

# FARMERS' GUIDE TO 2018 USDA FARM BILL PROGRAMS

This guide describes assistance for farmers, ranchers, and forest managers available through the 2018 Farm Bill.

To learn more, visit your local USDA Service Center or [farmers.gov](http://farmers.gov).



**Farm Service Agency (FSA)**



**Natural Resources Conservation Service (NRCS)**



**Risk Management Agency (RMA)**

## FUND — Opportunities to access capital to fund your operation.

Biomass Crop Assistance Program (BCAP)	Provides incentives that help farmers grow bioenergy feedstocks (crops well suited for conversion to energy) and connect with qualified biomass conversion facilities.
Down Payment Loans	Provide a low-interest Government loan, made in conjunction with a loan from a commercial lender and borrower down payment, to help beginning, minority, veteran, and women farmers purchase a farm or ranch.
Farm Operating Loans	Help producers pay for normal operating expenses, including machinery and equipment, seed, livestock feed, and more. Direct (up to \$400,000) and guaranteed (up to \$1.75 million) operating loans are available.
Farm Ownership Loans	Help producers become owner-operators of family farms as well as improve and expand current operations. Direct (up to \$600,000) and guaranteed (up to \$1.75 million) ownership loans are available.
Farm Storage Facility Loans	Provide low-interest loans to build, purchase, or upgrade facilities and equipment used to store, handle, or transport eligible commodities.
Marketing Assistance Loans	Provide interim financing at harvest time for producers to meet cash flow needs without having to sell their commodities when market prices typically are at harvest-time lows.
Microloans	Provide farm loans for annual operating expenses, equipment, livestock, and real estate tailored to small, beginning, underserved, and veteran farmers and diversified farming operations serving local markets. Farm Operating and Farm Ownership Loans of up to \$50,000 each are available.
Organic Certification Cost Share Assistance	Provides up to 75 percent of organic certification costs for producers, not to exceed \$750 per certification scope.
Youth Loans	Provide operating loans of up to \$5,000 to youth ages 10 to 20 to finance income-producing, agricultural projects that are developed and carried out through Future Farmers of America, Tribal youth organizations, or similar agricultural-affiliated groups.

## MANAGE — Opportunities to mitigate risk on your operation.

Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) programs	Protect farm revenue from changes in market conditions. Provides a safety net to farmers and ranchers when there is a substantial drop in revenue or prices for covered commodities.
Conservation Stewardship Program Grassland Conservation Initiative	Provides financial assistance to conserve grasslands through a single opportunity to enroll in a 5-year contract. Eligible lands are limited to cropland for which base acres have been maintained under FSA's ARC/PLC and were planted to grass or pasture, including idle or fallow, during a specific period. Enrolled acreage must be managed consistently with a grassland conservation plan.
Dairy Margin Coverage Program (DMC)	Replaces the Margin Protection Program for Dairy. Offers protection to dairy producers when the difference between the all-milk price and the average feed cost (the margin) falls below a certain dollar amount selected by the producer.
Federal Crop Insurance	Offers hundreds of different insurance products. Product offerings include coverage for production loss, revenue loss, and price decline. Insurance covers row crops, livestock, specialty crops, organics, dairy, grazing land, and more.
Noninsured Crop Disaster Assistance Program (NAP)	Provides financial assistance to producers of certain eligible crops for which catastrophic risk protection plan of insurance is not available when low yields, loss of inventory, or prevented planting occur due to an eligible cause of loss.

**CONSERVE** — Opportunities to implement conservation on your operation.

 Agricultural Conservation Easement Program (ACEP)	Helps landowners, land trusts, and other entities protect, restore, and enhance wetlands, grasslands, and working farms and ranches through conservation easements.
 Agricultural Management Assistance Program (AMA)	Helps agricultural producers manage financial risk through diversification, marketing, or natural resource conservation practices. NRCS administers the conservation provisions while USDA's Agricultural Marketing Service and RMA implement the production diversification and marketing provisions.
 Conservation Innovation Grants (CIG)	Awards competitive grants that drive innovation and develop the tools, technologies, and strategies for next-generation conservation efforts on working lands. Grantees leverage the Federal investment through matching requirements. Through CIG's new On-Farm Trials, partners provide incentive payments to producers to offset the risk of implementing innovative approaches.
 Conservation Reserve Program (CRP)	Protects soil, water quality, and habitat by removing highly erodible or environmentally sensitive land from agricultural production through long-term rental agreements.
 CRP - Transition Incentives Program	Encourages landowners to sell or lease long term to beginning, socially disadvantaged, and veteran farmers and ranchers willing to implement sustainable practices or transition to organic production by providing 2 years of additional payments for expiring CRP-enrolled land.
 Conservation Stewardship Program (CSP)	Helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority natural resource concerns. Participants earn CSP payments for conservation performance—the higher the performance, the higher the payment.
 Environmental Quality Incentives Program (EQIP)	Provides financial and technical assistance to agricultural producers to address natural resource concerns and deliver environmental benefits, such as improved water and air quality, conserved ground and surface water, reduced soil erosion and sedimentation, and improved or created wildlife habitat.
 Healthy Forest Reserve Program (HFRP)	Helps landowners restore, enhance, and protect forestland resources on private lands through easements and financial assistance. Through HFRP, landowners promote the recovery of endangered or threatened species, improve plant and animal biodiversity, and enhance carbon sequestration.
 Regional Conservation Partnership Program (RCPP)	Promotes coordination between NRCS and its partners to deliver conservation assistance to producers and landowners. Under partnership agreements, NRCS and its partners leverage and target their respective resources to deliver conservation assistance to producers and landowners to address priority natural resource concerns.
 Voluntary Public Access and Habitat Incentive Program (VPA-HIP)	Provides State and Tribal governments with funding or incentives to expand or improve habitat in existing public access programs.

**RECOVER** — Opportunities to help your operation recover from a natural disaster.

 Emergency Assistance for Livestock, Honeybees, and Farm-raised Fish program (ELAP)	Provides assistance to eligible owners of livestock, and producers of honeybees and farm-raised fish for losses due to disease (including cattle tick fever), adverse weather, or other conditions, such as blizzards and wildfires, not covered by LFP and LIP.
 Emergency Conservation Program (ECP)	Provides funding and technical assistance for farmers and ranchers to restore farmland damaged by natural disasters and for emergency water conservation measures in severe droughts.
 Emergency Forest Restoration Program (EFRP)	Provides funding to restore privately owned forests damaged by natural disasters.
 Emergency Loans	Provide loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine.
 Livestock Forage Disaster Program (LFP)	Provides compensation to eligible livestock producers that have suffered grazing losses due to drought or fire on land that is native or improved pastureland with permanent vegetative cover or that is planted specifically for grazing.
 Livestock Indemnity Program (LIP)	Provides benefits to livestock owners for livestock deaths or injuries in excess of normal mortality caused by adverse weather or by attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law. Benefits also are available for reduced sale prices for owned livestock due to injury caused by eligible loss conditions.
 Tree Assistance Program (TAP)	Provides financial cost-share assistance to qualifying orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes, and vines damaged by or lost due to a natural disaster.

