecological value if the land is retained in its current use or restored to natural conditions.

CRP participants must maintain the CPs in accordance with their approved Conservation Plan to control erosion, noxious weeds, rodents, insects, etc. Specific maintenance activities, timing, and duration are developed in consultation with NRCS or a TSP and may consist of mowing, burning, and/or spraying. Management activities designed for each site are also part of the Conservation Plan and are designed to ensure plant diversity and wildlife benefits, while ensuring protection of soil and water resources.

1.1.2.1 Conservation Practices

Producers who enroll land in CRP install resource conserving practices, referred to as CPs, on enrolled lands. These practices are designed to improve the quality of ground and surface waters, control soil erosion, and enhance wildlife habitat. As of June 2019, there were 22,349,661 acres in 603,214 contracts, enrolled in CRP: 13,462,558 acres under General Sign-up and 7,963,127 acres under Continuous Sign-up,

including 941,465 acres in CREP, 395,769 acres in FWP, and 923,976 in grasslands (USDA 2019a). **Table 1.1-1** provides a description of the CPs and enrollment acreage as of June 2019. **Figure 1.1-1** shows the distribution of CRP enrollment by state as of June 2019. **Appendix A** contains the number of CRP contracts and acres as well as the number of farms with land enrolled in CRP by state.

Table 1.1-1. Conservation Reserve Program Practices and Enrollment as of June 2019

Practice	Title	Description/Purpose	Enrollment (acres)
CP1	Establishment of Permanent Introduced Grasses and Legumes	To establish new or maintain existing vegetative cover of introduced grasses and legumes on eligible cropland that will enhance environmental benefits.	3,149,163
CP2	Establishment of Permanent Native Grasses	To establish new or maintain existing vegetative cover of native grasses on eligible cropland that will enhance environmental benefits.	5,313,536
CP3	Tree Planting	To establish new or maintain existing stand of trees in a timber planting that will enhance environmental benefits.	458,855
CP3A	Hardwood Tree Planting	To establish and maintain a new stand of or an existing stand of predominantly hardwood trees in a timber planting that will enhance environmental benefits. For CRP purposes, Longleaf Pine and Atlantic White Cedar shall be treated as hardwood trees, if planted at rates appropriate for the site index.	213,237
CP4B	Permanent Wildlife Habitat (Corridors), Noneasement	To establish a permanent wildlife corridor between 2 existing wildlife habitat areas that are not connected by a suitable corridor for environmental benefits, and to enhance the wildlife in the designated or surrounding area.	2,134
CP4D	Permanent Wildlife Habitat, Noneasement	To establish new or maintain existing permanent wildlife habitat cover to enhance environmental benefits for the wildlife habitat of the designated or surrounding areas.	1,471,183
CP5A	Field Windbreak Establishment, Noneasement	To establish windbreaks to improve the environmental benefits on a farm or ranch to reduce cropland erosion below soil loss tolerance and enhance the wildlife habitat on the designated area.	63,229
CP6	Diversion	Structures designed to divert water away from farmland and farm buildings, and from agricultural waste systems, in order to reduce runoff damage, control erosion, and protect terrace systems from degrading.	123
CP7	Erosion Control Structures	Structures such as dikes on river and stream banks to prevent loss or damage to land uses and protect adjacent facilities.	
CP8A	Grass Waterways, Noneasement	To convey runoff from terraces, diversions, or other water concentrations without causing erosion or flooding and to improve water quality.	121,207
CP9	Shallow Water Areas for Wildlife	To develop or restore shallow water areas to an average depth of 6 to 18 inches for wildlife. The shallow water area must provide a source of water for wildlife for the majority of the year, with the exception that for areas west of the 100th meridian that receive less than 25 inches of annual precipitation, the shallow water area must provide a source of water for wildlife for a minimum of 4 months of the year. This is not a pond development or wetland restoration practice; however, this practice may be constructed on suitable hydric and nonhydric soils.	26,526

Table 1.1-1. Conservation Reserve Program Practices and Enrollment as of June 2019			
Practice	**Title**	**Description/Purpose**	**Enrollment (acres)**
CP10	Vegetative Cover – Grass – Already Established	Beginning March 14, 2011, CP10 is no longer available for new offers. For offers submitted before March 14, 2011, this practice code is used to identify land under CRP-1, if a grass cover approved for the applicable sign-up is already established or not under CRP-1, with a grass cover approved for the applicable sign-up already established.	2,364,501
CP11	Vegetative Cover – Trees – Already Established	Beginning March 14, 2011, CP11 is no longer available. For offers submitted before March 14, 2011, this practice code is used to identify land established to trees that is under CRP-1 at the time the acreage is offered, and the producer elects to reoffer the acreage to be devoted to trees. Thinning and/or creating open areas in eligible existing tree stands are not a separate practice. The open areas shall be considered CP11.	171,139
CP12	Wildlife Food Plot	To establish annual or perennial wildlife food plots that will enhance wildlife and wildlife habitat.	32,580
CP15A	Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement	To establish strips of permanent vegetative cover generally following the contour on eligible cropland alternated with wider cultivated strips farmed on the contour that will reduce erosion and control runoff. This practice is not to develop or establish wildlife habitat.	59,183
CP15B	Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces	To establish vegetative cover on terraces to enhance water quality and reduce soil erosion. This practice is only applicable on terraces that are no longer under practice lifespan to ensure that the long-term functions of the terrace are maintained. This practice is not to develop or establish wildlife habitat. Wildlife concerns may be considered when making determinations about seed varieties.	
CP16A	Shelterbelt Establishment, Noneasement	To establish shelterbelts on a farm or ranch to enhance the wildlife habitat on the designated area, save energy, or protect farmsteads or livestock areas.	21,308
CP17A	Living Snow Fences, Noneasement	To establish living snow fences on a farm or ranch to manage snow, provide living screen, or enhance the wildlife habitat on the designated area.	4,511
CP18B	Establishment of Permanent Vegetation to Reduce Salinity, Noneasement	To either establish permanent salt tolerant vegetative cover within saline seep areas or establish permanent vegetative cover in areas causing seeps, including trees or shrubs, on eligible cropland that will improve the environmental benefits of a farm or ranch. The cover must address the resource problem with the minimum acreage needed to control the saline seep.	182,329
CP18C	Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement	To establish permanent salt tolerant vegetative cover on eligible cropland with existing high water tables that will improve the environmental benefits of a farm or ranch. The cover must address the resource problem with the minimum acreage needed to control the saline seep.	

Table 1.1-1. Conservation Reserve Program Practices and Enrollment as of June 2019			
Practice	**Title**	**Description/Purpose**	**Enrollment (acres)**
CP21	Filter Strips	To remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body.	717,483
CP22	Riparian Buffer	To remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body; to create shade to lower water temperature to improve habitat for aquatic organisms; and to provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.	617,823
CP23	Wetland Restoration	To restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.	600,742
CP23A	Wetland Restoration, Non-Floodplain	To restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.	644,563
CP24	Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips	To establish 1 or more strips, varying in size, of permanent vegetative cover resistant to wind erosion perpendicular to the prevailing wind direction on eligible cropland with a wind erosion Erodibility Index (EI) greater than or equal to 4 that will reduce on-farm wind erosion, trap wind-borne sediments and sediment borne contaminants, and help protect public health and safety.	58
CP25	Rare and Declining Habitat	To restore the functions and values of critically endangered, endangered, and threatened habitats. The extent of the restoration is determined by the specifications developed at the state level.	1,186,964
CP26	Sediment Retention Control Structure	Structures such as earth embankments or a combination ridge and channel designed to form a sediment trap and temporary water retention basin.	41
CP27	Farmable Wetlands Pilot Wetland	To restore the functions and values of wetlands that have been devoted to agricultural use. Hydrology and vegetation must be restored to the maximum extent possible, as determined by USDA.	98,149
CP28	Farmable Wetlands Pilot Buffer	To provide a vegetative buffer around wetlands (CP27) to remove sediment, nutrients, and pollutants from impacting the wetland and to provide wildlife habitat for the associated wetland.	217,468

Table 1.1-1. Conservation Reserve Program Practices and Enrollment as of June 2019			
Practice	**Title**	**Description/Purpose**	**Enrollment (acres)**
CP29	Marginal Pastureland Wildlife Habitat Buffer	To remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. By restoring native plant communities, characteristics for the site will assist in stabilizing stream banks, reducing flood damage impacts, and restoring and enhancing wildlife habitat.	93,247
CP30	Marginal Pastureland Wetland Buffer	To remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. The practice will enhance and/or restore hydrology and plant communities associated with existing or degraded wetland complexes. The goal is to enhance water quality, reduce nutrient and pollutant levels, and improve wildlife habitat.	35,847
CP31	Bottomland Timber Establishment on Wetlands	To establish and provide for the long-term viability of a bottomland hardwood stand of trees that will control sheet, rill, scour, and other erosion; reduce water, air, or land pollution; restore and enhance the natural and beneficial functions of wetlands; promote carbon sequestration; and restore and connect wildlife habitat.	160,294
CP32	Expired CRP Hardwood Tree Planting on Marginal Pastureland	To identify land established to trees that was under CRP-1 that expired September 30, 2001, or before, at the time the acreage is offered, and the producer elects to reoffer the acreage to be devoted to hardwood trees.	1
CP33	Habitat Buffers for Upland Birds	To provide food and cover for quail and upland birds in cropland areas. Secondary benefits may include reducing soil erosion from wind and water, increasing soil and water quality, and protecting and enhancing the on-farm ecosystem. Apply this practice around field edges of eligible cropland that is suitably located and adaptable to the establishment of wildlife habitat for primarily quail and upland bird species. Upland habitat buffers will be allowed to re-vegetate by natural herbaceous succession, and/or will be established to adapted species of native, warm-season grass, legumes, wildflowers, forbs, and limited shrub and tree plantings, as specified according to an approved CP.	221,760
CP34	Flood Control Structure	To create a man-made structural barrier capable of temporarily impounding or managing runoff water for potential flood damage reduction and water quality benefits.	69
CP36	Longleaf Pine Establishment	To re-establish longleaf pine stands at densities that benefit wildlife species and protect water quality.	159,718

Table 1.1-1. Conservation Reserve Program Practices and Enrollment as of June 2019			
Practice	**Title**	**Description/Purpose**	**Enrollment (acres)**
CP37	Duck Nesting Habitat	To enhance duck nesting habitat on the most duck-productive areas of Iowa, Minnesota, Montana, North Dakota, and South Dakota to restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with FSA and NRCS or TSP.	450,645
CP38A	State Acres for Wildlife Enhancement (SAFE) Buffers	Apply practices to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable state-developed practice standard.	
CP38B	SAFE Wetlands	Apply practices to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable state-developed practice standard.	
CP38C	SAFE Trees	Apply practices to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable state-developed practice standard.	1,982,961
CP38D	SAFE Longleaf Pine	Apply practices to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable state-developed practice standard.	
CP38E	SAFE Grass	Apply practices to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable state-developed practice standard.	
CP39	FWP Constructed Wetland	To develop a constructed wetland to treat effluent from row crop agricultural drainage systems. The constructed wetland system is designed to reduce nutrient and sediment loading and provide other water quality benefits while providing wildlife habitat.	489
CP40	FWP Aquaculture Wetland Restoration	To restore habitat or the functions and values of wetland ecosystems that have been devoted to commercial pond-raised aquaculture. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.	16,708
CP41	FWP Flooded Prairie Wetland	To restore the functions and values of wetlands that have been subject to natural overflow of a prairie wetland. Hydrology and vegetation must be restored to the maximum extent possible, as determined by USDA.	62,961
CP42	Pollinator Habitat	To establish habitat to support a diversity of pollinator species.	506,076
CP87	CRP Grasslands, Introduced Grasslands and Legumes	To establish new or maintain existing vegetative cover of introduced grasses and legumes on eligible cropland that will enhance environmental benefits.	80,333
CP88	CRP Grasslands, Native Grasses and Legumes	To establish new or maintain existing vegetative cover of native grasses on eligible cropland that will enhance environmental benefits.	840,512
		TOTAL	**22,349,661**

Source: USDA 2019a, Conservation Reserve Program Monthly Summary – June 2019.

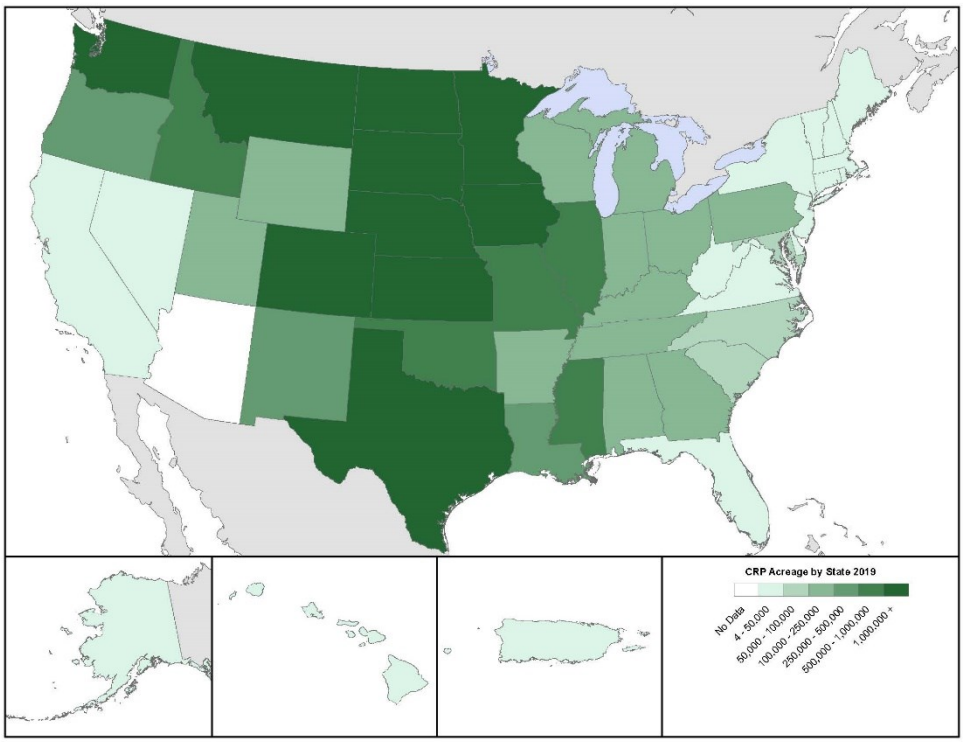

Figure 1.1-1. Enrollment in CRP as of June 2019

1.1.2.2 Conservation Planning

An approved Conservation Plan is required for each CRP contract prior to contract approval. The plan is developed by the participant in coordination with the local NRCS representative or authorized TSP, which provide technical assistance and concurrence. The approved Conservation Plan must:

- Contain all the activities necessary to successfully establish and maintain the CP(s) on all proposed CRP acres including seeding mix, planting densities and layout, water supply and drainage, thinning schedules, etc.;
- Be technically adequate to meet the objectives of CRP;
- Incorporate all requirements for federal, state, and local permit or other permissions necessary to perform and maintain the CRP practices;
- Be reviewed and approved by the conservation district;
- Incorporate and adhere to county specific guidance from the NRCS Conservation Practice Standards, identified in the state's Field Office Technical Guide (FOTG), and in state or county specific technical notes; and

In addition, the Conservation Plan must include requirements for grazing, haying, or biomass harvest for all CRP lands where these activities are authorized and the participant desires to implement these activities. The haying and grazing activities must not defeat the purpose of the CRP contract and must be consistent with the conservation of soil, water quality, and wildlife habitat. The Conservation Plan also includes any best management practices (BMPs) or measures to be employed to benefit and/or avoid, minimize, or mitigate adverse impacts to those resources specific to those lands being proposed for enrollment.

1.1.2.3 Contract Maintenance

CRP participants must maintain the CPs in accordance with their Conservation Plan without cost-share to control erosion, noxious weeds, rodents, insects, and other pests for the life of CRP contract. The timing and duration of maintenance activities are developed in consultation with NRCS or a TSP and may include prescribed burning, disking, or spraying herbicides or insecticides. Periodic mowing and mowing for cosmetic purposes are prohibited. Various forms of haying and grazing can be used to maintain the CRP cover on authorized CPs.

Management activities are mandatory for all contracts entered into after 2003 and include prescribed burning, tree thinning, disking, interseeding, mowing, and herbicidal control of invasive species. Management is eligible for up to 50 percent cost-share, must be included in the Conservation Plan, and must be designed to ensure vegetation and wildlife benefits, while providing protection of soil and water resources. The management activities are state-specific and developed by a team that includes NRCS, the U.S. Fish and Wildlife Service (FWS), state wildlife agencies, and other appropriate agencies. These management activities can be used to ensure plant diversity and wildlife benefits to improve or enhance important habitat to the state. Management activities generally must occur before the end of year 6 of a 10-year contract, or the end of year 9 of a 15-year contract.

1.1.2.4 Haying and Grazing

In CRP, haying and grazing are used to maintain conservation cover, control invasive species, and, under certain circumstances, such as emergencies (including drought, excessive rain, and forage loss). Currently, various types of haying and grazing can occur on CRP lands devoted to certain CPs, at certain defined frequencies, durations, and times of year. Emergency haying and grazing have additional restrictions on the percent of field hayed or allowable stocking rate (also referred to as 'carrying capacity' in the 2018 Farm Bill). In accordance with the 2014 Farm Bill, some types of haying and grazing are subject to restrictions during the PNS for birds that are economically significant, in significant decline, or conserved according to Federal or State law. PNS dates vary by state but generally range from May through August. **Table 1.1-2** is an overview of the types of haying and grazing that are part of CRP as authorized by the 2014 and previous Farm Bills. Note that the 2008 Farm Bill authorized Managed Harvesting and Routine Grazing of CRP, replacing what had previously been termed Managed Haying and Managed Grazing authority for new contracts. These terms are used interchangeably in this document to refer to haying and grazing practices that were permitted prior to the 2018 Farm Bill.