# 5

## Steps to Assistance

How to Get Assistance from NRCS for Farms, Ranches and Forests

### 1 PLANNING

Visit your local NRCS field office to discuss your goals and work with staff on a conservation plan.

### 2 APPLICATION

With the help of NRCS, complete an application for financial assistance programs.

### 3 ELIGIBILITY

Find out if you're eligible for NRCS' variety of financial assistance programs.

### 4 RANKING

NRCS ranks applications according to local resource concerns.

### 5 IMPLEMENTING

Put conservation to work by signing a contract and implementing conservation practices.

## Get Started with NRCS

### Do you farm or ranch and want to make improvements to the land that you own or lease?

Natural Resources Conservation Service offers technical and financial assistance to help farmers, ranchers and forest landowners.

#### 1 Planning

**To get started with NRCS, we recommend you stop by your local NRCS field office.**

**We'll discuss your vision for your land.**

NRCS provides landowners with free technical assistance, or advice, for their land. Common technical assistance includes: resource assessment, practice design and resource monitoring. Your conservation planner will help you determine if financial assistance is right for you.

#### 2 Application

**We'll walk you through the application process. To get started on applying for financial assistance, we'll work with you:**

- To fill out an AD 1026, which ensures a conservation plan is in place before lands with highly erodible soils are farmed. It also ensures that identified wetland areas are protected.
- To meet other eligibility certifications.

Once complete, we'll work with you on the application, or CPA 1200.

Applications for most programs are accepted on a continuous basis, but they're considered for funding in different ranking periods. Be sure to ask your local NRCS district conservationist about the deadline for the ranking period to ensure you turn in your application in time.

#### 3 Eligibility

**As part of the application process, we'll check to see if you are eligible.**

**To do this, you'll need to bring:**

- An official tax ID (Social Security number or an employer ID)
- A property deed or lease agreement to show you have control of the property; and
- A farm tract number.

If you don't have a farm tract number, you can get one from USDA's Farm Service Agency. Typically, the local FSA office is located in the same building as the local NRCS office. You only need a farm tract number if you're interested in financial assistance.

#### 4 Ranking

**NRCS will take a look at the applications and rank them according to local resource**

**concerns, the amount of conservation benefits the work will provide and the needs of applicants.**

#### 5 Implementing

**If you're selected, you can choose whether to sign the contract for the work to be done.**

Once you sign the contract, you'll be provided standards and specifications for completing the practice or practices, and then you will have a specified amount of time to implement. Once the work is implemented and inspected, you'll be paid the rate of compensation for the work if it meets NRCS standards and specifications.

*USDA is an equal opportunity provider and employer.*

To find out more, go to: [www.nrcs.usda.gov/GetStarted](http://www.nrcs.usda.gov/GetStarted)



United States Department of Agriculture

# 2018 Farm Bill & Legislative Principles



**The U.S. Department of Agriculture** (USDA) uniquely touches the lives of all Americans daily, through the food they eat, the fibers they wear, and the fuels they use. And U.S. producers make it all possible. Agriculture Secretary Sonny Perdue's motto to 'Do Right and Feed Everyone' has served as the inspiration to travel to more than 30 states across the nation, hearing from the men and women on the front lines of U.S. agriculture. Through these interactions, USDA developed a set of principles to share with Congress for consideration as they craft the Farm Bill and other legislation beneficial to the agricultural economy. USDA stands ready to provide counsel to Congress, and strives to be the most efficient, most effective, and most customer-focused department in the federal government. Our goal is to be responsive to the American people and improve services while reducing regulatory burdens on USDA customers.

# USDA supports legislation that will...

## Farm Production & Conservation

- Provide a farm safety net that helps American farmers weather times of economic stress without distorting markets or increasing shallow loss payments.
- Promote a variety of innovative crop insurance products and changes, enabling farmers to make sound production decisions and to manage operational risk.
- Encourage entry into farming through increased access to land and capital for young, beginning, veteran and underrepresented farmers.
- Ensure that voluntary conservation programs balance farm productivity with conservation benefits so the most fertile and productive lands remain in production while land retired for conservation purposes favor more environmentally sensitive acres.
- Support conservation programs that ensure cost-effective financial assistance for improved soil health, water and air quality and other natural resource benefits.



## Trade & Foreign Agricultural Affairs

- Improve U.S. market competitiveness by expanding investments, strengthening accountability of export promotion programs, and incentivizing stronger financial partnerships.
- Ensure the Farm Bill is consistent with U.S. international trade laws and obligations.
- Open foreign markets by increasing USDA expertise in scientific and technical areas to more effectively monitor foreign practices that impede U.S. agricultural exports and engage with foreign partners to address them.



## Food, Nutrition & Consumer Services

- Harness America's agricultural abundance to support nutrition assistance for those truly in need.
- Support work as the pathway to self-sufficiency, well-being, and economic mobility for individuals and families receiving supplemental nutrition assistance.
- Strengthen the integrity and efficiency of food and nutrition programs to better serve our participants and protect American taxpayers by reducing waste, fraud and abuse through shared data, innovation, and technology modernization.
- Encourage state and local innovations in training, case management, and program design that promote self-sufficiency and achieve long-term, stability in employment.
- Assure the scientific integrity of the Dietary Guidelines for Americans process through greater transparency and reliance on the most robust body of scientific evidence.
- Support nutrition policies and programs that are science based and data driven with clear and measurable outcomes for policies and programs.



## Marketing & Regulatory Programs

- Enhance our partnerships and the scientific tools necessary to prevent, mitigate, and where appropriate, eradicate harmful plant and animal pests and diseases impacting agriculture.
- Safeguard our domestic food supply and protect animal health through modernization of the tools necessary to bolster biosecurity, prevention, surveillance, emergency response, and border security.
- Protect the integrity of the USDA organic certified seal and deliver efficient, effective oversight of organic production practices to ensure organic products meet consistent standards for all producers, domestic and foreign.
- Ensure USDA is positioned appropriately to review production technologies if scientifically required to ensure safety, while reducing regulatory burdens.
- Foster market and growth opportunities for specialty crop growers while reducing regulatory burdens that limit their ability to be successful.



## Food Safety & Inspection Services

- Protect public health and prevent foodborne illness by committing the necessary resources to ensure the highest standards of inspection, with the most modern tools and scientific methods available.
- Support and enhance FSIS programs to ensure efficient regulation and the safety of meat, poultry and processed egg products, including improved coordination and clarity on execution of food safety responsibilities.
- Continue to focus USDA resources on products and processes that pose the greatest public health risk.



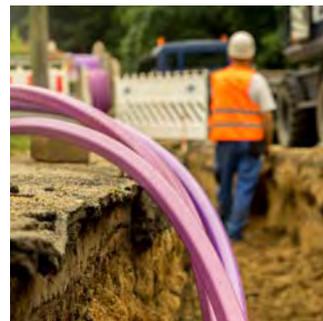
## Research, Education & Economics

- Commit to a public research agenda that places the United States at the forefront of food and agriculture scientific development.
- Develop an impact evaluation approach, including the use of industry panels, to align research priorities to invest in high priority innovation, technology, and education networks.
- Empower public-private partnerships to leverage federal dollars, increase capacity, and investments in infrastructure for modern food and agricultural science.
- Prioritize investments in education, training and the development of human capital to ensure a workforce capable of meeting the growing demands of food and agriculture science.
- Develop and apply integrated advancement in technology needed to feed a growing and hungry world.



# Rural Development

- Create consistency and flexibility in programs that will foster collaboration and assist communities in creating a quality of life that attracts and retains the next generation.
- Expand and enhance the effectiveness of tools available to further connect rural American communities, homes, farms, businesses, first responders, educational facilities, and healthcare facilities to reliable and affordable high-speed internet services.
- Partner with states and local communities to invest in infrastructure to support rural prosperity, innovation and entrepreneurial activity.
- Provide the resources and tools that foster greater integration among programs, partners and the rural development customer.



# Natural Resources & Environment

- Make America's forests work again through proactive cost-effective management based on data and sound science.
- Expand Good Neighbor Authority and increase coordination with states to promote job creation and improve forest health through shared stewardship and stakeholder input.
- Reduce litigative risk and regulatory impediments to timely environmental review, sound harvesting, fire management and habitat protection to improve forest health while providing jobs and prosperity to rural communities.
- Offer the tools and resources that incentivize private stewardship and retention of forest land.



# Management

- Provide a fiscally responsible Farm Bill that reflects the Administration's budget goals.
- Enhance customer service and compliance by reducing regulatory burdens on USDA customers.
- Modernize internal and external IT solutions to support the delivery of efficient, effective service to USDA customers.
- Provide USDA full authority to responsibly manage properties and facilities under its jurisdiction.
- Increase the effectiveness of tools and resources necessary to attract and retain a strong USDA workforce that reflects the citizens we serve.
- Recognize the unique labor needs of agriculture and leverage USDA's expertise to allow the Department to play an integral role in developing workforce policy to ensure farmers have access to a legal and stable workforce.
- Grow and intensify program availability to increase opportunities for new, beginning, veteran, and under-represented producers.



# Military Veteran Farmers

Natural Resources Conservation Service



## Overview

Veterans of the U.S. Armed Services receive preference and higher payment rates for certain NRCS conservation programs offered in the 2018 Farm Bill. These voluntary conservation programs benefit both agricultural producers and the environment and include financial and technical assistance.

## How It Works

Preference will be given to eligible Veteran Farmers or Ranchers applying for several types of conservation financial assistance through the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP).

EQIP provides financial and technical assistance to agricultural producers to address natural resource concerns and deliver environmental benefits. These include improved water and air quality, conserved surface and ground water, reduced soil erosion and sedimentation, and improved or created wildlife habitat. As a veteran you are eligible to receive a higher payment rate and “advance payment,” or getting some funds up front, for projects funded through EQIP.

CSP helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resource concerns. Participants earn CSP payments for conservation performance — the higher the performance, the higher the payment.

## Who is Eligible?

An eligible Veteran Farmer or Rancher:

- Became a veteran during the last ten years; or
- Has not operated a farm or ranch; or hasn't operated a farm or ranch for more than 10 consecutive years;

For a legal entity or joint operation to be considered a Veteran Farmer or Rancher entity, all members must meet the above definition. A Veteran Farmer or Rancher may also qualify as a Socially Disadvantaged Farmer or Rancher by meeting additional criteria.

## How to Apply

Apply at your local USDA Service Center, which you can find at [farmers.gov/service-locator](https://farmers.gov/service-locator).

## More Information

For more information, visit [nrcs.usda.gov/veterans](https://nrcs.usda.gov/veterans) or [farmers.gov](https://farmers.gov).



Natural Resources Conservation Service





## Overview

Through the Agriculture Conservation Experienced Services (ACES) Program, experienced workers, age 55 and over, help NRCS employees provide technical services in support of conservation.

# ACES

Agricultural Conservation Experience Services Program



USDA's Natural Resources Conservation Service offers voluntary Farm Bill programs that benefit both the landowner and the environment.

## Benefits

NRCS enters into agreements with nonprofit organizations that provide ACES workers on a part-time or full-time basis.

NRCS provides funds, office space, position descriptions, work assignments and oversight for the ACES positions, while the nonprofit organization handles advertising, recruiting, hiring and payroll for each position. Available positions span a variety of skill sets and educational levels. In addition to wages, NRCS covers administrative fees such as federal payroll tax, unemployment compensation, and pay increases. ACES enrollees are neither federal employees nor state agriculture department employees, and their wages do not impact retirement annuities.



## Eligibility

Applicants must be age 55 and over and able to provide services and skills required for the jobs advertised on the web sites of the three non-profits with which NRCS has national cooperative agreements:

- Senior Service America, Inc.
- National Asian Pacific Center on Aging
- National Older Worker Career Center

National and state budget priorities determine which NRCS offices participate in the ACES program.

## How to apply

Applicants should check the web sites of the nonprofit partners for available positions:

- Senior Service America, Inc. - [www.seniorserviceamerica.org](http://www.seniorserviceamerica.org)
- National Asian Pacific Center on Aging - <http://napca.org>
- National Older Worker Career Center - [www.nowcc.org](http://www.nowcc.org)

## More Information

For more information visit your local USDA service center or [www.nrcs.usda.gov/farmbill](http://www.nrcs.usda.gov/farmbill).

## Find Your Local USDA Service Center

<http://offices.usda.gov>

### What's new in ACES

ACES was expanded to include all Title 12 Farm Bill Programs with the exception of CRP.



ACES workers extend the reach of conservation.

[www.nrcs.usda.gov](http://www.nrcs.usda.gov)

**Natural Resources Conservation Service**

# Conservation Innovation Grants

Natural Resources Conservation Service



## Investment in Innovation

Conservation Innovation Grants (CIG) are competitive grants that drive public and private sector innovation in resource conservation. CIG projects inspire creative problem-solving—boosting production on farms, ranches, and private forests through improvements in water quality, soil health, and wildlife habitat.

## Program at a Glance

National and State CIG – Public and private grantees develop the tools, technologies, and strategies to support next-generation conservation efforts on working lands and develop market-based solutions to resource challenges. Grantees must match the CIG investment at least one to one.