Table 1.1-2. Overview of Haying and Grazing that Could Occur eon Land Enrolled in the Conservation Reserve Program prior to the 2018 Farm Bill	
Type	**Components**
Managed Harvesting for Hay and Biomass (also called Managed Haying)	*Practices*: CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, CP38E *Frequency*: no more frequent than 1 in 3 years, no less frequent than 1 in 5 years *Other Provisions*: • Can occur 12 months after conservation cover is established • Land within 120 feet of a stream or other water body is ineligible • Emergency Haying or Grazing restarts the frequency clock • Not authorized during the PNS • Haying and grazing cannot occur on same acreage • Limited to one cutting per year • Up to 120 calendar days after the end of PNS • Requires modification of Conservation Plan to identify acres • Requires producer to re-establish cover at own expense if activity causes cover to fail • 25% or greater payment reduction
Managed Grazing (contracts Approved Before July 28, 2010)	*Practices*: CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, CP38E *Frequency*: no more frequent than 1 in 3 years, no less frequent than 1 in 5 years *Other Provisions*: • Can occur 12 months after conservation cover is established • Land within 120 feet of a stream or other water body is ineligible • Emergency Haying or Grazing restarts the frequency clock • Not authorized during the PNS • Haying and grazing cannot occur on same acreage • Authorized for a single period of up to 120 days or 2 60-day periods before September 30 • Requires modification of Conservation Plan (Grazing Plan) • 25% or greater payment reduction
Routine Grazing	*Practices*: CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, CP38E *Frequency*: no more frequent than every other year *Other Provisions*: • Can occur 12 months after conservation cover is established • Land within 120 feet of a stream or other water body is ineligible • Not authorized during the PNS • Haying and grazing cannot occur on same acreage • Emergency Haying or Grazing restarts the frequency clock • Frequency and duration determined through consultation with STC • Requires modification of Conservation Plan (Grazing Plan) • 25% or greater payment reduction

Table 1.1-2. Overview of Haying and Grazing that Could Occur eon Land Enrolled in the Conservation Reserve Program prior to the 2018 Farm Bill	
Type	**Components**
Emergency Haying	*Purpose:* Intended for periods of drought or excessive moisture of such magnitude that livestock producers are faced with culling herds or livestock losses *Circumstances*: County designated D2 or greater according to the National Drought Monitor or there is a 40% or greater loss of forage production in the county or the Secretary and STC determine the program can assist in response to a disaster without permanent damage to the cover *Practices*: CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, CP38E or Deputy Administrator of Farm Programs may authorize certain additional practices if conditions warrant *Frequency*: No frequency limitations. Emergency Haying is approved by county in response to 40% or greater loss of hay or pasture production caused by drought or excessive moisture *Other Provisions*: • Shall leave 50% of field or contiguous fields unhayed • Can occur after cover is established • Producer agrees to re-establish the cover at own expense if it is destroyed • Land within 120 feet of a stream or other water body is ineligible • Not authorized during the PNS • Haying and grazing cannot occur on same acreage • Producer may not sell hay • Up to 60 days before August 31 • No payment reduction
Emergency Grazing	*Purpose:* Intended for periods of drought or excessive moisture of such magnitude that livestock producers are faced with culling herds or livestock losses *Circumstances*: County designated D2 or greater according to the National Drought Monitor or there is a 40% or greater loss of forage production in the county or the Secretary and STC determine the program can assist in response to a disaster without permanent damage to the cover *Practices*: CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, CP38E or FSA Deputy Administrator of Farm Programs may authorize certain additional practices if conditions warrant *Frequency*: No frequency limitations. Emergency Grazing is approved by county in response to 40% or greater loss of hay or pasture production caused by drought or excessive moisture *Other Provisions*: • Graze 75% of field or contiguous fields or all entire field(s) at no more than 75% of stocking rate • Can occur after cover is established • Producer agrees to re-establish the cover at own expense if it is destroyed • Land within 120 feet of a stream or other water body is ineligible • Not authorized during the PNS • Haying and grazing cannot occur on same acreage • Up to 90 days (and possibly a single 30-day extension) before September 1 • No payment reduction

Table 1.1-2. Overview of Haying and Grazing that Could Occur eon Land Enrolled in the Conservation Reserve Program prior to the 2018 Farm Bill	
Type	**Components**
Incidental Routine Grazing (also referred to as Intermittent Seasonal Use)	*Purpose:* Incidental to the gleaning of crop residue or before the harvest of small grain *Practices*: CP8A, CP13C, CP15A, CP21, CP33 *Other Provisions*: • Not authorized during the PNS • Up to 60 calendar days • Can occur once cover is established, as certified by TSP • Producer agrees to re-establish the cover at own expense if it is destroyed • 25% or greater payment reduction
Permissive Routine Grazing	*Purpose:* To glean crop residue not removed by mechanical harvesting during the first year of CRP contract in order to support establishment of CRP cover, prior to establishment of CP(s) *Practices*: not applicable, occurs prior to practice establishment
Prescribed Grazing	*Purpose*: Authorized for the control of kudzu and other invasive species *Practices*: not limited *Frequency*: no more than 3 consecutive years during the life of the contract *Other provisions*: • Not to exceed 30 calendar days between May 1 and September 1 • 25% or greater payment reduction • Requires modification of Conservation Plan (Grazing Plan)

Source: 2-CRP.

Based on the acreages enrolled in CRP as of June 2019, currently there are a total of 14,465,807 acres of CRP land enrolled where CPs would permit some type of haying or grazing to occur under the current CRP provisions (**Table 1.1-3**). This represents 64 percent of all CRP acres. **Table 1.1-4** contains the number of acres by state where haying and grazing occurred in 2018. **Figures 1.1-2, 1.1-3, 1.1-4 and 1.1-5** also illustrate these data.

Table 1.1-3. Total Acres Enrolled in 2018 by Conservation Practice Where Haying and Grazing Could Occur	
Practices	**Total Acres Enrolled**
CP1: Permanent Introduced Grasses and Legumes	3,149,163
CP2: Permanent Native Grasses	5,313,536
CP4B: Permanent Wildlife Habitat (Corridors)	2,134
CP4D: Permanent Wildlife Habitat	1,471,183
CP10: Vegetative Cover – Grass – Already Established	2,364,501
CP18B: Establishment of Permanent Vegetation to Reduce Salinity	182,329
CP18C: Establishment of Permanent Salt Tolerant Vegetative Cover	
CP38: State Acres for Wildlife Enhancement	1,982,961
Total Haying and Grazing Practice Acres	**14,465,807**
Total CRP Acres	**22,609,724**
Haying/Grazing Practices as Percent of Total CRP	**64%**

Source: Conservation Reserve Program Monthly Summary – June 2019.

Table 1.1-4 Conservation Reserve Program Acres Grazed and Hayed/Harvested by State in 2018									
State	**Managed Grazing**	**Managed Haying**	**Routine Grazing**	**Emergency Haying**	**Emergency Grazing**	**Total Grazing (Acres, Percent Total CRP)**		**Total Haying (Acres, Percent Total CRP)**	
Colorado	22,321	38,282	25,880	1,954	92,889	141,090	0.6	40,236	0.2
Idaho	388	562		895	1,517	1,905	0.0	1,457	0.0
Missouri	8,833	47,028		105,570	13,673	22,506	0.1	152,598	0.7
Nebraska	9,984	19,640	3,926	2,979	185	14,095	0.1	22,619	0.1
Ohio		144				0	0.0	144	0.0
Oklahoma	36,775	11,168	277	10,741	39,182	76,234	0.3	21,909	0.1
Texas	9,617	15,117	23,654	36,329	310,784	344,055	1.5	51,446	0.2
Wyoming		1,831	7,329			7,329	0.0	1,831	0.0
TOTAL	87,918	133,773	61,066	158,468	458,231	607,215	2.7	292,241	1.3
Percent of Total CRP	0.4	0.6	0.3	0.7	2.0				

Note: Acres rounded to the nearest acre. Percent enrollment based on total enrollment in 2018 (22,609,724 acres)

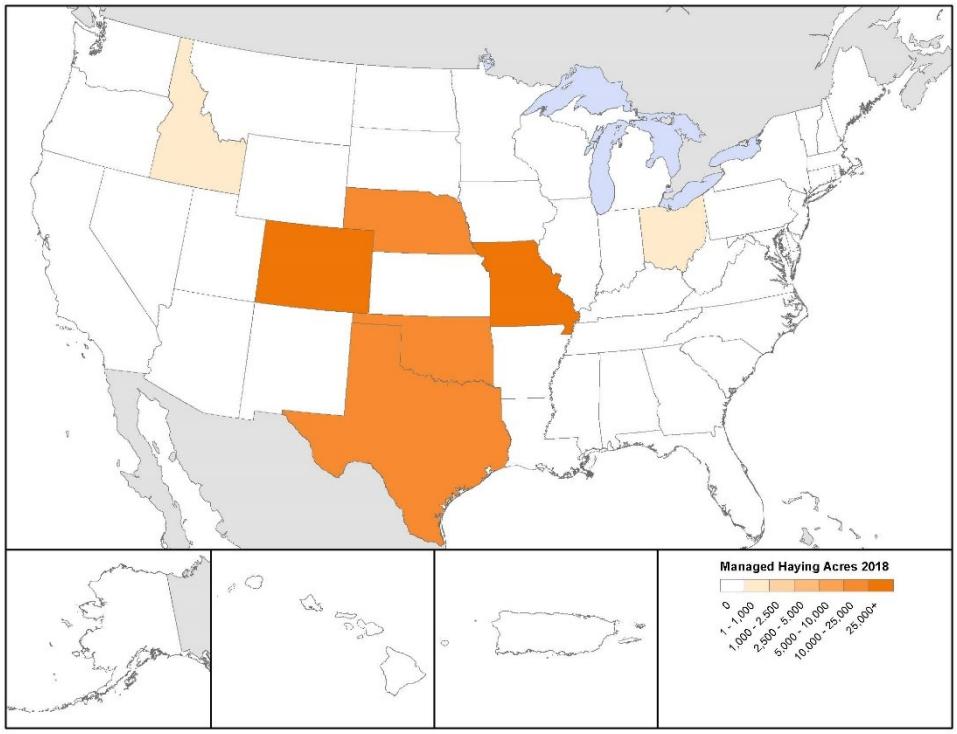

Figure 1.1-2. Managed Haying in 2018

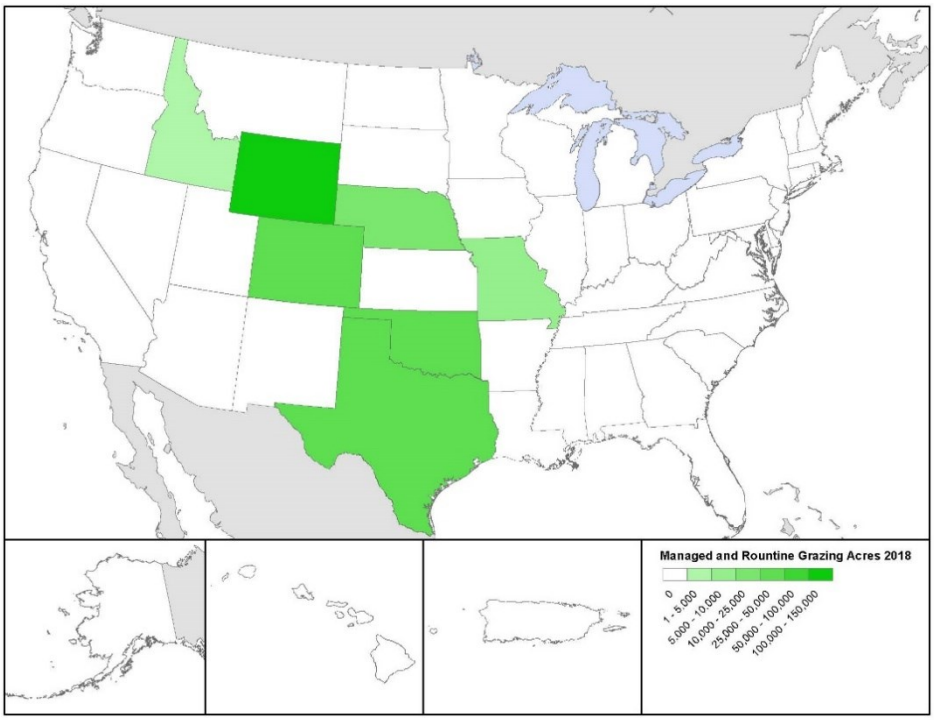

Figure 1.1-3. Managed and Routine Grazing in 2018

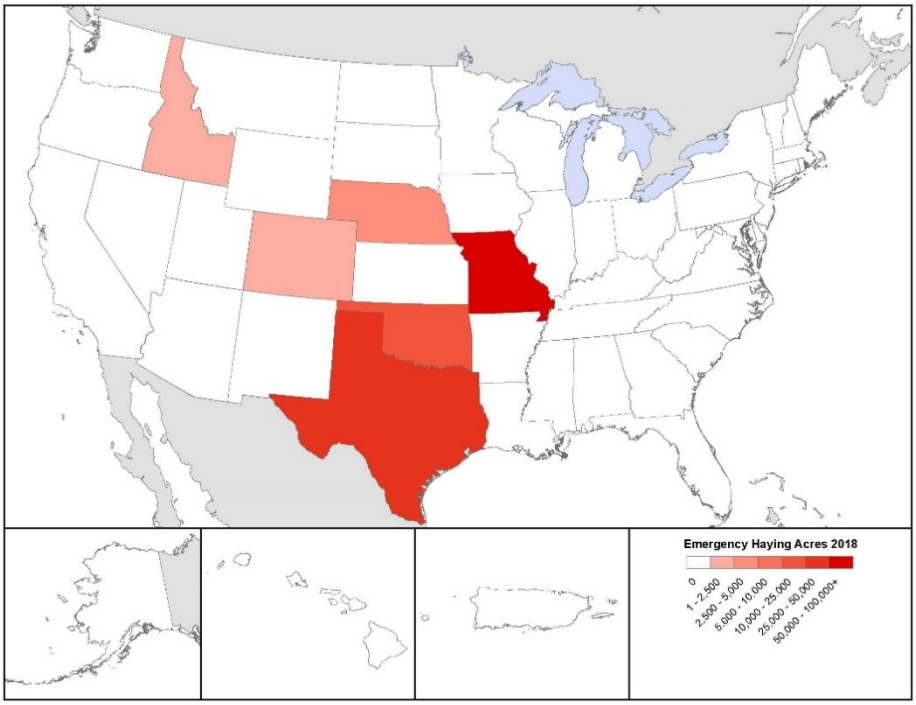

Figure 1.1-4. Emergency Haying in 2018

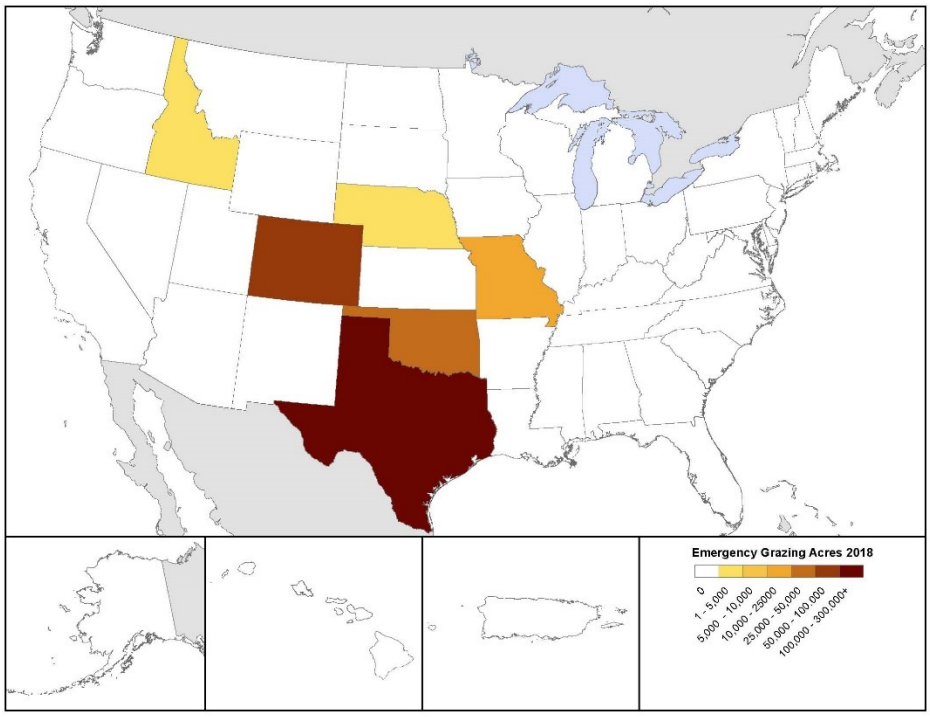

Figure 1.1-5. Emergency Grazing in 2018

1.1.2.5 State Technical Committees

STCs are used to provide information, analysis, and recommendations to NRCS and other USDA agencies responsible for natural resource conservation activities and programs under the 1985 Farm Bill, as amended. In accordance with 7 CFR Part 610, Subpart C, NRCS has established a technical committee in each State to assist in making recommendations relating to the implementation and technical aspects of natural resource conservation activities and programs to include the CRP. It is the responsibility of the STC to:

- Provide information, analysis, and recommendations to USDA on conservation priorities and criteria for natural resources conservation activities and programs, including application and funding criteria, recommended practices, and program payment percentages.
- Identify emerging natural resource concerns and program needs.
- Recommend conservation practice standards and specifications.
- Recommend State and national program policy based on resource data.
- Review activities of the local working groups to ensure State priorities are being addressed locally.
- Make recommendations to the State Conservationist on requests and recommendations from local working groups.
- Assist NRCS with public outreach and information efforts and identify educational and producers' training needs.