On-Farm Conservation Innovation Trials – Newly authorized in the 2018 Farm Bill, On-Farm Trials supports more widespread adoption of innovative approaches, practices, and systems on working lands. On-Farm Trials projects feature collaboration between NRCS and partners to implement on-the-ground conservation activities and then evaluate their impact. Incentive payments are provided to producers to offset the risk of implementing innovative approaches. The Soil Health Demo Trial (SHD) component of On-Farm Trials focuses exclusively on implementation of conservation practices and systems that improve soil health. Eligible entities receiving SHD awards agree to follow consistent soil health assessment protocols to evaluate the impacts of practice and system implementation.

## Who is Eligible?

CIG applications are accepted from state or local governments, federally-recognized American Indian tribes, non-governmental organizations, and individuals in all 50 states, the District of Columbia, the Caribbean Area (Puerto Rico and the Virgin Islands), and the Pacific Islands Area (Guam, American Samoa, Pacific Islands Area).



CIG funds innovative, on-the-ground conservation projects, including pilot projects and field demonstrations. Proposed projects must conform to the description of innovative conservation projects or activities published in the annual funding notice. With its focus on innovation, CIG does not fund projects supporting technologies and approaches commonly used in the geographic area covered by the application, including those already eligible for funding through EQIP.

The maximum CIG award is set annually by the NRCS Chief and historically has been either \$1 million or \$2 million. An applicant's CIG funding request must be matched at least 1:1 with non-federal funding. Matching funds can be any combination of cash and in-kind contributions. The grantee is also responsible for providing the technical assistance required to successfully complete the project. NRCS will provide technical oversight for each project receiving an award.

## CIG History

Conservation Innovation Grants are competitive grants that stimulate the development and adoption of innovative approaches and technologies for conservation on agricultural lands.

First authorized by  
2002 Farm Bill

Funding source:  
Environmental Quality  
Incentives Program

Annual national CIG  
funding average:  
\$20 million

Total national CIGs  
awarded since 2004:  
711

Total national CIG  
funding since 2004:  
\$286.7 million

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## Historically Underserved Farmers, Ranchers and Forest Landowners

NRCS recognizes the need to provide special consideration to historically-underserved agricultural producers and forest landowners and strives to ensure that they benefit from innovative technologies and approaches. Each year, up to 10 percent of national CIG funds are set aside for applicants who are historically underserved (beginning, limited resource, socially disadvantaged, military veteran farmers and ranchers, or American Indian tribes) or community-based organizations that include or represent these groups.

## How to Apply

**National CIG:** A CIG funding notice is announced each year. Funds for single- or multi-year projects, not to exceed three years, will be awarded through a nationwide competitive grants process. Projects may be watershed-based, regional, multi-state, or nationwide in scope. The natural resource concerns eligible for funding through CIG are identified in the funding announcement and may change annually to focus on new and emerging, high priority natural resource concerns.

Applications are evaluated by a technical peer review panel against criteria identified in the funding notice. The peer panel recommendations are reviewed by an NRCS Grants Review Board that makes funding recommendations to the NRCS Chief. The NRCS Chief makes the final award selections.

**State CIG:** The CIG state component emphasizes projects that benefit a limited geographical area. Participating states announce their funding availability for CIG competitions through their state NRCS offices.

## More Information

Once funds for CIG become available, a funding notice is posted on [grants.gov](https://www.grants.gov), the federal e-Grants portal. The funding notice is also posted on the NRCS website: [nrcs.usda.gov](https://www.nrcs.usda.gov). The funding notice details CIG requirements and the information required from applicants.

Complete applications must be submitted through [grants.gov](https://www.grants.gov) and e-mailed to the NRCS National Office at [nrcscig@wdc.usda.gov](mailto:nrcscig@wdc.usda.gov).

For more information, visit [nrcs.usda.gov/farmbill](https://www.nrcs.usda.gov/farmbill) or [farmers.gov](https://www.farmers.gov).

Find your local USDA Service Center at [farmers.gov/service-locator](https://www.farmers.gov/service-locator).



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# Agricultural Conservation Easement Program

Natural Resources Conservation Service

*USDA's Natural Resources Conservation Service offers voluntary Farm Bill programs that benefit both agricultural producers and the environment.*

## Overview

The Agricultural Conservation Easement Program (ACEP) helps landowners, land trusts, and other entities protect, restore, and enhance wetlands, grasslands, and working farms and ranches through conservation easements.

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 Wetland Reserve Easements component, NRCS helps to restore, protect, and enhance enrolled wetlands.

## Benefits

Agricultural Land Easements protect the long-term viability of the nation's food supply by preventing conversion of productive working lands to non-agricultural uses. Land protected by agricultural land easements provides additional public benefits, including enhanced environmental quality, historic preservation, wildlife habitat, and protection of open space.

Wetland Reserve Easements provide habitat for fish and wildlife (including threatened and endangered species), improve water quality by filtering sediments and chemicals, reduce flooding, recharge groundwater, protect biological diversity, and provide opportunities for educational, scientific, and non-developed recreational activities.

## Agricultural Land Easements

NRCS provides financial assistance to partners for purchasing Agricultural Land Easements that protect the agricultural use and conservation values of land. The program helps farmers and ranchers keep working farms in agriculture. Eligible partners include American Indian tribes, state and local governments, and non-governmental organizations that have farmland or grassland protection programs.

Under the Agricultural Land Easements component, NRCS may contribute up to 50 percent of the fair market value of the agricultural land easement. Where NRCS determines that grasslands of special environmental significance will be protected, NRCS may contribute up to 75 percent of the fair market value of the agricultural land easement.

## Wetland Reserve Easements

NRCS provides technical and financial assistance directly to private landowners and American Indian tribes to restore, enhance, and protect wetlands through the purchase of a wetland reserve easement. For acreage owned by an American Indian tribe, there is an additional enrollment option of a 30-year contract.

*Continued on next page.*



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Through the wetland reserve enrollment options, NRCS may enroll eligible land through:

- Permanent Easements are conservation easements in perpetuity. NRCS pays 100 percent of the easement value for the purchase of the easement, and 75 to 100 percent of the restoration costs.
- 30-Year Easements expire after 30 years. Under 30-year easements, NRCS pays 50 to 75 percent of the easement value for the purchase of the easement, and 50 to 75 percent of the restoration costs.
- Term Easements are easements that are for the maximum duration allowed under applicable state laws. NRCS pays 50 to 75 percent of the easement value for the purchase of the term easement and between 50 to 75 percent of the restoration costs.
- 30-Year Contracts are only available to enroll acreage owned by Indian tribes. Program payment rates are commensurate with 30-year easements.

For Wetland Reserve Easements, NRCS pays all costs associated with recording the easement in the local land records office, including recording fees, charges for abstracts, survey and appraisal fees, and title insurance.

## Who is Eligible?

Land eligible for Agricultural Land Easements includes cropland, rangeland, grassland, pastureland, and nonindustrial private forest land associated with an agricultural operation. NRCS will prioritize applications that protect agricultural uses and related conservation values of the land and those that maximize the protection of contiguous acres devoted to agricultural use. To enroll land through Agricultural Land Easements, NRCS enters into agreements with eligible partners.

Land eligible for Wetland Reserve Easements includes farmed or converted wetlands that have been previously altered for agricultural production that can be successfully and cost-effectively restored. NRCS will prioritize applications based on the easement's potential for improving water quality and protecting and enhancing habitat for migratory birds and other wildlife.

To enroll land through Wetland Reserve Easements, NRCS enters into purchase agreements with eligible private landowners or American Indian tribes. NRCS and the landowner work together to develop and implement a wetland reserve plan to guide the restoration easement process. This plan restores, enhances, and protects the wetland's functions and values.

## More Information

For more information, visit [nrcs.usda.gov/farmland](https://nrcs.usda.gov/farmland) or [farmers.gov](https://farmers.gov).

Find your local USDA Service Center at [farmers.gov/service-locator](https://farmers.gov/service-locator).



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# Conservation Stewardship Program

Natural Resources Conservation Service



*USDA's Natural Resources Conservation Service offers voluntary Farm Bill programs that benefit both agricultural producers and the environment.*

## Overview

The Conservation Stewardship Program (CSP) helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resource concerns. CSP pays participants for conservation performance—the higher the performance, the higher the payment.

## Benefits

CSP addresses various resource concerns including soil quality, soil erosion, water quality, water quantity, air quality, plant resources, and animal resources as well as energy.

## How It Works

CSP provides two possible types of payments through five-year contracts: annual payments for installing new conservation activities and maintaining existing practices; and supplemental payments for adopting a resource-conserving crop rotation.

## Who is Eligible?

Applicants may include individuals, legal entities, joint operations, or Indian tribes that meet the stewardship threshold for at least two priority resource concerns when they apply. They must also agree to meet or exceed the stewardship threshold for at least one additional priority resource concern by the end of the contract. Producers must have effective control of the land for the term of the proposed contract.

Eligible lands include private and tribal agricultural lands, cropland, grassland, pastureland, rangeland, and nonindustrial private forest land. CSP is available to all producers, regardless of operation size or type of crops produced, in all 50 states, the District of Columbia, and the Caribbean and Pacific Island areas.

## New CSP Grasslands Conservation Initiative

Provides financial assistance to conserve grasslands through a single opportunity to enroll in a 5-year contract. Eligible lands are limited to cropland for which base acres have been maintained under FSA's ARC/PLC and were planted to grass or pasture, including idle or fallow, during a specific period. Enrolled acreage must be managed consistently with a grassland conservation plan.

## How to Apply

Apply at your local USDA Service Center, which you can find at [farmers.gov/service-locator](http://farmers.gov/service-locator). Applications are accepted at any time.

Payments are made soon as practical after October 1 of each fiscal year for contract activities installed and maintained in the previous year.

Advance payments available for historically underserved producers (beginning, economically and socially disadvantaged and veterans.)

## What's New in the 2018 Farm Bill

Increases payment rates for adoption of cover crop rotations and advanced grazing management activities.

Extends contracts to facilitate renewal under new program authority.

Authorizes specified annual funding levels.

Provides specific support for organic and transitioning to organic production activities.

Adds new CSP Grasslands Conservation Initiative.

## More Information

For more information, visit [nrms.usda.gov/farmbill](http://nrms.usda.gov/farmbill) or [farmers.gov](http://farmers.gov).

Find your local USDA Service Center at [farmers.gov/service-locator](http://farmers.gov/service-locator).

**Natural  
Resources  
Conservation  
Service**



# Environmental Quality Incentives Program

Natural Resources Conservation Service



*USDA's Natural Resources Conservation Service offers voluntary Farm Bill programs that benefit both agricultural producers and the environment.*

## Overview

The Environmental Quality Incentives Program (EQIP) provides technical and financial assistance to producers to address natural resource concerns and deliver environmental benefits such as improved water and air quality, conserved ground and surface water, reduced soil erosion, and improved or created wildlife habitat.

## Benefits

Through EQIP, NRCS provides agricultural producers with one-on-one help and financial assistance to plan and implement improvements, or what NRCS calls conservation practices. Together, NRCS and producers invest in solutions that conserve natural resources for the future while improving agricultural operations.

## Program at a Glance

NRCS will help you develop a conservation plan that meets your goals and vision. This plan becomes your roadmap for selecting the right conservation practices for your land. NRCS offers about 200 unique practices designed for working farms, ranches, and forests.

NRCS financial assistance can cover part of the costs of implementing conservation practices.

## Who is Eligible?

Farmers, ranchers, and forest landowners who own or rent agricultural land are eligible. EQIP assistance can be used on all types of agricultural operations, including:

- Conventional and organic
- Specialty crops and commodity crops
- Forestry and wildlife
- Historically underserved farmers\*
- Livestock operations

\*Increased and advance payments available for historically underserved producers (beginning, limited resource, socially disadvantaged, and military veterans.)

## How to Apply

Apply at your local USDA Service Center, which you can find at [farmers.gov/service-locator](http://farmers.gov/service-locator).

Applications for EQIP financial assistance are accepted throughout the year. Specific state deadlines are set for ranking and funding. If your application is ranked and selected, you will enter into a contract with NRCS to receive financial assistance for the cost of implementing conservation practices. Payment rates for conservation practices are reviewed and set each fiscal year.

## More Information

For more information, visit [nrcs.usda.gov/farmbill](http://nrcs.usda.gov/farmbill) or [farmers.gov](http://farmers.gov).

Find your local USDA Service Center at [farmers.gov/service-locator](http://farmers.gov/service-locator).

## What's New in the 2018 Farm Bill

Adds potential resource concerns related to beneficial cost-effective operation changes.

Raises cap for organic producers to \$140,000 over four years.

New enrollment option through incentive contracts to address priority resource concerns.

Requires advance payment option be offered to historically underserved producers.

Authorizes direct program assistance to irrigation districts, including acequias and other entities, for purposes of improving water use efficiencies.



# Healthy Forests Reserve Program

Natural Resources Conservation Service



## Overview

The Healthy Forests Reserve Program (HFRP) helps landowners restore, enhance, and protect forestland resources on private lands through easements and financial assistance. HFRP aids the recovery of endangered and threatened species under the Endangered Species Act, improves plant and animal biodiversity, and enhances carbon sequestration.

## Benefits

HFRP provides landowners with 10-year restoration agreements and 30-year or permanent easements for specific conservation actions. For acreage owned by an American Indian tribe, there is an additional enrollment option of a 30-year contract. Some landowners may receive safe harbor assurances under the Endangered Species Act by restoring or improving habitat on their land for a specified time.