The STC is chaired by the State Conservationist. The Committee is composed of agricultural producers, owners and operators of non-industrial private forest land, and other professionals who represent a variety of interests and disciplines in the soil, water, wetlands, plant, and wildlife resources. Each STC must include a representative from all of the following:

- NRCS
- FSA
- FSA State Committee
- U.S. Forest Service (USFS)
- National Institute of Food and Agriculture
- Each of the federally recognized American Indian Tribal governments and Alaskan Native Corporations encompassing 100,000 acres or more in the State
- Association of Soil and Water Conservation Districts
- State departments and agencies within the state, including: agricultural agency, fish and wildlife agency, forestry agency, soil and water conservation agency, and water resources agency
- Agricultural producers representing the variety of crops and livestock or poultry raised within the State
- Owners of non-industrial private forest land
- Nonprofit organizations that demonstrate conservation expertise and experience working with agricultural producers in the State
- Agribusiness
- Other Federal agencies and persons knowledgeable about economic and environmental impacts of conservation techniques and programs as determined by the State Conservationist

STCs meet at least twice a year. All STC meetings are open to the public and announced via a widely distributed newspaper(s) as well as on the NRCS state website at least 14 days prior to the meeting. Individuals attending STC meetings are given an opportunity to address the committee and present their opinions and recommendations. All comments received at STC meetings are summarized and presented at the following meeting and are also posted on the NRCS State website. A summary of all STC meetings is available within 30 calendar days of the meeting, distributed to committee members, and made available on the NRCS State website. The State Conservationist informs the STC on any decisions made in response to recommendations or comments received.

1.2 PURPOSE AND NEED

The purpose of the Proposed Action is to implement programmatic changes to the CRP resulting from the 2018 Farm Bill. The need for the Proposed Action is to fulfill FSA's responsibility to administer CRP, meeting its purpose of conserving and improving soil, water, and wildlife resources while improving the program's functionality and maintaining conservation benefits.

1.3 PUBLIC INVOLVEMENT

This document was available for public review and comment from September 27, 2019 to October 28, 2019. Several comment letters were received from individuals and groups. **Appendix B** provides a summary of the comments received.

1.4 RELEVANT STATUTES, EOS, AND PERMITS

A variety of laws, regulations, and EO apply to actions undertaken by federal agencies and form the basis of the analyses prepared in this PEA. These include but are not limited to:

- NHPA of 1966 (PL 89-665; 80 Stat. 915; 54 U.S.C. 300101 et seq.), as amended
- ESA of 1973 (PL 93-205; 16 USC § 1531 et seq.)
- Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 USC §§ 703-712; 50 CFR Part 21)
- Bald and Golden Eagle Protection Act of 1940 (BGEPA), as amended (PL 86-70, PL 87-884, PL 92-535, PL 95-616; USC 668-668d)
- Clean Air Act, as amended (PL 88-206; 42 USC § 7401 et seq.)
- Clean Water Act (CWA), as amended (PL 107-303; 33 USC § 1251, et seq.)
- EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- EO 11988, Floodplain Management
- EO 11990, Protection of Wetlands

Other Federal permits, licenses, and entitlements may be required in enrolling specific lands in CRP. These permits and licenses would be identified and obtained as part of the site-specific EE and may include:

- ***CWA, Section 401*** (Water Quality Certification). Pursuant to Section 401 of the CWA, Federal permits for projects in wetlands or waterways must be certified by the state licensing or permitting agency to ensure that state water quality standards are met.
- ***CWA, Section 402*** (National Pollutant Discharge Elimination System (NPDES)). U.S. Environmental Protection Agency (EPA) currently regulates stormwater discharges from construction sites that are 1 acre or larger. Documenting project compliance with the NPDES general permit involves preparation of a Storm Water Pollution Prevention Plan and submittal to EPA of a Notice of Intent to Discharge. Projects that require a Section 402 permit also need a Section 401 permit.
- ***CWA, Section 404*** (Wetlands). The U.S. Army Corps of Engineers (ACE) regulates the placement of dredged or fill material in waters of the U.S., which includes some wetlands, pursuant to 33 CFR 320-332. Work and structures that are located in, or that affect, navigable waters of the U.S., including work below the ordinary high-water mark in non-tidal waters, also are regulated by ACE. Projects requiring a Section 404 permit also need a Section 401 permit.
- ***ESA, Section 7.*** ESA provides for the conservation of species and ecosystems that are in danger of becoming extinct. It also applies to candidate species that have been recommended for listing as threatened or endangered of becoming extinct. The harming or harassing of listed animal species and removing or reducing listed plant species are prohibited. Site-specific consultation with FWS would be undertaken to ensure no adverse effects to threatened or endangered species would occur from enrolling offered lands. Actions that have the potential to adversely affect a protected species could require additional NEPA documentation. In general, it is against FSA policy to fund activities that would adversely affect protected species (FSA Handbook: Environmental Quality Programs for State and County Offices, 1-EQ).
- ***NHPA, Section 106.*** Section 106 of the NHPA requires Federal agencies to consider the effects of their actions on historic properties before undertaking a project. A historic property is defined

as any cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. The Advisory Council on Historic Preservation oversees Section 106 and its implementing regulations (36 CFR 800). Most consultation is done with the appropriate State Historic Preservation Office or Tribal Historic Preservation Office. In general, it is against FSA policy to fund activities that are likely to cause an adverse impact on historic properties unless mitigation measures can be undertaken to avoid or lessen the adverse impacts (FSA Handbook: Environmental Quality Programs for State and County Offices, 1-EQ).

1.5 SCOPE AND ORGANIZATION OF THE DOCUMENT

Since CRP is a national program, the geographic scope of this PEA covers the entire U.S. Given the broad nature of the program, this document is programmatic and is intended to provide the basis for site-specific NEPA documentation that would occur prior to enrollment of any land into CRP. The organization of this PEA is as follows:

- **Chapter 1** (this chapter) provides relevant background information and discusses its purpose and need.
- **Chapter 2** presents the details of the Proposed Action and No Action Alternative
- **Chapter 3** describes resources evaluated and dismissed from in-depth analysis in this PEA. It describes baseline conditions or "affected environment" for each resource (i.e., the conditions against which the potential impacts of the alternatives are measured) as well as the potential environmental impacts/consequences of implementing the alternatives.
- **Chapter 4** includes an analysis of potential cumulative effects. Cumulative effects include evaluation of the alternatives in relation to past, present, and/or future foreseeable actions within the affected environment. This chapter also includes a discussion of the irreversible or irretrievable commitment of resources.
- **Chapter 5** contains references cited.
- **Chapter 6** provides a list of PEA preparers and contributors and lists persons and agencies contacted during the development of the document.

Several appendices are included to provide supporting technical documentation.

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2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

2.1 OVERVIEW OF CHANGES TO CRP FROM THE 2018 FARM BILL

FSA proposes to implement changes the 2018 Farm Bill made to CRP, which extends the enrollment authority for CRP to fiscal year 2023. Some statutory changes in the 2018 Farm Bill are administrative in nature, would not result in major changes to the current administration of the program, or have been evaluated in other NEPA documents including those described in **Section 1.1.1**. Such changes are shown in **Table 2.1-1** and are not addressed further in this PEA, as they would have no significant impact to the human and natural environment.

Changes to enrollment targets and methods, acreage goals, incentives, rental rates, cost share payments, targeted geographic areas, encouraging enrollment in certain conservation practices, and establishing conservation practices and practice provisions have always been part of the CRP. Decisions are made year by year by the USDA in response to funding availability, amount of land enrolled in CRP, conservation priorities, as well as in response to the needs of producers. Other changes specified by the farm bill are largely administrative or simply codify or clarify program administration in order to provide for maximum utility and efficiency. Such changes include conducing National Agricultural Statistics Service surveys on rental rates annually, in order to be responsive to changes and to ensure appropriate rental rates are being offered CRP participants. Other administrative changes include specifying the entities that may sponsor a CREP, codifying how the program is being implemented, and clarifying eligibility for program participation relative to the requirements of state law.

Table 2.1-1. Statutory Changes to the Conservation Reserve Program

Provision	2014 Farm Bill	2018 Farm Bill
Enrollment, Acreage Goals, Targets		
Maximum County Acreage	May not enroll more than 25 percent of county cropland. Limit can be waved for all Continuous Sign Up.	Limit may be waived for CREP under limited circumstances at the discretion of the Secretary of Agriculture.
General signup	No provisions.	Conduct every year.
Continuous Signup	No Provisions.	Enrollment is targeted at 8.6 million acres by 2022 and 2023.
CLEAR Initiative	No provisions.	Gives priority to water quality continuous signup practices by targeting 40% of continuous signup
Grasslands Enrollment	Up to 2 million acres can be enrolled. Continuous enrollment with periodic ranking and selection.	Sets enrollment set asides ranging from 1 million to 2 million acres from 2019 through 2023 be enrolled.
Geographical Enrollment	No provision.	Target enrollment to the historic geographical distribution.
Eligible Lands Already Expired	No provision.	Land that expired September 30, 2017 or September 30, 2018 can re-enroll if land remain in conservation cover, and that had no previous opportunity to enroll.

Table 2.1-1. Statutory Changes to the Conservation Reserve Program		
Provision	**2014 Farm Bill**	**2018 Farm Bill**
Rental Rates, Cost Share, Incentives		
Mid-Contract Management	Cost-share allowed.	Prohibits cost-sharing for management activities for new contracts.
Cost-Sharing Livestock Exclusion	No provision.	Pay cost-share based on fair market value for land enrolled in CREP.
Practice Incentive Payments	No provision. (Administratively set at 40% of total cost.)	Applies to new continuous signup.
Seed Costs	No provision.	Cost-share payments for seed cannot exceed 50% of seed costs.
Signing Incentive Payments	No provision. (Administratively set at $75-$150/acre.)	Required a payment equal to 32.5% of first annual rental payment for certain continuous signup practices.
Forest Management Incentive	Authorized $10 million.	Authorizes $12 million. Proper thinning is made mandatory. Incentive is up to 100% of actual costs.
CREP Riparian Buffer Management	No provision.	Cost-share payments allowed to encourage regular management of CREP riparian buffers if provided in CREP agreement.
Conservation Practices		
Hardwood Trees	No provision.	Only one re-enrollment allowed. Exception for riparian buffers, shelterbelts, and forested wetlands enrolled under continuous signup and CREP.
Prairie Strips	No provision.	Adds new continuous practice (part of CLEAR). Similar to contour grass strips, but with more forbs.
Fruit Trees on CREP Riparian Buffers	No provision.	Allows food-producing woody plants. If harvested, payment reduction commensurate with value.
Administration		
Rental Rate Survey	National Agricultural Statistics Service to conduct survey at least every other year.	NASS to conduct survey every year.
CREP Partners	No provision.	Specifies States, political subdivisions of States, Indian Tribes, and non-governmental organizations.

A summary of the aspects of CRP that are proposed for change by the 2018 Farm Bill is provided in **Table 2.1-2**. Also included is a description of the current state of those aspects of CRP proposed for change. Note that the 2018 Farm Bill refers to Emergency and Non-emergency Haying and Grazing, replacing previously used terminology.

Table 2.1-2. Summary of the Changes to CRP

Program Element	Current Program (No Action Alternative)	2018 Farm Bill (Proposed Action)
Maximum Enrollment Authority	24 million acres	Increasing annually to a maximum of 27 million acres in fiscal year 2023
CPs Eligible for Haying and Grazing	See **Table 1.1-2** for details on CPs previously approved for various types of haying and grazing	All practices eligible for: • Emergency Haying • Emergency Grazing • Non-Emergency Haying • Non-Emergency Grazing • Emergency Intermittent Seasonal Use of vegetative buffers incidental to agriculture production on adjacent lands (also called Incidental Routine Grazing)
Non-Emergency Grazing During PNS	Not currently authorized	50% of allowable stocking rate
Emergency Grazing during PNS	Not currently authorized within the PNS except at discretion of the Secretary during extreme conditions determined on a case-by-case basis	When payments are authorized for county under Livestock Forage Disaster Program 50% of allowable stocking rate
New Pilot Program: Clean Lakes, Estuaries, and Rivers (CLEAR30	This program does not exist currently	• Focused on water quality improvements • Open to expiring CRP land with CLEAR practices • Employs a subset of existing CPs • 30-year contract duration
New Pilot Program: Soil Health and Income Protection Program (SHIPP)	This program does not exist currently	• Focused on prairie pothole region of Montana, North Dakota, South Dakota, Minnesota, and Iowa • Employs a new practice, CP90 Perennial Cover Crop • 3, 4, or 5 year contract duration

2.2 NO ACTION ALTERNATIVE

No Action Alternative is comprised of those aspects of CRP as currently authorized. This alternative would not meet the purpose and need, as it would not allow for a continuation of existing CRP provisions and would not implement the changes to CRP resulting from the 2018 Farm Bill. The No Action Alternative is carried forward in this PEA in accordance with 40 CFR 1502.14(d) to represent the environmental baseline against which to compare the impacts of changes to CRP.

2.3 PROPOSED ACTION

The Proposed Action is comprised of elements of the 2018 Farm Bill detailed below. All of these elements are non-discretionary, meaning their implementation is mandatory and specifically required by the statute.

2.3.1 Maximum Enrollment Authority

The 2014 Farm Bill authorized a maximum of 24 million acres can be enrolled in CRP at any given time. As of June 2019, there 22,349,661 acres enrolled in CRP. The 2018 Farm Bill authorizes the gradual increase of enrollment in CRP to 27 million acres by 2023. There are approximately 15 million acres of CRP that will expire from 2019 through 2023. **Table 2.3-1** includes the authorized acreage enrollment by year and the acres set to expire by year through the period the program is authorized by the 2018 Farm Bill.

Table 2.3-1. Conservation Reserve Program Enrollment Cap and Expiring Acres for Years Authorized by 2018 Farm Bill

	Enrollment Cap	Expiring Acres
2019	24,000,000	1,350,516
2020	24,500,000	4,619,109
2021	25,000,000	3,012,764
2022	25,500,000	4,022,116
2023	27,000,000	2,004,547
	Total Expiring Acres	**15,009,052**

2.3.2 Haying and Grazing on All Practices

In CRP, haying and grazing are used to maintain conservation cover, control invasive species, and to help alleviate forage losses in emergency situations such as drought, flooding, wildfires, and other emergencies that damage forage. Currently, there are a number of types of haying and grazing that are permitted on CRP lands devoted to certain CPs, at certain defined frequencies, durations, and times of year. **Table 1.1-2** provides an overview of the types of haying and grazing that are part of CRP including the CPs where haying and grazing are currently permitted. **Table 1.1-1** contains a description of CPs and the number of acres enrolled in each as of June 2019.

The 2018 Farm Bill authorizes haying and grazing on all CPs subject to the provisions detailed in the *2-*CRP. With the exception of Emergency and Non-Emergency Grazing, which would be permitted during the PNS as described in **Sections 2.3.3 and 2.3.4** below, all other limitations on haying and grazing would remain as described in **Table 1.1-1**.For example, Non-Emergency Grazing would be authorized no more frequently than one in three years, would not be permitted until 12 months after the cover is established, would not occur on land within 120 feet of a stream or other body of water, etc.

2.3.3 Non-Emergency Grazing During PNS

As CRP is currently administered, grazing of CPs is not permitted during the PNS. Other provisions (such as allowable frequencies, ineligible lands, duration, etc.) would remain unchanged from the way the activity is currently managed. **Table 2.3-2** provides a comparison of the Managed/Routine Grazing that occurs under the current program and the Non-Emergency Grazing provisions mandated by the 2018 Farm Bill.

Table 2.3-2. Current and 2018 Farm Bill Changes to Non-Emergency Grazing		
	Current Program (No Action Alternative)	**2018 Farm Bill (Proposed Action)**
Eligible Practices	CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, CP38E	All CPs
Frequency	Managed Grazing (contracts approved before July 28, 2010) • no more frequent than 1 in 3 years • no less frequent than 1 in 5 years Routine Grazing (contracts approved after July 28, 2010) – no more frequent than every other year	Non-Emergency Grazing - every other year
Provisions Changes	Not authorized during the PNS	Can occur during PNS at 50% of approved stocking rate
Provisions Unchanged	• Can occur 12 months after conservation cover is established • Land within 120 feet of a stream or other water body is ineligible • Emergency Haying or Grazing restarts the frequency clock • Haying and grazing cannot occur on same acreage • Authorized for a single period of up to 120 days or 2 60-day periods before September 30 • Requires modification of Conservation Plan (Grazing Plan) • 25% or greater payment reduction	

As illustrated in **Table 2.3-3**, Managed and Routine Grazing occurred on 148,984 acres in 2018 in Colorado, Idaho, Missouri, Nebraska, Oklahoma, Ohio, Texas, and Wyoming. This represents approximately 0.7 percent of all CRP land. **Table 2.3-3** also provides data from 2014 through 2018, the period covered by the 2014 Farm Bill.

Table 2.3-3. Managed and Routine Grazing Acres, 2014-2018					
Year	**Managed Grazing (acres)**	**Routine Grazing (acres)**	**States**	**Total CRP (acres)**	**Managed/Routine Grazing as a Percentage of total CRP**
2014	78,598	10,199	CA, CO, ID, IL, IN, IA,KS, MI, MN, MO, MT, NE, ND, OK, OR, SD, TX, UT, WA WY	25,448,835	0.3
2015	153,895	86,363	CA, CO, ID, IA,KS, MN, MO, MT, NM, NE, ND, OK, OR, SD, TX, UT, WA WY	24,186,715	1.0
2016	256,302	167,718	CO, KS, MN, SD, NE, ID, OK, TX, OR, WI, CA, IA, MO, NM	23,884,000	1.8
2017	240,312	156,782	CA, CO, ID, IL, IA, KS, MN, MO, MT, NE, NM, ND, OK, OR, SD, TX, UT, WA, WI, WY	23,433,686	1.7
2018	87,918	61,066	CO, ID, MO, NE, OK, OH, TX, WY	22,609,724	0.7
Average	163,405	96,426			

2.3.4 Emergency Grazing During PNS

Emergency Grazing is intended for periods of drought, flooding, wildfires, and other emergencies of such magnitude that livestock producers are faced with culling herds or livestock losses. In addition to allowing Emergency Grazing on all CPs, as detailed in **Section 2.3.2**, the 2018 Farm Bill would also allow Emergency Grazing to occur during the PNS at 50 percent of the allowable stocking rate.

Producers wishing to utilize Emergency Haying or Grazing must obtain a modified Conservation Plan to include haying or grazing requirements as determined by NRCS.

Table 2.3-4 illustrates the number of CRP acres and contracts and the states where Emergency Grazing occurred from 2014 through 2018, the period covered by the 2014 Farm Bill.

Table 2.3-4. Emergency Grazing Acres and Contracts, 2014-2018					
Year	**Emergency Grazing (contracts)**	**Emergency Grazing (acres)**	**States**	**Total CRP (acres)**	**Emergency Grazing acres as a Percentage of total CRP**
2014	2,862	492,298	CA, CO, ID, KS, MN, NM, OK, OR, TX, UT, WA	25,448,835	1.9
2015	700	111,149	ID, MO, MT, OR, UT, WA	24,186,715	0.5
2016	134	37,272	NE, ID, MN, OR, SD, TX	23,884,000	0.2
2017	3,532	483,398	CO, ID, IA, KS, MN, MO, MT, NE, ND, OK, OR, SD, TX, UT, WA, WY	23,433,686	2.1
2018	1,366	147,446	CO, ID, MO, OK, NE	22,609,724	0.7
Average	1,719	254,313			

Legend: CRP = Conservation Reserve Program.

2.3.5 New Pilot Programs

The 2018 Farm Bill establishes two new pilot programs: the CLEAR30 and the SHIPP. CLEAR30 would enroll expiring CRP lands for 30-year contracts devoted to a subset of existing CPs that target enhancing and improving water quality including: CP8A, CP15A, CP15B, CP21, CP21B, CP22, CP22B, CP23, CP23A, CP29, CP30, CP31, CP37 and CP43.

The SHIPP would employ a new practice, CP90 (Perennial Cover Crop) in the prairie pothole region, which includes parts of Montana, North Dakota, South Dakota, Minnesota, and Iowa (See **Figure 2.3-1**). Participants in this program would enroll lands into shorter term contracts than traditional CRP, lasting 3, 4, or 5 years.

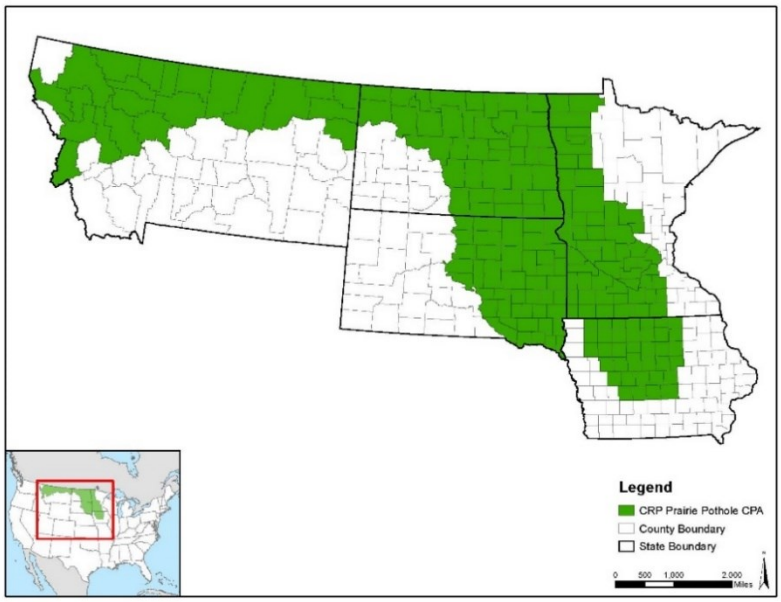

Figure 2.3-1. Prairie Pothole Region

2.4 ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD FOR DETAILED ANALYSIS

Haying and grazing frequencies that are different than those evaluated in this PEA have been established by previous Farm Bills and at the request of states, and have been evaluated by previous NEPA analyses (see **Section 1.1.1**). The frequency changes evaluated in this PEA are mandated by the 2018 Farm Bill, as are other aspects of CRP including: allowing for Emergency and Non-Emergency Grazing during PNS; changes to allowable stocking rates and acres available for harvest during PNS; and the CPs where haying and grazing can occur. As such, FSA cannot consider other alternatives as it has no decision making authority. Additionally, such alternatives would not meet the purpose and need for the Proposed Action, to implement changes to CRP mandated by the 2018 Farm Bill. The current states of those aspects of CRP that would change as a result of the 2018 Farm Bill, are described as the No Action Alternative.

The 2018 Farm Bill provides the Secretary the discretion to permit dryland agricultural uses (defined as planting a non-forage commodity), with the adoption of best management practices, on land enrolled under a CREP agreement provided such agreement involves the significant long-term reduction of consumptive water use and dryland production is compatible with the agreement. The Secretary has determined that allowing land enrolled in CRP to be used for dryland agricultural uses is inconsistent with the intent and purpose of the CRP. Broadly allowing dryland agricultural uses on land enrolled in CRP under a CREP agreement would limit protection of ground and surface water quality, control of soil erosion, or enhancement of wildlife habitat. Therefore, under the authority of the 2018 Farm Bill, USDA has determined to not allow dryland agricultural uses of land enrolled in CRP under a CREP agreement regardless of whether the agreement involves the significant long-term reduction of consumptive water use.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS

This chapter describes the existing environmental conditions for resources potentially affected by the 2018 Farm Bill changes to CRP as well as the environmental consequences of those changes.

This document is a programmatic EA; it evaluates the effects of implementing changes to a nationwide voluntary program. As such, the geographic scope of the program is both extensive and largely unknown. Therefore, the utility and availability of modeling and quantitative analysis is limited. The potential impacts of implementing the program changes will be discussed on a national or regional level, as appropriate. Site-specific EE would occur prior to enrollment of land into the program. This PEA and the site-specific EE will provide the full NEPA coverage.

Several other relevant NEPA documents, including those that assessed the impacts of previous Farm Bill changes to CRP provisions, are incorporated by reference. As such, some of the descriptions of the affected environment are summarized in this document.

In compliance with NEPA, CEQ regulations, and FSA procedures for implementing NEPA, the description of the affected environment focuses on only those resources potentially subject to impacts and the level of analysis is commensurate with the anticipated level of impact. Applying the CEQ guidelines, the discussion of the affected environment and associated environmental impact analysis presented here focuses on Wildlife and Habitat (including species protected by the ESA, MBTA, and BGEPA), Wetlands and Water Quality, Soils, Air Quality, and Socioeconomics.

3.1 RESOURCES ELIMINATED FROM DETAILED ANALYSIS

CEQ regulations (40 CFR 1501.7(a)(3)) indicate that the lead agency should identify and eliminate from detailed study the issues that are not important or that have been covered by prior environmental review, narrowing the discussion of these issues in the document to a brief presentation of why they would not have a significant effect on the human or natural environment.

Part of the evaluation of lands offered for enrollment in CRP is a site-specific EE. This evaluation process includes collecting and documenting the data, consultation and permitting needed for FSA to ensure compliance with NEPA, the NHPA, the ESA, and other related laws, regulations, and EOs. The site-specific EE process follows guidance in FSA's Handbook on Environmental Quality Programs for State and County Offices (1-EQ). Several resources can only be evaluated on a site by site basis. For example, the EE requires that lands offered for enrollment in CRP are evaluated for the potential for the presence of or proximity to wetlands, floodplains, coastal zones, Wilderness Areas, etc. which can only be evaluated once lands are offered for enrollment. As such, the following resource areas have been eliminated from detailed analysis in this PEA: Cultural Resources, Coastal Barriers, Coastal Zone Management Act Areas, Wilderness Areas, Wild and Scenic Rivers and Nationwide Rivers Inventory, National Natural Landmarks, Sole Source Aquifers, Floodplains, Noise, Important Land Resources, Environmental Justice.

Cultural Resources. This PEA does not address specific locations to be enrolled in CRP; therefore, cultural resources are not analyzed here. As with all CRP land enrollment, a site-specific EE would be conducted prior to approval of any CRP contracts during the conservation planning process, or when existing Conservation Plans are modified to permit new activities such as harvesting or grazing. The likely impact of CRP enrollment on cultural resources would not be greater than expected for normal agricultural production since the majority of the lands in the program are required to have been planted or considered

planted to an agricultural commodity to be eligible for CRP during a specified time period prior to the land being enrolled. FSA will not approve actions or activities that could significantly affect historic properties without proper mitigation.

Coastal Barriers and Coastal Zones. This PEA does not address specific locations to be enrolled in CRP; therefore, impacts to coastal barriers and coastal zones are not analyzed here. As with all CRP land enrollment, a site-specific EE would be conducted prior to approval of any CRP contracts during the conservation planning process, or when existing Conservation Plans are modified to permit new activities such as harvesting or grazing. For CRP activities in states with designated coastal barrier or coastal zones that would potentially be affected, consultation with FWS (for coastal barriers) and the appropriate state agency (for coastal zones) would occur before implementing any CPs to ensure activities are consistent with the purposes of the Coastal Barrier Improvement Act and the Coastal Zone Management Act.

Wilderness Areas, Wild and Scenic Rivers and Nationwide Rivers Inventory, National Natural Landmarks. This PEA does not address specific locations to be enrolled in CRP at this time; therefore, impacts to designated Wild and Scenic Rivers or rivers listed in the Nationwide Rivers Inventory are not addressed. A site-specific EE would be conducted prior to approval of CRP enrollment. If a Wild and Scenic River is within the project area, or the project has the potential to affect a Wild and Scenic River, consultation with the appropriate river-administering agency (Bureau of Land Management, National Park Service, FWS, or USFS) would be initiated. Most lands eligible for CRP are privately owned; therefore, there is limited potential for impacts to National Natural Landmarks, Federal Wilderness, Wilderness Study Areas, National or State Parks, or Federal or State Wildlife Refuges. A site-specific EE would be conducted prior to enrollment in CRP. As part of the EE, proposed activities that have the potential to affect a Protected Resource would be identified and FSA would coordinate with the responsible land managing agency regarding potential impacts in accordance with 1-EQ.

Sole Source Aquifers. This PEA does not address specific locations to be enrolled in CRP; therefore, impacts to sole source aquifers are not analyzed here. As with all CRP land enrollment, a site-specific EE would be conducted prior to approval of any CRP contracts during the conservation planning process, or when existing Conservation Plans are modified to permit new activities such as harvesting or grazing. As a part of the required EE process, the EPA's Sole Source Aquifer maps would be evaluated to ensure that accepting land into CRP would not affect an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer, in compliance with the Safe Drinking Water Act (PL 93-523).

Floodplains. Floodplains are defined by the Federal Emergency Management Agency as those low lying areas that are subject to inundation by a 100-year flood, which is a flood that has a one percent chance of being equaled or exceeded in any given year. EO 11988, Floodplain Management, requires Federal agencies to avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development. Because CRP activities do not involve construction, no impacts to floodplains would result from activities associated with the program.

Noise. Implementing the 2018 Farm Bill changes to CRP would not permanently increase ambient noise levels at or adjacent to CRP lands. Noise from heavy equipment is common on agricultural lands that could be enrolled in CRP. The potential for increased noise levels associated with implementing CPs would be minor, temporary, and localized, and would cease once implementation of the approved CPs was completed.

Important Land Resources. The majority of lands eligible for enrollment in CRP are highly erodible or are marginal pastureland, which do not meet the definition of Prime and Unique Farmland, as defined by the Farmland Protection Policy Act of 1981, and it is therefore eliminated from further analysis.

Environmental Justice. EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs Federal agencies to ensure that minority and low-income populations are not disproportionately adversely impacted by Federal actions. The potential impacts of the changes to the CRP resulting from the 2018 Farm Bill on minority and low-income populations have been evaluated consistent with a Civil Rights Impact Analysis (CRIA) completed by the Farm Production and Conservation Business Center, Civil Rights and Equal Employment Opportunity Division (USDA 2019b). The CRIA provides a summary of the changes to CRP, a summary of participant data from signups in 2015-2017 including a breakdown of CRP applications, contracts, enrolled acres, and funding by demographic groups. It concludes that the CRP rule will not adversely nor disproportionately impact minorities, women, or persons with disabilities because of their race, color, national origin, sex, age, disability, or marital/family status. FSA procedures, as well as site-specific EAs and EEs, compliance with other regulations, mitigations, and conservation planning ensure no significant environmental or social impacts occur and that minorities and low-income populations are not disproportionately impacted. Therefore, environmental justice is eliminated from detailed analysis.

3.2 VEGETATION AND WILDLIFE

3.2.1 Definition of Resource

Vegetation and wildlife refer to the plant and animal species that characterize a region, including native and introduced species as well as those designated as threatened and endangered by the ESA and their designated critical habitats.

Invasive species are those defined by EO 13112 as alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health. FSA handbook 2-CRP requires that all lands enrolled in CRP, have Conservation Plans with provisions for maintenance of weeds.

Species protected by the MBTA are not assessed here in accordance with the Department of Interior Solicitor's Opinion M-37050, *Incidental Take Prohibited Under the Migratory Bird Treaty Act*, issued December 22, 2017 which concludes that the MBTA's prohibition on take (defined as pursuing, hunting, taking, capturing, killing, or attempting to do the same) applies only to "direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests" and not to the losses incidental to otherwise lawful activities.

3.2.2 Affected Environment

Because of the large geographic scope and the voluntary nature of the CRP, it is not possible to predict the location of the lands offered for enrollment in the program, nor the vegetation and wildlife that inhabit those lands. Based on CRP crop history requirements, it is unlikely that native ecological communities exist on offered lands or lands already enrolled in CRP.

Agriculture accounts for the largest proportion of human uses of land. In 2015, cropland, pastureland, rangeland and CRP accounted for a total of 47% of all land in the U.S. (NRCS 2018). How these lands are managed can have large impacts on the structure and function of ecosystems and the wildlife

populations that these ecosystems support. One of the goals of CRP is to restore vegetation and habitat for wildlife.

The 2014 SPEIS (USDA 2014) described the Level 1 Ecoregions of the United States, which are areas of relatively homogeneous vegetation, soils, climate, and geology. Nearly 75 percent of the land enrolled in CRP as of June 2019 was located in the states of the Great Plains Ecoregion (Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, and Missouri), thus the impacts of the changes to CRP would be expected to be concentrated in this area.

The Great Plains Ecoregion is the largest ecoregion, characterized by relatively flat topography and was once covered by expansive natural grasslands that supported highly specialized plant and animal communities. The interaction of climate, fire, and grazing influenced the development and maintenance of the Great Plains. Short-grass prairie occurs in the west in the rain shadow of the Rocky Mountains, with mixed-grass prairie in the central Great Plains, and tallgrass prairie in the wetter, eastern region (CEC 1997). Crop, pasture and rangeland are concentrated in this area (NRCS 2018). Invasive plant species, including non-native grasses and forbs are common throughout the region (NRCS 2018).

As with vegetation, the geographic scale of the lands affected by CRP encompasses the entire U.S. and its territories; hence, a great variety of terrestrial and aquatic animal species could be affected. Given the national scale of CRP and the programmatic level of this analysis, it is not feasible to list all of the species that may be present on lands eligible for enrollment or already in the program. Cropland and pastureland can provide forage and cover for some wildlife species. Habitat generalists can utilize a variety of habitats and tend to thrive in disturbed and fragmented habitats. Conversely some species have very specific habitat requirements and are more likely to be affected by habitat loss and fragmentation. Agriculture has the effect of fragmenting natural habitat with large monoculture or managed fields. Habitat fragmentation is detrimental to species that require large contiguous patches of suitable land and beneficial to others that may favor smaller edge habitats. CRP plantings can act to restore natural habitats or alleviate the impact of habitat fragmentation through the enrollment of large areas or use of CPs like wildlife corridors that benefit wildlife. The scale of impacts to wildlife is directly related to the benefits that habitat can produce.

3.2.3 Environmental Consequences

3.2.3.1 Significance Criteria

Impacts to vegetation would be considered significant if implementation of the 2018 Farm Bill changes to CRP would remove land with unique communities or habitat, threaten the long-term viability of the conservation cover, or result in population-level changes that could alter ecosystems at a landscape level.

Impacts to wildlife would be considered significant if land with unique communities or habitat was lost, population-level changes that could alter ecosystems at a landscape level occurred, or Federal laws or regulations that protect wildlife resources were violated.

Impacts to protected species would be considered significant if the unauthorized take of a federally listed plant or animal species or an impact to designated critical habitat occurred. Prior to enrollment in CRP, site-specific EEs would be required. Any protected species identified by the EE would trigger consultation with FWS and/or National Marine Fisheries Service (NMFS), as required, to ensure that negative impacts to protected species do not occur.

3.2.3.2 No Action Alternative

The general impacts of the CRP on vegetation, wildlife and protected species are summarized here and are considered in comparison to the previous conditions and uses of those lands enrolled. Lands eligible for enrollment in the CRP include cropland, marginal pastureland, and grasslands. Plant species established as CPs under CRP are selected according to the purpose of the CP and particular characteristics of the land proposed for enrollment. Plant and seed mixes for each CP are developed for each state and in some instances on a county-level. For certain CPs, plant covers are chosen to restore a particular habitat or benefit a particular species or group of species (for example: wetland restoration, quail or duck nesting habitat).