## Who is Eligible?

HFRP applicants must provide proof of land ownership for easement enrollments. An operator (tenant) must provide written concurrence from the landowner of tenancy for the period of the HFRP restoration agreement.

Land enrolled in HFRP easements must be privately owned, or owned by American Indian tribes, and restore, enhance, or measurably increase the recovery of threatened or endangered species, improve biological diversity, or increase carbon sequestration.

## How to Apply

Apply at your local USDA Service Center, which you can find at [farmers.gov/service-locator](https://farmers.gov/service-locator).

## More Information

For more information, visit [nrcs.usda.gov/farmland](https://nrcs.usda.gov/farmland) or [farmers.gov](https://farmers.gov).

Find your local USDA Service Center at [farmers.gov/service-locator](https://farmers.gov/service-locator).



**Natural  
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# Rules and Regulations

Federal Register

Vol. 84, No. 87

Monday, May 6, 2019

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### 7 CFR Parts 610, 622, 625, and 652

#### Commodity Credit Corporation

#### 7 CFR Parts 1455

[Docket No. USDA–2019–0005]

RIN 0578–AA69

### Miscellaneous Conservation Provisions

**AGENCY:** Natural Resources Conservation Service and the Commodity Credit Corporation, United States Department of Agriculture.

**ACTION:** Interim rule.

**SUMMARY:** The Agricultural Improvement Act of 2018 (the 2018 Farm Bill) made several minor changes to certain of the Natural Resources Conservation Service (NRCS) conservation programs and related requirements. The conservation programs and related requirements include the administration of the State Technical Committee, the Watershed Protection and Flood Prevention Act Program, the Healthy Forests Reserve Program (HFRP), the Technical Service Provider (TSP) Assistance provisions, and the Voluntary Public Access and Habitat Incentive Program (VPA–HIP). This rule makes changes to the existing regulations for the conservation programs that are consistent with the changes made by the 2018 Farm Bill.

**DATES:** *Effective:* May 6, 2019.

*Comment date:* Submit comments on or before July 5, 2019.

**ADDRESSES:** We invite you to submit comments on this rule. In your comments, include the date, volume, and page number of this issue of the **Federal Register**, and the title of rule. You may submit comments by the following method:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for Docket ID USDA–2019–0005. Follow the online instructions for submitting comments.

All written comments received will be publicly available on [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Martha Joseph; phone: (814) 203–5562, or email: [martha.joseph@usda.gov](mailto:martha.joseph@usda.gov). Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice).

#### SUPPLEMENTARY INFORMATION:

##### Background

This rule makes minor changes to existing NRCS regulations and an NRCS administered Commodity Credit Corporation (CCC) regulation. The 2018 Farm Bill (Pub. L. 115–334) made mandatory minor changes to several conservation programs and related requirements, including State Technical Committee, Watershed Protection and Flood Prevention, HFRP, TSP Assistance, and VPA–HIP. The minor changes include:

- Adding to the membership of the State Technical Committee (7 CFR part 610, subpart C);
- Waiving the requirement for watershed plans under certain circumstances under the Watershed Protection and Flood Prevention (7 CFR part 622);
- Expanding the purposes of HFRP (7 CFR part 625);
- Authorizing that certification of TSPs be through a qualified non-federal entity (7 CFR part 652); and
- Including as a criteria for evaluation of VPA–HIP bids whether the land is enrolled in the Wetlands Reserve Easement (WRE) component of the Agricultural Conservation Easement Program (ACEP).

#### State Technical Committee (7 CFR Part 610, Subpart C)

The 2018 Farm Bill added the State Cooperative Extension Service and land grant universities in the State to the membership of the State Technical Committee. This rule adds representatives from these organizations to the list of members in 7 CFR 610.22.

### Watershed Protection and Flood Prevention Program (7 CFR Part 622)

The Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83–566, Watershed Operations), as amended by section 2401 of the 2018 Farm Bill, authorizes NRCS to install watershed improvement measures to reduce flooding, sedimentation, and erosion damage; improve conservation, development, utilization, and disposal of water; and advance conservation and proper utilization of land.

Working in cooperation with soil conservation districts and other local sponsoring organizations, NRCS prepares detailed watershed plans that outline soil and water management problems and proposals to alleviate the problems, including estimated benefits and costs, cost-sharing arrangements, and operation and maintenance arrangements. The 2018 Farm Bill authorizes NRCS to waive the watershed plan for works of improvement if the NRCS Chief determines that (1) the watershed plan is unnecessary or duplicative; and (2) the works of improvement are otherwise consistent with applicable requirements. NRCS incorporates the waiver in 7 CFR 622.31.

#### HFRP (7 CFR Part 625)

HFRP is authorized by Title V of the Healthy Forests Restoration Act of 2003 (Pub. L. 108–148). The 2018 Farm Bill amended HFRP to add that protection of at-risk species is a purpose in the conservation of forest land, permanent easements are an enrollment option for acreage on Tribal land, and land that improves the well-being of a species identified as of greatest conservation need by a State wildlife action plan is now eligible and a priority for enrollment. Additionally, the 2018 Farm Bill removed the requirement to not use more than 40 percent of funds allocated each fiscal year for cost-share agreements, and not more than 60 percent of funds allocated each fiscal year for easements. The 2018 Farm Bill also updated the types of practices that can be conducted on enrolled land. NRCS incorporates these changes into 7 CFR part 625.

Additionally, NRCS is removing reference to the Regional Conservation Partnership Program (RCPP) authorized under Subtitle I of Title XII of the Food Security Act of 1985 (known as the 1985

Farm Bill). The 2018 Farm Bill amendments change how HFRP interacts with RCPP. The Agricultural Act of 2014 (Pub. L. 113–79) identified HFRP as a covered program under RCPP, and authorized the NRCS Chief to waive non-statutory, discretionary HFRP provisions and operational procedures where the NRCS Chief determined the waiver would further the purposes of HFRP. However, due to the changes to RCPP in the 2018 Farm Bill, NRCS is revising 7 CFR 625.1 to remove the specific waiver authority. (Other RCPP regulatory changes are being made in a separate rulemaking.)

NRCS is also taking this opportunity to make some minor administrative changes and corrections to improve the coordination between NRCS easement programs. These changes include: Updating the definition of Indian Tribe to clearly include Pueblos, identifying that lands are ineligible if there are onsite or offsite conditions that could interfere with the ability to meet HFRP purposes, and incorporating payment flexibility for easement and restoration payments to allow single payments, annual payments, and restoration payments based on actual or average costs. Finally, NRCS is making a correction to 7 CFR 625.10(d) because 30-year contracts had inadvertently been omitted from the types of agreements identified in that paragraph.