Almost all CPs require establishment and maintenance activities. These activities can include ground work such as clearing and planting as well as active management like prescribed burning, disking, tree thinning, mowing, grazing, use of fertilizers, pesticides and herbicides. Such activities impact existing vegetation, including noxious weeds, and wildlife that inhabit enrolled lands. These activities also act to stabilize and maintain CPs once they are established.

All of these activities associated with CRP are conducted in accordance with existing practice standards, provisions, guidelines and the Conservation Plan developed for each area enrolled in CRP. CRP Conservation Plans are required to have provisions for identification and control or eradication of invasive or noxious species. Maintenance activities included in Conservation Plans cannot defeat the purpose of enrolling lands in the CRP or threaten the long-term viability of the CP.

The site-specific EE would identify those situations particular to lands where additional evaluation under NEPA may be required. Any protected species identified by the EE would trigger consultation with FWS and/or NMFS, as required, to ensure that negative impacts to protected species do not occur.

3.2.3.3 Proposed Action

Increase Maximum Enrollment Authority. Enrollment in CRP ensures long-term benefits to vegetation and wildlife through soil erosion reduction, improved water quality, mandated control of weeds, and creation of conservation covers, including habitats for target species as well as rare and declining habitats. Increasing the enrollment authority for CRP to 27 million acres would expand these benefits beyond the 22,609,724 acres currently enrolled in CRP and the 24 million acres authorized by the 2014 Farm Bill. The NRCS's 2015 Natural Resources Inventory noted that between 2012 and 2015, CRP land was reduced by 25 percent or approximately 6 million acres. Over half of that acreage reverted to cropland and an additional third to pastureland (NRCS 2018). Increasing the enrollment cap could prevent CRP lands from returning to agricultural production.

Haying and Grazing on all Conservation Practices. Non-Emergency Grazing and Haying are utilized to ensure the long-term viability of CPs while protecting and enhancing soil, water, and wildlife on CRP lands. Emergency Haying and Grazing are used during periods of drought, flooding, wildfires, and other emergencies of such magnitude that livestock producers are faced with livestock losses. Currently, use of haying and grazing as management and during emergencies is limited to a subset of CPs, at certain frequencies and durations and subject to other limitations as detailed in **Table 1.1-2**.

The 2018 Farm Bill allows for haying and grazing on all CPs, subject to the other limitations and provisions prescribed for each type of haying and grazing. In 2018, 65 percent of land enrolled in CRP (14,465,807 acres) supported a CP where haying and grazing could occur based on 2014 Farm Bill

provisions. However, in 2018, Managed/Routine Grazing only occurred on 148,984 acres, 1 percent of CRP practices where grazing was authorized (0.7 percent of all CRP) (see **Table 2.3-3**). Managed Haying only occurred on 133,773 acres, or 0.9 percent of CPs where Managed Haying was permitted (0.6 percent of all CRP) (see **Table 1.1-4**). All of this Managed/Routine Grazing and Managed Haying took place in 8 states: Colorado, Idaho, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wyoming (See **Tables 1.1-3** and **1.1-4**). It is unlikely that Non-Emergency Grazing and Haying activities would be implemented across all CRP acres, even if all of the CPs are now eligible, given the historical limited use of these management activities. Using the percentages from 2018, and the new maximum enrollment authority of 27 million acres to extrapolate, it is estimated that authorizing Non-Emergency Grazing and Haying on all CPs could result in an additional 270,000 acres being grazed and 243,000 acres being hayed. As demonstrated in **Table 2.3-5**, land where Emergency Haying and Grazing occurs varies widely from year to year with the location and severity of extreme weather. It is not possible to predict or extrapolate where future Emergency Haying and Grazing could occur; however, the potential impacts associated with this activity would be similar to those described below for Non-Emergency Haying and Grazing.

Haying and grazing generally have the effect of maintaining land in early successional stages. Vegetation and wildlife adapted for such habitats, as much of that native to the Great Plains Ecoregion, would benefit from such maintenance. Though Emergency Haying and Grazing are limited through stocking rates and allowable percent harvests that are designed to maintain the viability of the vegetation, the combined effects of the drought, flooding, wildfires, and other emergency that precipitated the emergency declaration and the removal of cover by haying or livestock grazing, could threaten the recovery of the CP and could limit food and cover available to native wildlife. Generally, haying and grazing would maintain grassland communities but could also cause short-term negative impacts including disturbance, displacement, competition and direct mortality of wildlife. In June of 2019, the average CRP contract was 37 acres. It is expected that many wildlife species affected by haying and grazing could relocate to adjacent habitats. The severity of potential impacts would be dependent on the habitat requirements and life history of each species.

The use of Emergency and Non-Emergency Haying and Grazing would be designed based on the existing and desired environmental conditions. These activities must be specified in Conservation Plans, which are prepared in accordance with state FOTGs to ensure compliance with FSA and NRCS standards as well as any state and local laws, regulations and ordinances, to ensure long-term protection of natural resources including vegetation and wildlife. While grazing may have the potential to spread noxious weeds, noxious and invasive species are required to be identified and eradicated by the program, and methodologies employed to accomplish that are identified in the Conservation Plans for land enrolled in CRP. As with all enrollment in CRP, site-specific EEs would identify any protected species and would trigger consultation with USFWS and/or NMFS, as required, to ensure that negative impacts to protected species do not occur.

Emergency and Non-Emergency Grazing during PNS. In addition to those impacts described above for the haying and grazing of all CPs, allowing for Emergency and Non-Emergency Grazing within the PNS could be expected to have short-term detrimental effects to individual ground nesting birds. These birds could lose nests or unfledged young to direct mortality from trampling and exposure to increased predation resulting from removal of vegetative cover. Indirect effects to birds could also include altering the vegetation condition, thereby altering the abundance and availability of food, including seeds and insects; and reducing cover for thermal protection, predator avoidance, and breeding (NRCS 2006).

Grazing during the PNS has historically occurred on a small proportion of CRP land and so such impacts are expected to be limited. In the long-term, ground nesting bird species would benefit from maintaining grassland habitats.

New Pilot Programs. The new SHIPP has the potential to positively affect vegetation and wildlife by establishing perennial cover crops in the prairie pothole region (See F**igure 2.3-1).** The CLEAR30 pilot program would also be expected to provide benefit to habitats and wildlife by enrolling expiring CRP land in practices aimed at improving water quality, effectively extending the environmental benefit of CRP for an additional 30 years. The use of practices that provide filter strips and buffers (CP21, CP22, CP30), waterways designed to reduce erosion (CP8A) and restore wetlands (CP23, CP23A) would be expected to improve habitat for species that utilize wetlands and aquatic habitats. The restoration of duck nesting habitat (CP37) would be expected to benefit native vegetation and wildlife. Land enrolled in CLEAR30 would have the additional benefit of contracts of longer duration.

3.3 WETLANDS AND WATER QUALITY

3.3.1 Definition of Resource

Wetlands are defined by ACE as those areas characterized by a prevalence of vegetation adapted to saturated soil conditions and that are identified based on specific soil, hydrology, and vegetation criteria defined by USACE (USACE 1987). The CWA established a program to regulate the discharge of dredged or fill material into wetlands. The CWA further provides for regulations and procedures for the protection of wetlands and compensation for unavoidable impacts.

EO 11990, *Protection of Wetlands*, provides another layer of wetland protection. Its purpose is to "minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands." To meet these objectives, the EO requires Federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. The EO applies to the acquisition, management, and disposition of Federal lands and facilities construction and improvement projects that are undertaken, financed or assisted by Federal agencies; any Federal activities and programs affecting land use including, but not limited to, water and related land resources planning, regulation, and licensing activities.

The 1985 Farm Bill contains provisions to discourage the conversion of wetlands into cropland. The swampbuster provisions deny Federal Farm Program benefits to producers who convert or modify wetlands for agricultural purposes as defined in the Food Security Act of 1985, Title XII.

Surface waters refer to rivers, streams, creeks, lakes, reservoirs, and other impoundments that support life through provision of water for drinking and other public uses, irrigation, and industry. Groundwater is water that flows underground and is stored in natural geologic formations called aquifers. Due to the geographic scale of CRP, and because the location of the lands to be enrolled are unknown, it is not possible to describe all surface waters or groundwater sources. For this analysis, surface water and groundwater are discussed generally. The principal law governing pollution of the nation’s surface water resources is the CWA, which utilizes water quality standards, permitting requirements, and monitoring to protect water quality. EPA sets the standards for water pollution abatement for all Waters of the U.S. under the CWA programs, but, in most cases, gives qualified states the authority to issue and enforce water quality certification permits.

3.3.2 Affected Environment

The 2014 SPEIS outlines the distribution and conditions of wetlands, surface and ground water quality and is incorporated by reference (USDA 2014).

What follows is very brief synopsis of wetlands in the United States, emphasizing those that would be most likely affected by provisions in the 2018 Farm Bill. Wetlands are typically described as the transitional lands between terrestrial and deepwater habitats where the water table is usually at or near the land surface or the land is covered by shallow surface water. Most wetlands associated with CRP are not transitional areas, but rather depressional wetlands found in the Great Plains. These wetlands form in topographical depressions when water from precipitation, groundwater, or surface water accumulates. Common examples include playa lakes, vernal pools, and prairie potholes.

Wetlands provide many ecological functions that are import to both the human and natural environment. Wetlands improve water quality, assist in groundwater recharge, provide natural flood control, assist in trapping sediment, thereby improving water clarity and reducing nutrient loading, and may also support a wide variety of fish, wildlife, and plants.

The total wetland acreage in the lower 48 states is estimated to have declined from more than 220 million acres three centuries ago to 110.1 million acres in 2009. An estimated 95 percent of all wetlands were freshwater and 5 percent were in the marine or estuarine (saltwater) systems. Estuarine emergent (salt marsh) wetland was the most prevalent type of all estuarine and marine intertidal wetlands. Salt marsh made up an estimated 66.7 percent of all estuarine and marine wetland area. Forested wetlands made up the single largest category (49.5 percent) of wetland in the freshwater system. Freshwater emergent made up an estimated 26.3 percent, shrub wetlands 17.8 percent, and freshwater ponds 6.4 percent by area (Dahl 2011).

Figure 3.3-1 shows the general extent of wetlands in the United States. As shown, wetlands are prominent in the southeastern United States, along the Mississippi River drainage, and in the northern prairie areas, also referred to as the prairie pothole region.

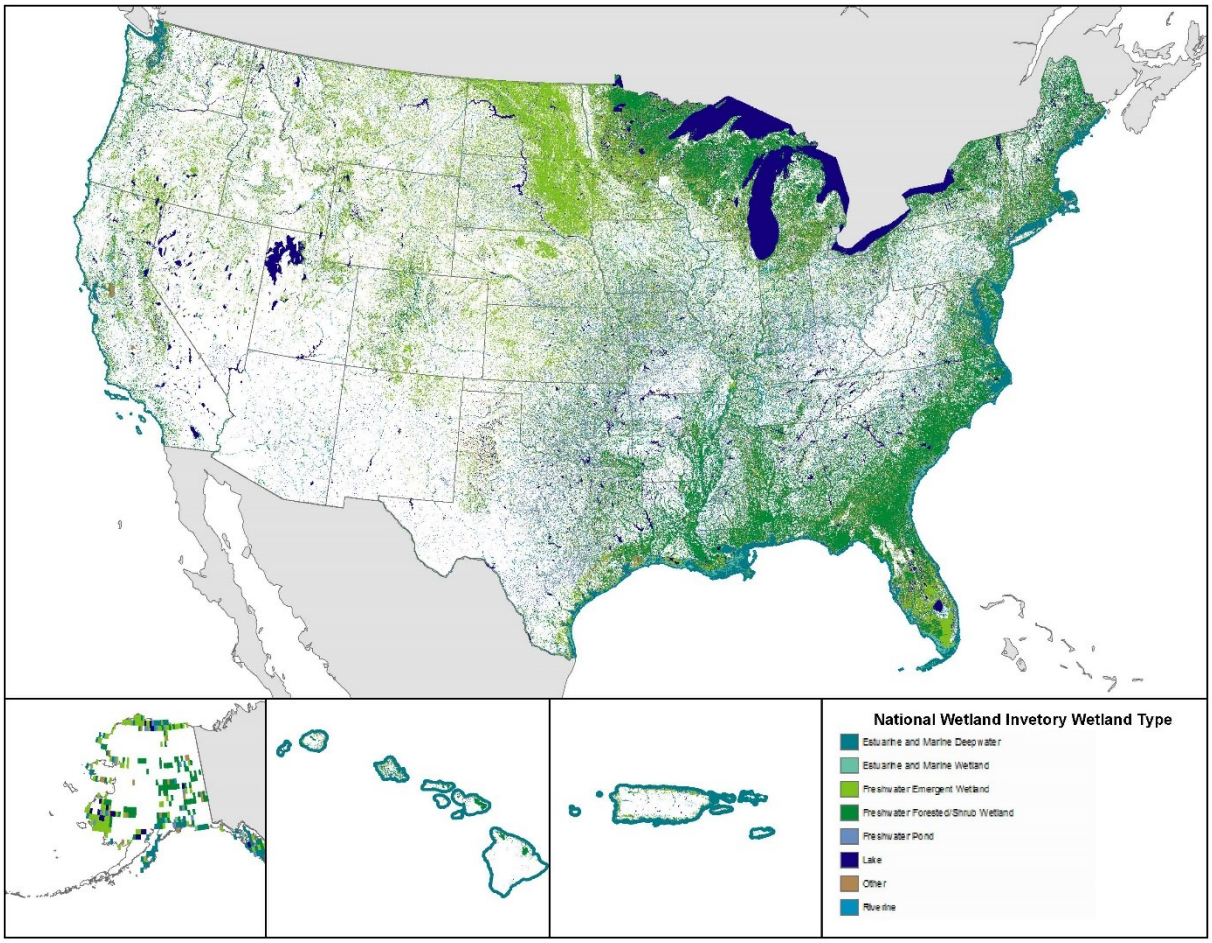

Figure 3.3-1. General Wetland Types in the United States

The quality of surface waters is determined by the physical and chemical properties of the surrounding landscape. Topography, soil properties, vegetative cover, and climate all have an influence on water quality. Runoff caused by rain, snow melt, or irrigation can affect surface water quality by depositing sediment, minerals, or contaminants into surface waters. Surface runoff is influenced by meteorological factors such as rainfall intensity and duration, and physical factors such as land use, vegetation cover, soil type, and topography. Section 303(d) of the CWA establishes a process for waters that do not meet clean water standards to be identified on a state-by-state basis. Total maximum daily loads (TMDLs) of specific pollutants are developed for priority waters to identify the amount of a specific pollutant that may be discharged into a water body while still ensuring water quality standards are met. Since 1995, the number of TMDLs has been increasing with the top three causes of surface water impairment being pathogens, sediment, and nutrients (EPA 2019).

Groundwater is an important natural resource that provides freshwater for public consumption, agriculture, and industry. In 2015, groundwater withdrawals totaled 84.7 billion gallons per day, with 68 percent of the groundwater withdrawn used for irrigation purposes (Dieter et al. 2018).

3.3.3 Environmental Consequences

3.3.3.1 Significance Criteria

Impacts to wetlands could be considered significant if implementation of the 2018 Farm Bill changes to CRP threatened or damaged unique hydrologic characteristics, or violated established laws or regulations.

Impacts to water quality would be considered significant if the changes result in violation of established laws or regulations related to water quality protection. Potential impacts to surface water quality would be site-specific and depend on the CPs to be installed, proximity to surface water and other site factors.

3.3.3.2 No Action Alternative

In general, enrolling land in CRP benefits wetlands and surface water quality adjacent to or downstream from enrolled lands. CPs improve floodplain function, reducing the volume of runoff, and improving the quality of waters reaching surface waters from over-surface flow, subsurface flows from aquifers, and reducing or eliminating nutrient and pesticide application on active agricultural land. The reduction of contaminated runoff (primarily nitrates) and sedimentation from cropland, also helps protect groundwater quality (USDA 2010). Converting cropland to conservation cover also reduces the amount of groundwater needed for irrigation, which enhances groundwater recharge. Installation and maintenance of CPs creates temporary, short-term negative impacts. In the long-term there are improvements to wetlands and water quality.

A number of CPs are designed to restore wetlands (CP23, CP27, CP28, CP31, CP37, CP38B, CP39, and CP40). Potential indirect impacts would stem from the removal of vegetation to a degree that increases erosion potential and sedimentation or contamination of nearby wetlands. Non-Emergency Haying and Grazing must be included the Conservation Plan and adherence to the provisions in the site-specific plan would minimize the impacts to enrolled wetlands or nearby wetlands.

3.3.3.3 Proposed Action

Increase Maximum Enrollment Authority. Increasing maximum enrollment of marginal production lands would ultimately benefit wetlands and water quality adjacent to or downstream from enrolled lands. Enrollment of more lands into CRP would improve floodplain function, reducing the volume and velocity of runoff, and improving the water quality of runoff reaching surface water. Installation and maintenance of CPs could create temporary, short-term negative impacts to wetlands and surface water quality; however, these would likely be negated by the long-term beneficial impacts once CPs are established. Increasing the enrollment authority for CRP to 27 million acres would expand the benefits described above beyond the 22,609,724 acres currently enrolled in CRP and the 24 million acres authorized by the 2014 Farm Bill.

Haying and Grazing on all Conservation Practices. Haying and grazing impacts on wetlands and water quality would vary widely and depend on many factors, such as timing of disturbance, stocking rate for grazing, climatic conditions, and haying and grazing history of the land in question, and proximity of the activity to wetlands and surface waters. Impacts to wetlands and water quality would be highly site-specific. Adherence to the Conservation Plan and monitoring would ensure that long-term detriment to surface waters and wetlands would not occur.

Grazing affects wetlands (and other landscapes) through four major processes: 1) treading on the wetland, 2) transport of plant seeds into the wetland, 3) deposition of urine and feces in the wetlands, and 4)

herbivory. These can lead to changes in the ecological attributes that underpin the wetland condition and can lead to changes in water quality, water regime (hydrology), soil properties, physical form (topography), invasive plant species, and vegetation health, structure and composition (Morris and Reich 2013). While these elements can be detrimental in nature, in areas where native herbivore populations have been removed (such as the Great Plains of the United States), grazing from cattle can fill a vital niche that has been artificially removed. Marty (2004) found that in vernal pool wetlands in central California, ungrazed wetlands had higher percentages of exotic species and a lower percentage of native species plant cover than grazed wetlands. Detrimental effects are generally tied to the grazing intensity, with higher grazing intensity leading to greater impacts on wetlands (Environment Waikato 2004).

Similarly, haying of wetlands would generally have mirrored impacts to grazing, as haying would remove plant biomass, and lead to tramping or crushing of vegetation from the use of equipment for harvesting. As with grazing, haying frequency would be the most important factor in determining the long-term impacts to wetlands. Infrequent haying may even have a minor beneficial impact, depending on the local environmental conditions, and could even stimulate growth, while frequent haying could later affect plant species assemblages in wetlands. Non-Emergency Haying is limited to not more than once every three years. The frequency of Emergency Haying is not limited, however, this activity would only be authorized in specific locations in emergency situations. As shown in **Table 1.1-4**, Emergency Haying occurred on 158,468 acres (0.7 percent of total CRP acres) in six states (Colorado, Idaho, Missouri, Nebraska, Oklahoma, and Texas) during 2018. This activity is not widespread through CRP enrolled lands; therefore, impacts to wetlands would be very localized, temporary, and minor.

While the potential does exists for negative impacts to wetlands and water quality from opening all CPs up to haying and grazing as opposed to the current CRP limits on grazing and haying, given the relatively small acreages that would be hayed or grazed (when compared to CRP acreages in general), and when done under the prescribed conditions outlined within the 2018 Farm Bill and detailed for each individual CRP contract in the Conservation Plan, any long-term adverse impacts to wetlands and water quality would be minor.

Emergency and Non-Emergency Grazing during PNS. Allowing of Emergency and Non-Emergency Grazing during PNS would have the same effects on wetlands and water quality as described above. While the potential exists for negative impacts, when done under the prescribed conditions outlined in the 2018 Farm Bill, it is unlikely that long-term adverse impacts to wetlands would occur.

New Pilot Programs. The new programs CLEAR30 and SHIPP would generally have beneficial impacts to wetlands and water quality from ensuring that marginal lands are kept in CRP or under a perennial cover crop, reducing the possibility of soil erosion and sediment transport into adjacent or downstream wetlands. CLEAR30 would enroll expiring CRP into 30-year contracts under a number of targeted CPs. Two of the CPs are directly beneficial to wetlands, but all of the CPs under CLEAR30 are aimed at water quality improvement, which would indirectly benefit any adjacent wetlands by slowing runoff velocity, and preventing sedimentation and erosion impacts to water quality.

The SHIPP program would target the prairie pothole region (see **Figure 2.3-1**). This program would introduce a new CP, CP90 Perennial Cover Crop, and would enroll lands for shorter term contracts. As with CRP in general, enrollment in SHIPP would remove more land from production and return them to a more natural state, thereby reducing the potential for erosion and sediment and nutrient transport to

adjacent wetlands and surface waters. Generally, impacts from SHIPP would be indirectly beneficial to adjacent and downstream wetlands and surface waters.

3.4 SOILS

3.4.1 Definition of Resource

Soil is composed of minerals and organic matter formed from the weathering of bedrock and other parent materials, as well as decaying plant matter. Soils are described and classified in terms of their properties including color, texture, particle size, moisture, and chemistry. The national system of soil classification identifies sets of soil properties and groups them into 12 taxonomic orders, which are further divided into groups, families, and series (NRCS 2019a).

3.4.2 Affected Environment

Soil functions include regulating water, sustaining plant and animal life, filtering pollutants, cycling nutrients, and supporting buildings and structures. The capacity of a given soil to provide these functions can be affected by erosion, the wearing away of soil by wind and water. The erosion potential of soils is directly related to soil type, presence and type of vegetation/ground cover, amount of existing disturbance, and weather conditions. The EI is a numerical expression of the potential of a soil to erode (NRCS 2019b). The EI is calculated by dividing the potential erodibility for each soil by the soil loss tolerance value estimated for the soil. The soil loss tolerance value represents the maximum annual rate of soil erosion that could take place without causing a decline in long-term productivity. The EI takes into consideration climatic factors and the physical and chemical properties of the soil. The higher the EI, the greater the need to protect the soil from practices that lead to erosion. Highly Erodible Land (HEL) is that which has an EI of at least 8 (NRCS 2014b). The majority of land enrolled under CRP General Sign-up contracts are HEL. Continuous Sign-up buffer practices, such as CP8A, CP15A, CP15B, CP21, CP22, CP28, CP29, and CP30, filter and trap sediment and nutrients that flow across the established buffer.

One of the primary goals of CRP is to protect soils from erosion. Land enrolled in CRP is required to have an approved Conservation Plan to ensure the installed CPs meet their intended purpose. Conservation measures and BMPs to reduce soil erosion are site-specific and may include the use of establishing vegetative cover to reduce exposed soil and set limits for acceptable haying and grazing activities.

3.4.3 Environmental Consequences

3.4.3.1 Significance Criteria

Impacts to soil resources would be considered significant if implementation of the changes to CRP resulted in a permanent increase in erosion or the erodibility of soils, altered soil characteristics that would threaten the viability of conservation cover, or impacts to unique soil conditions in sensitive habitats.

3.4.3.2 No Action Alternative

Lands enrolled in CRP benefit soils in the long-term. The stabilization of soils through limiting development and agricultural uses of the land reduces the potential for soil erosion by increasing soil stability and decreasing soil loss from wind and water erosion. Benefits also include the long-term improvement of soil quality and stability resulting from protective soil cover; retention of organic matter; vegetation, nutrient, and pesticide management; and minimization of soil disturbance.

While there may be temporary, negative impacts such as compaction and soil loss during the installation of CPs and other authorized activities (e.g., fencing, construction of firebreaks, brush management), long-term improvements to soils would be realized on lands enrolled in CRP. Site-specific EEs would be undertaken prior to enrolling any lands in CRP and would ensure minimal impacts to soils. All activities on enrolled lands would be implemented in compliance with a Conservation Plan, ensuring long-term protection of natural resources, including soils.

3.4.3.3 Proposed Action

Increase Maximum Enrollment Authority. Enrollment of land into CRP ensures long-term benefits including the reduction of soil erosion by establishing and maintaining CPs on environmentally sensitive land or highly erodible soils. Increasing the enrollment authority for CRP to 27 million acres would expand these benefits beyond the 22,609,724 acres currently enrolled in CRP and the 24 million acres authorized by the 2014 Farm Bill.

Haying and Grazing on all Conservation Practices. Allowing haying and grazing to take place on all CPs, as opposed to those where such practices are currently authorized would result in the removal of vegetation from more CRP land, potentially temporarily increasing erosion potential. However, as with any haying and grazing, a modified Conservation Plan would be required for all CRP land where such activities were planned. The Conservation Plan would establish the harvesting and grazing limits for the contract and would include BMPs to help reduce soil erosion. BMPs include, but are not limited to, measures to maintain adequate ground cover, litter, and canopy, and reduce soil compaction. Restrictions on harvesting and grazing that would protect soils are built in to the provisions and include limiting haying to no more than 50 percent of the field, setting a stocking rate at no more than 50 percent of the NRCS established rates, and requiring adherence to the NRCS Conservation Practice Standards that stipulate harvest criteria and measures to ensure dispersion of livestock. In general, haying would leave the ground cover in place while grazing may temporarily remove ground cover. Ground cover can help with infiltration, slowing runoff, and can reduce rain drop impact energy. Ground cover is minimally affected by harvesting and grazing, since a minimum plant height (dependent on the species) must remain after harvesting or grazing activities in accordance with NRCS Practice Standards. This stabilizes soils. The potential short-term impacts to soils would vary depending on the soil type and conditions, species composition of ground or canopy cover, and time needed for re-growth.

Emergency Grazing and Non-Emergency during PNS. The impacts of grazing on soils are described in the section above. No additional impacts to soils are expected to result from grazing during the PNS.

New Pilot Programs. The new SHIPP has the potential to positively affect soils by establishing perennial cover crops on up to 50,000 acres in the prairie pothole region (See **Figure 2.3-1**). The CLEAR30 pilot program would also be expected to provide benefit to soils by enrolling land in practices aimed at reducing erosion, improving water quality, and restoring habitats. All of the CLEAR practices would be expected to stabilize soils and reduce erosion by wind and water. Land enrolled in CLEAR30 would have the additional benefit of contracts of longer duration.

3.5 AIR QUALITY

3.5.1 Definition of Resource

The primary air quality effects that would be associated with the proposed changes to CRP involve either the release reduction, or sequestration of greenhouse gases (GHGs). Other air quality impacts related to

emissions by farm equipment or operations, such as nitrogen oxide or particulate matter emissions, are generally measured by potential violations of National Ambient Air Quality Standards (NAAQS). Due to the nature of the CRP - its geographic scale, the uncertainty of where CRP will be implemented at any time, the short-term and localized nature of CRP associated activities, and because CPs are designed to minimize impacts to air quality - NAAQS violations would not occur as a result of implementing CRP changes.

Agricultural activities contribute directly to emissions of GHGs including carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). These emissions result through a variety of processes such as the operation of internal combustion engines, enteric fermentation by livestock, agricultural soil management, manure management, field burning, and other practices. Carbon sequestration can mitigate GHG emissions by removing CO_2 from the atmosphere and storing it in plant matter and soils. Carbon sequestration is the process by which atmospheric CO_2 is taken up by trees, grasses, and other plants through photosynthesis and stored as carbon in biomass and soils.

3.5.2 Affected Environment

The CRP was established with the Food Security Act of 1985 with a goal of assisting farmers and property owners with conserving and improving soil, water, and wildlife resources on agricultural lands. GHG emission mitigation was recently added to the ranking criteria used to prioritize lands for enrollment in CRP, because the conversion of agricultural lands to long-term vegetative cover promotes carbon sequestration and provides long-term benefits (Jones et al. 2013). Agricultural and forestry activities can contribute to the reduction in atmospheric buildup of GHGs in three important ways: carbon sequestration, emissions reductions, and fossil fuel substitution.

- *Carbon Sequestration:* CO_2 removed from the atmosphere can be stored in soils, biomass, and harvested products, and protected or preserved to avoid CO_2 release back to the atmosphere. These become carbon stores or carbon sinks.
- *Emissions reductions:* Agricultural CH_4 and N_2O emissions can be reduced through effective manure and feed management and efficient fertilizer application. CO_2 emissions can be reduced by adopting more fuel-efficient technologies and practices.
- *Fossil fuel substitution:* Using biofuels produced in the agricultural sector instead of fossil fuels can help lower GHG concentrations.

FSA reports that CRP sequesters more carbon on private lands than any other federally administered program (USDA 2018). **Table 3.5-1** provides a comparison of the FY2013 GHG reduction rates used in the 2014 SPEIS and the currently estimated FY2017 reductions.

Table 3.5-1. 2013 and 2017 GHG Emission Data on Managed Land in CRP

Million Acres		Million Metric Tons		
FY	**Inventory total**	**CO_2 Sequestration**	**Reduced Fuel and Fertilizer**	**Total**
2013	26	38	6	*45
2017	23.4	34	10	44
delta	-2.6	4	-4	1

Sources: USDA 2013, 2018
Note: The result of 45 is from the 2013 document and is likely an additive rounding calculation.

Activities such as harvesting plant biomass significantly decreases the amount of carbon contributing to soil organic matter from removal of aboveground biomass. Likewise, changes of plant species to favor species with greater aboveground production—such as the conversion from natural grassland to cropland or improved pasture—significantly reduces the belowground biomass in roots as well (USDA 2017).

3.5.3 Environmental Consequences

3.5.3.1 Significance Criteria

To estimate global warming potential (GWP), which is the heat trapping capacity of a gas, the U.S. quantifies GHG emissions using the 100-year timeframe values established in the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (2007). This was done in accordance with United Nations Framework Convention on Climate Change (2013) reporting procedures. All GWPs are expressed relative to a reference gas, CO_2, which is assigned a GWP equal to 1. Six other primary GHGs have GWPs: 25 for methane, 298 for nitrous oxide, 124 to 14,800 for hydrofluorocarbons, 7,390 to greater than 17,340 for perfluorocarbons, 17,200 for nitrogen trifluoride, and up to 22,800 for sulfur hexafluoride. The dominant GHG emitted is CO_2, mostly from fossil fuel combustion (81.6 percent) (USEPA 2018b). Weighted by its GWP, methane is the second largest component of emissions that are relevant to this PEA, followed by nitrous oxide. To estimate the CO_2 equivalency, or CO_2e, of a non-CO_2 GHG, the appropriate GWP of that gas is multiplied by the amount of the gas emitted. Emissions of a GHG are multiplied by the GWP to calculate the total equivalent emissions of CO_2. GWP-weighted emissions are presented in terms of CO_2e, using units of metric tons.

For this analysis, an impact would be considered significant if changes to CRP would diminish GHG emissions reductions substantially from baseline FY 2017 levels of 44 million metric tons CO_2e annually.

3.5.3.2 No Action Alternative

Under the No Action Alternative, CRP would continue with the provisions authorized in the 2014 Farm Bill. These provisions included: Managed Harvesting occurring at a minimum frequency of once in five years, and maximum frequency of once in three years; Routine Grazing, which sets a maximum frequency of no more than once every two years; and Emergency Haying and Grazing, a discretionary measure for meeting the needs of farmers during emergency conditions.

Enrollment of land in CRP would continue to be beneficial to air quality through reduced emissions from equipment, greater soil stability due to permanent covers, and increased potential for long-term carbon sequestration, when compared to agricultural production. The Non-Emergency Haying frequencies are not expected to have significant impacts due to the short time frame of the activity and the large geographic area over which it occurs. Haying results in the release of GHGs, and the activity reduces the amount of carbon that is actively sequestered. While current sequestration values would decrease to some extent based on the amount of land where harvesting occurs, it would not impact the grassland cover's ability to sequester future carbon.

The current frequency for grazing would remain unchanged so no further changes to sequestration were anticipated nor were emissions from the livestock anticipated to increase from what is generated today as a result of the frequency requirements.

Short-term impacts to the ability of conservation cover to sequester carbon through loss of living biomass would continue as a result of Emergency Haying and Grazing, and may increase as drought conditions

prevail for longer periods and /or become more frequent as a result of climate change. Grazing and haying activities can positively impact the land's ability to sequester future carbon by increasing soil organic matter.

3.5.3.3 Proposed Action

Increase Maximum Enrollment Authority. An increase in acreage allowed to participate in the CRP would have a beneficial impact on GHGs, with larger GHG reductions possible as the CRP allotment is maximized. The short-term impacts and the long-term benefits to air quality would be the same as those described for the current CRP program in the No Action Alternative.

Haying and Grazing on all Conservation Practices and Emergency and Non-Emergency Grazing during PNS. A possible increase in haying and grazing activities, including Emergency and Non-Emergency Grazing, could result in a short-term decrease in sequestered carbon, but it would not impact the grassland cover's ability to sequester future carbon. Determining proper stocking rates for grazed lands in order to prevent overgrazing would be critical for maintaining both desired species composition and adequate plant cover and biomass input to soils.

New Pilot Programs. The two new mandated pilot programs either provide for CPs to continue on CRP-expired land (CLEAR30) or establish CPs on land of marginal crop value (SHIPP).

The CLEAR30 program prioritizes practices that help benefit water resources, such as grass sod waterways, contour grass sod strips, filter strips, riparian buffers, wetland or wetland buffers, saturated buffers, or other similar water quality practices. Contracts under CLEAR30 are enrolled for 30 years. Implementation of this program would positively impact carbon sequestration by ensuring sequestration on these lands continues uninterrupted for three additional decades.

For SHIPP, eligible land must be located in the prairie pothole region and have a cropping history, have been planted in the three previous years before enrollment, and be less-productive than other land on the farm. Subject to certain conditions, harvesting for seed, haying, and grazing outside the PNS would be allowed. Overall, this program would positively impact carbon sequestration by removing additional marginal cropland from agricultural production and increasing carbon stores. The recovery of soil carbon is typically a slow process, taking many decades to centuries, depending on the carbon balance of the system (USDA 2017). Despite these slow changes, the global potential for carbon sequestration from restoring degraded lands is significant, with the possibility to sequester approximately 3 billion metric tons of carbon per year—equivalent to reducing atmospheric CO_2 by 50 ppm over 50 years (USDA 2017). Harvesting, haying and grazing activities would all reduce short-term sequestration but can positively impact the land's ability to sequester future carbon by increasing soil organic matter.

3.6 SOCIOECONOMICS

3.6.1 Definition of Resource

This socioeconomic analysis evaluates how the conditions of a community or Region of Influence would be affected by the 2018 Farm Bill changes to CRP in the rate of population growth, changes in the demographic characteristics, and changes in employment.

3.6.2 Affected Environment

The total number of farms in the U.S. was listed as 2,042,220 in the 2017 Census of Agriculture (NASS 2019). This represents a decrease from the previous census in 2012 when there were 2,109,303 farms

(NASS 2019). In the same time period the total acreage of farms decreased from roughly 915 million acres to just over 900 million acres (NASS 2019). The average farm size increased from 434 acres 441 acres (NASS 2019). In 2017, the total market value of agricultural products sold was more than $388 billion and the average per farm was over $190 thousand although 85 percent of farms in the U.S. were smaller than 500 acres and 76 percent of the farms had total sales valued at less than $50,000 (NASS 2019).

As of June of 2019, there were 339,751 individual farms and approximately 22.3 million acres enrolled in CRP. The annual rental payments on this acreage totaled over $1.8 billion (USDA 2019a).

3.6.3 Environmental Consequences

3.6.3.1 Significance Criteria

A significant impact on socioeconomic conditions would be a change that is outside the normal or anticipated range of those conditions that would flow through the remainder of the economy and community creating substantial adverse effects in housing, employment, demographic trends, or business sectors. Anticipated changes to the statewide or national economy that are greater than agriculture's normal contribution could be considered significant, as this could affect the general economic climate of other industries on a much greater scale.

3.6.3.2 No Action Alternative

The CRP program as a whole is dispersed throughout the U.S. and implementation of the program does not represent a significant change to the overall economy. However, the transition of large amounts of agricultural land into CRP has the potential to reshape local economies in rural communities where a high percentage of land is removed from production. As the level of agricultural activity in a community declines, the industries supplying agriculture would also decline, which can potentially lead to decreases in employment. A study conducted by the USDA's Economic Research Service (ERS) showed that declines in agriculture and supporting industries due to enrollment of land in CRP are on average offset by increases in other businesses and industries such as recreation (Sullivan et al. 2004) (Brown, Lambert, & Wojan 2018). The study also concluded that there was no evidence that CRP contributed to outmigration and population decline in rural counties (Sullivan et al. 2004) (Brown, Lambert, & Wojan 2018). Wu and Weber (2012) reviewed the existing studies on the impacts of CRP and concluded that the economic benefits outweigh the costs to taxpayers. Economic benefits of CRP include the reduction of soil erosion, the improvement of recreational conditions, and the increase in land values (Wu & Weber 2012).

3.6.3.3 Proposed Action

In general, local economies have adapted to the changing demands created by CRP. Marginal changes to the administration of CRP or the overall size of the program would have no impact on the economy as a whole. This is particularly the case with the 2018 Farm Bill as overall funding and payments for CRP are expected to remain fairly constant (CRS 2019) although the total enrolled acreages and programs would change. The USDA's CRIA of the CRP interim rule found that no disadvantaged groups would be adversely or disproportionately impacted, in large part because no adverse impacts are expected (USDA 2019b).

Increase Maximum Enrollment Authority. The 2018 Farm Bill gradually increases the maximum number of acres that can be enrolled in CRP from 24 million to 27 million by 2023. In order to keep the overall cost of the program constant, rental rates, cost-share payments, and other incentives could be reduced (CRS 2019). Increasing the maximum allowable acreage while simultaneously lowering rental payments would likely lower the quality of conservation lands entering the program as some land that is currently enrolled would opt to put the land back into production and some marginal land that was previously not enrolled would opt in. Hellerstein and Malcolm (2011) studied the effects of changing commodity prices on CRP enrollment in 2011. Their results suggest that the current lower prices of commodities may keep people enrolled in CRP even with the lower rent payments (Hellerstein & Malcolm 2011). Additionally, the marginal increase would occur gradually and would be dispersed over several states.

Haying and Grazing on all Conservation Practices. Expanding the ability to incorporate haying and grazing into all CPs gives landowners flexibility to adapt to circumstances as needed. This flexibility would lead to marginal economic benefits and is expected to increase the potential income for farms. This incentive would increase the value of enrolling in CRP without increasing rent payments and therefore it would increase the applicant pool. In areas where there is a high percentage of agricultural land enrolled in CRP the ability to maintain some agricultural production on that land may help sustain some supporting industries and employment. Some of this increased economic benefit would be negated because the increased grazing has the potential to negatively impact water quality or species protection efforts. This could potentially impact recreation through decreased wildlife habitat which could negatively affect recreation such as wildlife viewing or hunting (Wu & Weber 2012). Overall, the impacts nationwide would be miniscule and the local benefits would be minor and partially offset by lost recreation opportunities.

Non-Emergency Grazing during PNS. As described above, there would be potential economic benefits associated with giving land owners more flexibility in managing their farm operations, however there would also likely be a slight decrease in environmental benefits that could lead to lost recreation such as bird hunting opportunities. All impacts would be very minor. Impacts and benefits would be highly variable by location and individual situation.

Emergency Grazing during PNS. As with the other grazing scenarios, adding flexibility for landowners could potentially have economic benefits by adding a potential revenue source. Since the grazing would be under emergency situations only, the impacts would likely be minor.

New Pilot Programs. The proposed CLEAR30 and SHIPP pilot programs would add conservation options and would potentially improve the quality of conservation. The increased environmental quality could improve recreation opportunities and benefit local economies but would be minor marginal changes. The programs would not increase the overall CRP enrollment or rental payments and so would have minimal economic impacts.

4.0 CUMULATIVE IMPACTS

4.1 DEFINITION

CEQ regulations stipulate that cumulative impacts analysis consider the potential environmental impacts resulting from the incremental impacts of a Proposed Action when added to other past, present, and reasonably foreseeable actions regardless of what agency or person undertakes such other actions. Cumulative impacts most likely arise when a relationship exists between a Proposed Action and other actions expected to occur in a similar location or during a similar time period. Actions overlapping with or in proximity to the Proposed Action would be expected to have more potential for a relationship than those more geographically separated. Similarly, actions that coincide in time, even partially, tend to have the potential for cumulative impacts.

CRP is designed to support implementation of long-term conservation measures to improve the quality of groundwater and surface water, control soil erosion, and enhance wildlife habitat on environmentally sensitive agricultural land. The geographic scale of the voluntary program is national and includes U.S. territories. While the scope of the program is potentially nationwide, the land that is eligible for enrollment in CRP is cropland that has been planted or considered planted to an agricultural commodity during a specified time period or grasslands or privately owned grasslands. As such, the scope of the cumulative impacts analysis, like the analysis of direct and indirect effects, includes such lands nationwide.

4.2 PAST, PRESENT, AND REASONABLY FORESEEABLE ACTIONS

The affected environment for this cumulative impact analysis includes the lands within the U.S. and its territories eligible for enrollment and currently enrolled in CRP, and those lands potentially affected by changes to CRP in the 2018 Farm Bill.

For the purposes of this analysis, this includes agricultural production and other conservation programs that could affect agricultural lands. In addition to CRP, there are numerous other conservation programs administered by USDA for which privately owned agricultural land may be qualified. A brief overview of these USDA and other Federal conservation programs is provided in **Table 4.2-1**.

Table 4.2-1. Other Related USDA and Federal Conservation Programs

Program Administrating Agency	Description
Agriculture Conservation Easement Program (ACEP) NRCS	The ACEP helps landowners, land trusts, and other entities protect, restore, and enhance wetlands, grasslands, and working farms and ranches through conservation easements. The 2014 Farm Bill consolidated the Wetlands Reserve Program, GRP, and Farm and Ranch Land Protection program into the new ACEP. Under the Agricultural Land Easements component, NRCS helps American Indian tribes, state and local governments and non-governmental organizations protect working agricultural lands and limit non-agricultural uses of the land. Under the Wetlands Reserve Easements component, NRCS helps to restore, protect and enhance enrolled wetlands.

Table 4.2-1. Other Related USDA and Federal Conservation Programs	
Program Administrating Agency	**Description**
Agricultural Management Assistance (AMA) NRCS	AMA helps agricultural producers manage financial risk through diversification, marketing or natural resource CP. NRCS administers the conservation provisions while the Agricultural Marketing Service and the Risk Management Agency implement the production diversification and marketing provisions. Producers may construct or improve water management structures or irrigation structures; plant trees for windbreaks or to improve water quality; and mitigate risk through production diversification or resource CP, including soil erosion control, integrated pest management, or transition to organic farming. AMA is available in 16 states where participation in the Federal Crop Insurance Program is historically low: Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming.
Biomass Crop Assistance Program (BCAP) FSA	The BCAP assists agricultural and forest land owners and operators with matching payments for the cost of collection, harvest, storage, and transportation of eligible material for use by a qualified biomass conversion facility. The program also supports the establishment and production of eligible crops to be converted to bioenergy.
Coastal and Estuarine Land Conservation Program National Oceanic and Atmospheric Administration	The purpose of this program is to protect coastal and estuarine lands that are deemed important for their ecological, conservation, recreational, historical, or aesthetic values. The program provides Federal matching funds to states for the purchase of significant coastal or estuarine lands, or conservation easements on such lands from willing private land owners within a state's coastal zone or coastal watershed boundary.
Conservation Technical Assistance Program (CTAP) NRCS	CTAP provides assistance to producers and land owners who voluntarily apply natural resource conservation systems, consisting of one or more practices, on private and other non-Federal lands.
Conservation Stewardship Program (CSP) NRCS	This voluntary program provides financial and technical assistance to promote the conservation and improvement of soil, water, air, energy, plant and animal life, and other conservation purposes on cropland, grazing land, and forest land located on farms while improving business operations. CSP is for working lands. It is the largest conservation program in the United States with more than 70 million acres of productive agricultural and forest land enrolled.
Cooperative, Conservation Partnership Initiative (CCPI) NRCS	The CCPI is a voluntary program established to foster conservation partnerships that focus technical and financial resources on conservation priorities in watersheds of special significance and other geographic areas of environmental sensitivity. Under CCPI, the NRCS enters into partnership agreements with eligible entities that want to enhance conservation outcomes on agricultural and non-industrial private forest lands. Active CCPI Projects include the Upper Walnut Creek Watershed of Ohio; the Hickory Branch Watershed of Ohio and Indiana, and the Headwaters of the Wabash River Watershed in Ohio.
Emergency Conservation Program (ECP) FSA	The ECP helps farmers and ranchers to repair damage to farmlands caused by natural disasters and to help put in place methods for water conservation during severe drought by providing funding and assistance to repair the damaged farmland or to install methods for water conservation.

Table 4.2-1. Other Related USDA and Federal Conservation Programs	
Program Administrating Agency	**Description**
Emergency Forest Restoration Program (EFRP) FSA	The EFRP helps the owners of non-industrial private forests restore forest health damaged by natural disasters. The EFRP does this by authorizing payments to owners of private forests to restore disaster damaged forests.
Emergency Watershed Protection Program (EWP) NRCS	The EWP Program is a federal emergency recovery program that helps local communities recover from natural disasters. The program offers technical and financial assistance to help local communities relieve imminent threats to life and property caused by floods, fires, windstorms and other natural disasters that impair a watershed. This program is divided into two categories: the Traditional Program and the Floodplain Easement Program. The Traditional Program provides funding for activities such as cleaning debris from clogged waterways, restoring vegetation, and stabilizing river banks. The Floodplain Easement Program provides for the purchase of easements as an emergency measure for the restoration, protection, and enhancement of the functions of floodplains. The easement gives NRCS the authority to restore and enhance floodplain functions and values. Landowners retain several property rights and may include managed timber harvest and periodic haying or grazing, as determined by NRCS.
Environmental Quality Incentives Program (EQIP) NRCS	Provides producers with financial and technical assistance for implementing and managing a wide range of CPs consistent with crop and livestock production. Sixty percent of overall program funding is targeted to natural resource concerns related to poultry and livestock production. The remainder is directed towards practices that address conservation priorities on working cropland.
Forest Legacy Program U.S. Forest Service (USFS) and State Governments	The Forest Legacy Program conserves environmentally important forest areas that are threatened by conversion to non-forest uses by providing economic incentives to landowners to keep their forest as forests and encourages sustainable forest management. Landowners may participate by either selling their property outright or by retaining ownership and selling only a portion of the property's development rights; both are held by state agencies or another unit of government. The use of a conservation easement, a legal agreement between a landowner and a nonprofit land trust or governmental agency, allows the land to remain in private ownership while ensuring that its environmental values are retained.
Healthy Forests Reserve Program (HFRP) NRCS	HFRP is a voluntary program for restoring and enhancing forest ecosystems to promote the recovery of threatened and endangered species, improve biodiversity, and enhance carbon sequestration through 10-year restoration agreements and 30-year or permanent easements for specific conservation actions.
Landowner Incentive Program (LIP) FWS	Provides Federal grant funds to protect and restore habitats on private lands in order to benefit Federally listed, proposed, or candidate species and other species the states determine to be at risk. Grant funds may be used to provide technical and financial assistance to private landowners for habitat protection and restoration.

Table 4.2-1. Other Related USDA and Federal Conservation Programs	
Program Administrating Agency	**Description**
Voluntary Public Access and Habitat Incentive Program (VPA-HIP) NRCS	This program provides grants to states and Tribal governments to be used to encourage producers to voluntarily make privately held farm, ranch, and forest lands available for public access for wildlife-dependent recreation. Programs are administered by state and Tribal governments. Programs would strengthen habitat improvement by providing incentives to increase hunting and other recreational access. This grant money can be used in conjunction with other Federal, state, or Tribal resources to achieve program goals.
Partners for Fish and Wildlife (PFW) FWS	PFW is a voluntary program in which landowners continue to manage their land for their objectives while receiving technical and financial assistance for improving habitat for migratory birds, endangered, threatened and at-risk species.
Coastal Program FWS	A voluntary fish and wildlife habitat conservation and restoration program administered by USFWS that provides some financial and technical assistance to private landowners for restoring, conserving, and protecting fish and wildlife habitat on public and privately owned lands. The program is available in twenty four coastal areas, including the Atlantic, Caribbean, Gulf of Mexico, Great Lakes, and the Pacific.

The primary goal of many of these programs is to protect specific, privately owned lands that have unique or potential ecological, conservation, or recreational value. In addition to Federal programs, states, regions, or local governments may also have similar programs (given the exhaustive list of those programs, they will not be included here). Other Federal conservation programs in concert with CRP have positive impacts on natural and socioeconomic resources. The majority of these programs are funded through Congressional authorization at specified funding levels per year, while others are discretionarily funded through annual appropriations. Conservation measures undertaken on working farmlands in order to qualify for certain other USDA benefits (such as crop insurance) include practices to conserve highly erodible soils and minimization of impacts to wetlands, which also benefit soil, water quality, wetlands, and air quality. Many of these programs have similar or complementary benefits as CRP.

4.3 CUMULATIVE IMPACTS

4.3.1 Maximum Enrollment Authority

As detailed in Section 3, increasing the maximum enrollment authority of CRP has the potential to positively impact wildlife and habitat, wetlands and water quality, soils, air quality, and socioeconomics in the long-term. These benefits would contribute positively in concert with programs such as the FWS's Partners for Fish and Wildlife and the NRCS's EQIP and ACEP to benefit natural resources of privately owned agricultural land as well as the owners and operators of such land. Temporary localized negative effects including habitat perturbation and increased runoff could occur during installation of CPs or other improvements. Any negative effects on CRP land would be minimized by adherence to the terms of Conservation Plans. Increased enrollment authority would not be expected to contribute to cumulative impacts on a national scale because of the long-term positive benefits and the widespread geographic distribution of CRP lands.

4.3.2 Changes to Haying and Grazing

Allowing additional CPs to be grazed and hayed, including grazing during the PNS in limited circumstances, may encourage participation in CRP by making the program more flexible to participants' needs, particularly in emergency situations. As with other working lands programs such as ACEP and the CSP, temporary effects could result from haying and grazing but in the case of CRP, would be minimized by adherence to the terms of Conservation Plans developed for such activity. Providing more flexible haying and grazing provisions to CRP participants would not be expected to contribute to cumulative impacts on a national scale because of the widespread geographic distribution of CRP lands and the infrequent use of haying and grazing as compared to active range and pasture land.

4.3.3 New Pilot Programs

The new CLEAR30 pilot program targets water quality and SHIPP seeks to improve soil health in the prairie pothole region; both have the potential to positively impact wildlife and habitats, wetlands and water quality, air quality, and soils. These impacts represent a subset of the overall impacts of increased CRP participation that would result from the increased acreage cap. As with the increased acreage cap, the new programs would work in concert with other federal programs that target agricultural land improvement but would not be expected to contribute to cumulative impacts on a national scale because of the widespread geographic distribution of CRP lands.

4.4 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

NEPA requires that environmental analysis include identification of any irreversible and irretrievable commitments of resources which would be involved should an action be implemented. Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects that the use of these resources has on future generations. Irreversible effects primarily result from the use or destruction of a specific resource that cannot be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action. Each of the 2018 Farm Bill changes analyzed would result in no irreversible or irretrievable resource commitments.

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Appendix A: CRP Enrollment by State

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Conservation Reserve Program Enrollment by State as of June 2019 (USDA 2019a)			
	Contracts	**Farms**	**Acres**
Alabama	4,881	3,659	201,128
Alaska	14	13	2,704
Arkansas	5,248	3,045	220,179
California	172	129	42,738
Colorado	9,946	5,309	1,839,307
Connecticut	2	2	5
Delaware	323	193	3,685
Florida	570	472	23,173
Georgia	6,394	4,420	210,692
Hawaii	28	19	1,263
Idaho	3,568	2,015	541,600
Illinois	76,415	42,729	854,785
Indiana	33,304	18,756	218,942
Iowa	106,984	53,889	1,746,936
Kansas	34,813	20,494	1,942,490
Kentucky	12,303	6,471	208,669
Louisiana	4,457	2,919	275,783
Maine	243	170	5,641
Maryland	4,841	2,778	50,517
Massachusetts	3	3	10
Michigan	9,415	5,517	121,543
Minnesota	55,248	29,141	1,059,527
Mississippi	14,546	9,595	599,067
Missouri	26,514	16,036	839,364
Montana	6,217	2,849	1,060,034
Nebraska	20,112	11,912	1,066,724
Nevada	1	1	146
New Hampshire	1	1	4
New Jersey	333	202	1,946
New Mexico	1,674	1,084	427,362
New York	1,565	1,139	24,667
North Carolina	3,466	2,483	50,434
North Dakota	20,871	10,893	1,298,376
Ohio	35,163	19,527	242,574
Oklahoma	5,461	3,815	642,034
Oregon	3,683	2,054	441,790
Pennsylvania	7,786	5,215	127,730
Puerto Rico	5	5	515
Rhode Island	1	1	28
South Carolina	2,748	1,605	58,614
South Dakota	29,206	13,570	1,143,810
Tennessee	5,200	3,577	129,266
Texas	18,702	13,640	2,813,165
Utah	779	512	162,007
Vermont	374	273	2,448
Virginia	3,762	2,909	34,914
Washington	10,906	5,060	1,191,768
West Virginia	490	403	7,693
Wisconsin	13,729	8,761	205,285
Wyoming	747	486	206,580
TOTAL	**603,214**	**339,751**	**22,349,661**

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Appendix B
Comment Summary Table

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Topic	Comment	Changes made to Final PEA?	If yes, location in EA; if no, rationale
General Analysis			
Appropriate Analysis	Commenters stated that an Environmental Impact Statement (EIS) should be prepared or the No Action Alternative adopted and noted that previous Farm Bill changes to the Conservation Reserve Program (CRP) have involved preparation of an EIS and scoping.	No	The Programmatic Environmental Assessment (PEA) was prepared to determine whether an EIS is needed. As documented in the PEA, no significant impacts are anticipated to result from the 2018 Farm Bill changes to the program and therefore no EIS is required. Note that the PEA is intended to provide the basis for site-specific NEPA documentation that would occur prior to enrollment of any land into CRP. Site-specific NEPA analysis (in the form of an Environmental Evaluation [EE]) and associated regulatory compliance must be completed for all land offered into the program. A Conservation Plan is prepared that: takes into consideration conditions on offered land and specifies all the activities necessary to establish and maintain the conservation cover; incorporates all requirements for federal, state, and local permits or other permissions necessary to perform and maintain the CRP practices; incorporates and adheres to specific USDA Natural Resources Conservation Service (NRCS) Conservation Practice Standards, identified in the NRCS Field Office Technical Guide; and includes requirements for grazing, haying, or biomass harvest, if authorized.
Tiering	A comment stated that the PEA inappropriately ties analysis to the EEs and conservation plans.	No	The PEA was prepared in accordance with the NEPA implementing regulations adopted by the Council on Environmental Quality and FSA's implementing regulations Environmental Quality and Related Environmental Concerns – Compliance with NEPA. Programmatic and site-specific analyses (EE) together comprise compliance with NEPA.
Proposed Action			
Lack of Appropriate Alternatives	A comment stated that the PEA must evaluate other reasonable alternatives and suggested that alternatives could be developed based on changes to administrative components of CRP such as enrollment types, incentives, acreage targets, etc...	No	The Proposed Action is composed of non-administrative aspects of the 2018 Farm Bill that represent changes to the program which could have effects to the human and natural environment. The statutory provisions of the CRP are discussed in new Section 2.1 in the Final PEA.

Topic	Comment	Changes made to Final PEA?	If yes, location in EA; if no, rationale
Maximum Enrollment, Acreage Goals, Targets	Several commenters requested clarification over how enrollment targets would be met as well as the impact of rental rate changes, acreage goals, and targets for signups, programs and practices.	Yes	Changes to enrollment targets, enrollment methods, incentives, contract rental rates, cost share, targeted geographic areas, and encouraging enrollment in certain conservation practices have always been part of the CRP. Decisions are made year by year by the Farm Service Agency (FSA) Administrator in response to funding availability, amount and location of land enrolled in CRP, conservation priorities, as well as in response to the needs of producers, including adding flexibility to the program to encourage participation. Section 2.1 in the Final PEA.
Complete List of Statutory Changes	Commenter requested that a list of statutory changes to CRP be included in the Final PEA.	Yes	A complete list of statutory changes has been added to Section 2.1 in the Final PEA.
Proposed Action/Role of State Technical Committee (STC)	A commenter stated that the Final EA should highlight the role of the STC in determining the state and local applicability of new grazing and haying permissions. These should require concurrence from state wildlife agencies. Site-specific conservation plans should continue to be developed.	No	The role of STC is detailed in the PEA. Conservation Plans are required for all land enrolled in CRP, and will include site-specific provisions for haying and grazing of the land when such actions are authorized.
Environmental Benefits Index (EBI)	A commenter suggested that the Secretary should not make changes to EBI that may adversely impact wildlife benefits.	No	No change to EBI is proposed or mandated by the 2018 Farm Bill and so it is not considered part of the proposed action.
State Acres for Wildlife Enhancement (SAFE)	A commenter stated that SAFE should be offered again in FY20 to preserve the wildlife benefit achieved since program inception in 2008. The 2018 Farm Bill does not contain any SAFE enrollment requirements.	No	Even though no targets or limits were mandated by the 2018 Farm Bill, methods and processes of enrolling land in the CRP, such as SAFE, are continually evaluated to determine effective and efficient enrollment of eligible land.
Soil Health and Income Protection Program (SHIPP/CP90)	A commenter stated that CP90 should be designed in consultation with each STC to ensure the practice will benefit priority wildlife species and water quality, in addition to soil health.	No	All conservation practices are defined generally in the FSA Handbook 2-CRP, Agricultural Resource Conservation Program for State and County Offices and Establishing Approved Cover is outlined in Section 13. The Conservation Plans for land enrolled describes the specifics of how covers will be established and maintained for each site in consideration of local conditions and in accordance with the Field Office Technical Guide.

Topic	Comment	Changes made to Final PEA?	If yes, location in EA; if no, rationale
Clear Lakes, Estuaries and Rivers 30 (CLEAR30)	Several commenters had questions about the CPs eligible for CLEAR30 and suggestions for practices that could be included or prioritized. One commenter asked whether CLEAR30 is geographically focused. Another asked to define the CPs eligible, the rationale for their inclusion, and the anticipated impacts.	Yes	There is no geographic focus of this program. List of practices has been updated at Section 2.3.5 of the Final EA.
Conservation Reserve Enhancement Program (CREP) Drought Program	A commenter stated the PEA does not analyze full implementation of the CREP Drought Program	No	The 2018 Farm Bill contained this program as discretionary. The Secretary has decided not to implement it and so it is listed as an Alternative Considered but dismissed.
Haying and Grazing			
Haying and Grazing covers for all Conservation Practices (CPs)	Commenter expressed support for streamlining of haying and grazing on all practices to eliminate confusion and to provide flexibility to producers	No	No change required
Haying and Grazing on all CPs	Comment suggested that the Final PEA should consider for which practices and under which conditions and in which regions managed haying and grazing could cause long term damage to vegetative cover. Given that haying and grazing impacts are different, the assessment should consider which practices and conditions could lead to long term vegetation damage separately.	No	The use of haying and grazing will be documented in the approved conservation plan for the land on which such activity will occur. Such activity will not be authorized if it would result in long-term damage to the approved cover.
Grazing during Primary Nesting Season (PNS)	Commenter supports grazing during PNS because it provides flexibility to producers while maintaining program purpose.	No	No change needed.

Topic	Comment	Changes made to Final PEA?	If yes, location in EA; if no, rationale
Grazing during PNS	Commenter stated that grazing during PNS is a major change to CRP and suggests that analysis should include a more realistic assessment of the likelihood of grazing during the PNS and ways to reduce potential impacts to wildlife.	No	The change to grazing during PNS is a statutory change mandated by the 2018 Farm Bill. The PEA represents a programmatic analysis that examines the program as a whole. It notes that participation is voluntary and that it's not possible to know the timing, location, and conditions of lands that would be offered for enrollment in the CRP. Environmental Evaluations are required for the land offered for enrollment in CRP. These, along with this programmatic level analysis, provide full compliance with NEPA and other environmental laws, regulations and executive orders. Conservation Plans are also required for the land enrolled and any planned grazing, including grazing during the PNS, is addressed in the Conservation Plans. Like the EE, Conservation Plans are developed for the land offered for enrollment in CRP. Conservation plans contain all activities required to establish and maintain the conservation practices. The use of grazing will be documented in the approved Conservation Plan for the land on which such activity will occur.
Emergency Haying and Grazing	A commenter expressed concern about haying and grazing in consecutive years or within two years on the same acreage as this does not allow grasses to recover.	No	The 2018 Farm Bill does permit grazing in consecutive years but requires a modified Conservation Plan to ensure that any activities do not destroy the permanent vegetative cover. See Section 1233(b)(1)(B)(i)
Haying and Grazing Limits	A commenter suggested that the PEA should indicate that CREP and SAFE may be exempt from haying and grazing provisions if a partner agreement does not allow such activities.	No	Haying and grazing have to be specified in CREP agreements or modified CREP agreements. This does not represent a change from the way the program is currently administered so it is not included in the PEA.
Impacts			
Haying and Grazing Impacts	Comment stated that grazing and haying have highly variable impacts across ecosystems. For example, the Great Plains are expected to be impacted differently than the arid SW and Palouse of eastern Washington.	No	This PEA represents only a portion of the NEPA and regulatory compliance that is required before offered land can be enrolled in the CRP. As noted in Section 1.1, the site-specific EE, previous CRP NEPA documentation, and this PEA together provide full NEPA coverage for each CRP contract. As noted in Section 3.2.2, The Great Plains ecosystem was the focus of this programmatic level analysis since the majority of CRP acreage falls within it. CRP is a voluntary program. It is not possible to predict the location of land that will be offered for enrollment.

Topic	Comment	Changes made to Final PEA?	If yes, location in EA; if no, rationale
Biological Resources Impacts	Commenters stated that impacts of haying and grazing during PNS to some species and species groups were not evaluated.	No	Impacts are addressed generally, as wildlife groups adapted to certain ecosystems are assumed to be impacted differently. No species (or other phylogenetic group) are addressed specifically given the nationwide scope of this analysis. Individual species would be addressed in the site-specific EE as appropriate.
Biological Resources Impacts	Several commenters stated that the PEA does not address the impacts to native plant and animal communities under CRP management, on CP25 (rare and declining habitat).	No	All land enrolled, regardless of location or practice, will be required to have a site-specific EE and a Conservation Plan that considers conditions on site and measures appropriate for maintaining the conservation cover.
Endangered Species Act (ESA) Compliance	A commenter stated that the PEA does not comply with the ESA	No	Section 7 consultation with the USFWS will be conducted, as required, as part of the EE process to ensure that no impacts to species protected by the ESA occur. Given the nationwide scope and voluntary participation in the CRP, it is not possible to accurately list all species that may be present on lands eligible for enrollment or already in the program in this programmatic NEPA document.
Wetlands Impacts from Haying and Grazing	Commenter suggests that impacts of haying wetlands would be different from grazing impacts.	No	The PEA states that haying and grazing would have generally similar impacts. Haying "would remove plant biomass, and lead to tramping or crushing of vegetation from the use of equipment for harvesting."
Recreation Impacts	A commenter stated that decisions affect rural life and rural economies. For example, pheasant hunting is a major contributor to local economies, however CRP acres have decreased in the last years within the pheasant's range and hunting has declined as well.	No	Socioeconomic analysis at this level is programmatic and relies on studies of the effects of CRP to local economies, including those economic impacts resulting from recreation. Since CRP is a voluntary program and the location, quality, and size of lands that will be enrolled is not known, nor are the conservation practices, establishment, or maintenance activities known.
Cumulative Impacts	A commenter stated that cumulative analysis does not include the landscape level effects of grazing.	No	The cumulative analysis includes a review of other programs that support the conservation of land, including agricultural land. All impacts analyses in the PEA consider the effects of CRP, including the 2018 provisions, on the conditions of lands that would be enrolled in the program, that is lands that have formerly been devoted to agricultural production.

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United States Department of Agriculture
Farm Service Agency

FINDING OF NO SIGNIFICANT IMPACT

2018 Farm Bill Changes to the Conservation Reserve Program

November 2019

On behalf of the United States Department of Agriculture, in coordination with the Farm Service Agency (FSA), the Farm Program and Conservation (FPAC) Business Center (BC) Environmental Activities Division has prepared a Programmatic Environmental Assessment (PEA) on behalf of the Commodity Credit Corporation (CCC) to evaluate the environmental consequences associated with implementing certain changes to the Conservation Reserve Program (CRP) included in the Agricultural Improvement Act of 2018 (Public Law [PL] 115-334, herein referred to as the 2018 Farm Bill). The CRP is authorized by the Food Security Act of 1985 (1985 Farm Bill), as amended, and is governed by regulations published in 7 Code of Federal Regulations (CFR) part 1410.

The CRP is a voluntary program that supports the implementation of long term conservation measures designed to improve the quality of ground and surface waters, control soil erosion, and enhance wildlife habitat on environmentally sensitive agricultural land. In return, CCC provides participants with rental payments and cost-share assistance under contracts that generally extend from 10 to 15 years. CRP is a CCC program administered by FSA with the support of other Federal and local agencies. Before offered lands are accepted into CRP, a site-specific Conservation Plan is written and an Environmental Evaluation (EE) is completed that considers the land offered for enrollment and all the activities necessary to successfully establish and maintain conservation measure including any best management practices or measures to be employed to avoid, minimize, or mitigate adverse impacts. The site-specific EE, previous CRP National Environmental Policy Act (NEPA) documentation, and this PEA together provide full NEPA coverage for each CRP contract.

Since CRP is a national program, the geographic scope of this PEA covers the entire U.S. Given the broad nature of the program, the Environmental Assessment (EA) is programmatic and is intended to provide the basis for the tiered, site-specific NEPA documentation that would occur prior to enrollment of any land into CRP. The PEA was available for public review and comment from September 27, 2019 through October 28, 2019, and was publicized through the Federal Register (84 FR 52868-52869), letters to regional agencies and through news outlets via a press release. Thirteen comments were received (2 individuals; 3 state and regional agencies; and 7 NGOs/interested groups). Summaries of the comments can be found in Appendix B of the final PEA, and if changes were made to the document the section is also recorded on the table; however, none of the proposed edits to the PEA affected the alternatives or impact analyses. The notice of availability of the final PEA and this signed FONSI will be published in the Federal Register in the CRP regulation and will be available for public viewing following publication in the FR at: https://www.fsa.usda.gov/programs-and-services/environmental-cultural-resource/nepa/current-nepa-documents/index for a period of 30 calendar days.

Proposed Action

FSA proposes to implement changes the 2018 Farm Bill made to CRP, which extends the enrollment authority for CRP to fiscal year 2023. Some statutory changes in the 2018 Farm Bill are administrative in nature, would not result in major changes to the current administration of the program, or have been evaluated in other NEPA documents. Those aspects of CRP that are evaluated in the PEA are provided below.

- ***Maximum Authorized Enrollment*** in CRP is increased in annual increments to 27 million acres by 2023.
- ***Haying and Grazing is permitted on all conservation practices.*** In the CRP, haying and grazing are used to maintain conservation cover, control invasive species, and to help alleviate forage losses in emergency situations such as drought, flooding, wildfires, and other emergencies that damage forage. The 2018 Farm Bill authorizes haying and grazing on all CRP land regardless of the Conservation Practice (CP) installed.
- ***Emergency and Non-Emergency Grazing are permitted during the Primary Nesting Season*** at 50 percent of the allowable stocking rate.
- ***New Pilot Programs*** are established. The Clean Lakes, Estuaries, and Rivers (CLEAR30) would enroll expiring CRP lands for 30-year contracts devoted to a subset of existing CPs that target enhancing and improving water quality. The Soil Health and Income Protection Pilot Program (SHIPP) would employ a new practice, CP90 (Perennial Cover Crop) in the prairie pothole region where lands could be enrolled in 3, 4, or 5 years contracts.

Reasons for Finding of No Significant Impact

Programmatic environmental documents analyze impacts on a broad scale, in this case a change to a program that will result in subsequent specific actions. Because of the large geographic scope and the voluntary nature of the CRP, it is not possible to meaningfully predict the location of the lands offered for enrollment in the program, nor the environmental conditions that exist on those lands. Thus, before offered lands are accepted into CRP, a Conservation Plan is written and a site-specific EE is completed to evaluate any impacts that may require additional compliance with NEPA and other laws, regulations, and executive orders.

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

1. Potential beneficial and adverse impacts of implementing the Proposed Action have been fully considered within the PEA. No significant adverse direct, indirect, or cumulative effects were identified, based on the resource analyses provided in the PEA.
2. Site specific EE would be conducted for all land offered for enrollment in the CRP and the impacts to the following resources would be evaluated in that analysis based on conditions of each site: Cultural Resources, Threatened and Endangered Species, Coastal Barriers, Coastal Zone Management Act Areas, Wilderness Areas, Wild and Scenic Rivers and Nationwide Rivers Inventory, National Natural Landmarks, Sole Source Aquifers, Floodplains, Noise, Important Land Resources, and Environmental Justice.
3. As detailed in the analysis presented in the PEA, the Proposed Action would not significantly affect vegetation and wildlife, wetlands and water quality, soils, air quality, or socioeconomics.

4. The Proposed Action as outlined in the PEA would establish vegetative cover by installing conservation practices designed to improve water quality, reduce soil loss, and enhance wildlife habitats.
5. The Proposed Action would not involve effects to the quality of the human environment that are likely to be highly controversial.
6. The Proposed Action would not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.
7. The Proposed Action does not result in cumulative significant impacts when considered with other actions that also individually have insignificant impacts.
8. The Proposed Action does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.
9. Comments received on the PEA did not warrant substantive changes to the alternatives or impact analyses, and no controversies were identified.

Determination

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

_____ Date 11/22/2019

Richard Fordyce, Administrator
Farm Service Agency