#### **TSP (7 CFR Part 652)**

The 2018 Farm Bill amended the TSP provisions in section 1242 of the 1985 Farm Bill by defining third-party provider and adding authority for NRCS to certify a TSP through a non-federal entity approved by the Secretary to perform the certification. The current regulatory definition of third-party provider is consistent with the 2018 Farm Bill changes and does not require any changes to implement the 2018 Farm Bill. NRCS had authorized non-federal entities to recommend TSPs for certification; NRCS is amending the alternative certification process to specify that NRCS will enter into agreements with the recommending organizations to certify TSPs.

#### **VPA–HIP (7 CFR Part 1455)**

VPA–HIP is authorized by section 1240R of the 1985 Farm Bill. VPA–HIP provides, within funding limits, grants to State and Tribal Governments to encourage owners and operators of privately held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting and fishing under programs administered by State and

Tribal Governments. NRCS administers VPA–HIP on behalf of CCC. The 2018 Farm Bill amended VPA–HIP funding to authorize \$50,000,000 for fiscal years 2019 through 2023, to the maximum extent practicable, and requires \$3 million of the VPA–HIP funds be made available to encourage public hunting and other recreational activities on lands subject to ACEP–WRE. Since the VPA–HIP regulation identifies program priorities, NRCS is adding this new priority in 7 CFR 1455.20(c)(5).

#### **Effective Date, Notice and Comment, and Paperwork Reduction Act**

In general, the Administrative Procedure Act (APA, 5 U.S.C. 553) requires that a notice of proposed rulemaking be published in the **Federal Register** and interested persons be given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation, except when the rule involves a matter relating to public property, loans, grants, benefits, or contracts. This rule involved matters relating to benefits and is therefore exempt from the APA requirements. Further, the regulations to implement the programs of Chapter 58 of Title 16 of the U.S. Code, as specified in 16 U.S.C. 3846, and the administration of those programs, are:

- To be made as an interim rule effective on publication, with an opportunity for notice and comment;
- Exempt from the Paperwork Reduction Act (44 U.S.C. chapter 35); and
- To use the authority under 5 U.S.C. 808 related to Congressional review and avoid any potential delay in the effective date.

The APA exemption covers the changes for HFRP and Watershed Protection and Flood Prevention. The exemption in 16 U.S.C. 3846 covers the changes for the other programs in this rule. Therefore, this rule is effective on the date of publication in the **Federal Register**.

NRCS invites interested persons to participate in this rulemaking by submitting written comments or views about the changes made by this interim rule. The most helpful comments reference a specific portion of the regulation, explain the reason for any recommended changes, and include supporting data and references to relevant section of either the 2018 Farm Bill or the 1985 Farm Bill. All comments received on or before the closing date for comments will be considered. If changes to the regulation need to be made in response to public

comments, those comments will be addressed in a subsequent rulemaking.

#### **Executive Orders 12866, 13563, 13771, and 13777**

Executive Order 12866, “Regulatory Planning and Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review,” direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” established a federal policy to alleviate unnecessary regulatory burdens on the American people.

The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, “Regulatory Planning and Review,” and therefore, OMB has not reviewed this rule.

Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs,” requires that, in order to manage the private costs required to comply with federal regulations, for every new significant or economically significant regulation issued, the new costs must be offset by the elimination of at least two prior regulations. As this rule is designated not significant, it is not subject to Executive Order 13771.

#### **Clarity of the Regulation**

Executive Order 12866, as supplemented by Executive Order 13563, requires each agency to write all rules in plain language. In addition to your substantive comments on this rule, we invite your comments on how to make the rule easier to understand. For example:

- Are the requirements in the rule clearly stated? Are the scope and intent of the rule clear?
- Does the rule contain technical language or jargon that is not clear?
- Is the material logically organized?
- Would changing the grouping or order of sections or adding headings make the rule easier to understand?
- Could we improve clarity by adding tables, lists, or diagrams?
- Would more, but shorter, sections be better? Are there specific sections that are too long or confusing?
- What else could we do to make the rule easier to understand?

### Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally requires an agency to prepare a regulatory analysis of any rule whenever an agency is required by APA or any other law to publish a proposed rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule is not subject to the Regulatory Flexibility Act because no law requires that a proposed rule be published for this rulemaking initiative.

### Environmental Review

The environmental impacts of this rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the NRCS regulations for compliance with NEPA (7 CFR part 650). The 2018 Farm Bill requires minor changes to NRCS conservation programs, and there are no changes to the basic structure of the programs. The majority of the changes are mandatory and, therefore, do not require evaluation under the National Environmental Policy Act. In addition, minor administrative improvements are made to the regulations as a result of continuing evaluations of NRCS program implementation efforts. The only discretionary regulatory changes are administrative in nature. Such administrative changes fall within a categorical exclusion for policy development, planning, and implementation that relate to routine administrative activities (7 CFR 1b.3(a)(1)). As such, NRCS has determined that the provisions identified in this rule are mandatory or minor and administrative requirements of the 2018 Farm Bill programs and do not constitute a major federal action that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, NRCS will not prepare an environmental assessment or environmental impact statement for this regulatory action.

### Executive Order 12372

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed federal financial assistance. The objectives of the Executive Order are to foster an

intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed federal financial assistance and direct federal development. For reasons specified in the final rule related notice regarding 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), the programs and activities in this rule are excluded from the scope of Executive Order 12372.

### Executive Order 12988

This rule has been reviewed under Executive Order 12988, “Civil Justice Reform.” This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. Before any judicial actions may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR part 11 are to be exhausted.

### Executive Order 13132

This rule has been reviewed under Executive Order 13132, “Federalism.” The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, except as required by law. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

### Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Executive Order 13175 requires federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

NRCS has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have Tribal implication that requires Tribal consultation under Executive Order 13175. The regulation changes do not have Tribal implications that preempt Tribal law and are not

expected have a substantial direct effect on one or more Indian Tribes. If a Tribe requests consultation, NRCS will work with the USDA Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions, and modifications identified in this rule are not expressly mandated by the 2018 Farm Bill.

Separate from Tribal consultation, communication and outreach efforts are in place to assure that all producers, including Tribes (or their members), are provided information about the regulation changes. Specifically, NRCS obtains input through Tribal Conservation Advisory Councils. A Tribal Conservation Advisory Council may be an existing Tribal committee or department and may also constitute an association of member Tribes organized to provide direct consultation to NRCS at the State, regional, and national levels to provide input on NRCS rules, policies, programs, and impacts on Tribes. Tribal Conservation Advisory Councils provide a venue for agency leaders to gather input on Tribal interests. Additionally, NRCS will be holding several sessions with Indian Tribes and Tribal entities across the country in fiscal year 2019 to describe the 2018 Farm Bill changes to NRCS conservation programs, obtain input about how to improve Tribal and Tribal member access to NRCS conservation assistance, and make any appropriate adjustments to the regulations that will foster such improved access.

### Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4), requires federal agencies to assess the effects of their regulatory actions on State, local, and Tribal Governments or the private sector. Agencies generally must prepare a written statement, including cost benefits analysis, for proposed and final rules with federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost-effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no federal mandates, as defined under Title II of UMRA, for State, local, and Tribal Governments or the private sector. Therefore, this rule is not subject to the requirements of UMRA.

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**

SBREFA (Pub. L. 104–121) normally requires that an agency delay the effective date of a major rule for 60 days from the date of publication to allow for Congressional review. This rule is not a major rule under the SBREFA. Therefore, neither NRCS nor the CCC is required to delay the effective date for 60 days from the date of publication to allow for Congressional review. As stated above, this rule is effective on the date of publication in the **Federal Register**.

**Federal Assistance Programs**

The titles and numbers of the Federal Domestic Assistance Programs in the Catalog of Federal Domestic Assistance to which this rule applies are:

- 10.922—Healthy Forests Reserve Program
- 10.903—Voluntary Public Access-Habitat Incentives Program
- 10.904—Watershed Protection and Flood Prevention

**E-Government Act Compliance**

NRCS and CCC are committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

**List of Subjects**

7 CFR Part 610

Grazing Lands, Soil conservation, Technical assistance, Water resources.

7 CFR Part 622

Flood control, Grant programs—natural resources, Loan programs—natural resources, Soil conservation, Technical assistance, Watersheds.

7 CFR Part 625

Administrative practice and procedure, Agriculture, Forest and forest product, Soil conservation.

7 CFR Part 652

Soil conservation, Technical assistance, Water resources.

7 CFR Part 1455

Agriculture, Animals, Environmental protection, Fishing, Forests and forest products, Grant programs, Hunting, Indians, Indians—land, Natural resources, Recreation and recreation areas, Rural areas, State and local governments, Wildlife.

For the reasons discussed above, CCC and NRCS amend 7 CFR parts 610, 622, 625, 652, and 1455 as follows:

**PART 610—TECHNICAL ASSISTANCE**

■ 1. The authority citation for part 610 is revised to read as follows:

**Authority:** 16 U.S.C. 590a–f, 590q, 2005b, 3861, and 3862.

■ 2. Amend § 610.22 as follows:

■ a. In paragraph (a)(10), remove the word “and” after the semi-colon;

■ b. In paragraph (a)(11), remove the period and add a semi-colon and “; and” in its place; and

■ c. Add paragraph (a)(12).

The addition reads as follows:

**§ 610.22 State Technical Committee membership.**

(a) \* \* \*

(12) The State Cooperative Extension Service and land grant universities in the State.

\* \* \* \* \*

**PART 622—WATERSHED PROJECTS**

■ 3. The authority citation for part 622 is revised to read as follows:

**Authority:** 16 U.S.C. 1001–1012a, and 33 U.S.C. 701b–1.

■ 4. Revise § 622.31 as follows:

■ a. Designate the undesignated paragraph as paragraph (a); and

■ b. Add paragraph (b).

The addition reads as follows:

**§ 622.31 Basic planning efforts.**

\* \* \* \* \*

(b) The Chief of NRCS may waive the watershed plan for works of improvement if the Chief determines that—

(1) The watershed plan is unnecessary or duplicative; and

(2) The works of improvement are otherwise consistent with applicable requirements under this part.

**PART 625—HEALTHY FORESTS RESERVE PROGRAM**

■ 5. The authority citation for part 625 continues to read as follows:

**Authority:** 16 U.S.C. 6571–6578.

■ 6. Amend § 625.1 as follows:

■ a. Redesignate paragraph (b)(3) as paragraph (b)(4);

■ b. Add new paragraph (b)(3); and

■ c. Remove paragraph (e).

The addition reads as follows:

**§ 625.1 Purpose and scope.**

\* \* \* \* \*

(b) \* \* \*

(3) Conserve forest land that provides habitat for species listed under section 4 of ESA, a candidate for such listing, State-listed species or species of greatest conservation need as identified in a State wildlife action plan, or species

identified by the Chief for special consideration for funding; and

\* \* \* \* \*

■ 7. In § 625.2 revise the definitions of “conservation practice” and “Indian tribe” to read as follows:

**§ 625.2 Definitions.**

\* \* \* \* \*

*Conservation practice* means one or more conservation improvements, measures, and activities, including structural practices, and measures, land management practices, vegetative treatments, forest management, practices to increase carbon sequestration, practices to improve biological diversity, and other improvements that benefit the eligible land and optimize environmental benefits, planned and applied according to NRCS standards and specifications.

\* \* \* \* \*

*Indian Tribe* means Indian Tribe, band, Nation, Pueblo, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601–1629h), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

\* \* \* \* \*

■ 8. Amend § 625.4 as follows:

■ a. Revise paragraphs (a) and (c)(2);

■ b. In paragraph (d)(2) after the semi-colon remove the word “and”;

■ c. In paragraph (d)(3) remove the period and add “; and” in its place; and

■ d. Add a new paragraph (d)(4).

The revisions and addition read as follows:

**§ 625.4 Program requirements.**

(a) *General.* Under HFRP:

(1) NRCS will purchase conservation easements from, or enter into 30-year contracts or 10-year cost-share agreements with, eligible landowners who voluntarily cooperate in the restoration and protection of forestlands and associated lands.

(2) A landowner will participate in HFRP by agreeing to the implementation of an HFRP restoration plan, the effect of which is to restore, protect, enhance, maintain, and manage the habitat conditions necessary to increase the likelihood of recovery of listed species under the ESA, or measurably improve the well-being of species that are candidates for such listing, that is a candidate for listing under section 4 of ESA, State-listed species or species deemed of greatest conservation need by

a State wildlife action plan, or species identified by the Chief for special consideration for funding.

(3) NRCS may provide cost-share assistance for the activities that promote the restoration, protection, enhancement, maintenance, and management of forest ecosystem functions and values. Specific restoration, protection, enhancement, maintenance, and management activities may be undertaken by the landowner or other NRCS designee.

\* \* \* \* \*

(c) \* \* \*

(2) Land will be considered eligible for enrollment in HFRP only if NRCS determines that such private forest land or private land being restored to forest land will contribute to the maintenance, restoration, or enhancement of the habitat or measurably:

(i) Increase the likelihood of recovery for a selected species listed under section 4 of ESA; or

(ii) Improve the well-being of a selected species that is a candidate for listing under section 4 of ESA, or the selected species is a State-listed species, or deemed a species of greatest conservation need by a State wildlife action plan, or is a species identified by the Chief for special consideration for funding.

\* \* \* \* \*

(d) \* \* \*

(4) Land where the purposes of HFRP would be undermined due to onsite or offsite conditions, such as risk of hazardous substances, unacceptable encumbrances to title, permitted or existing rights of way, infrastructure development, or adjacent land uses.

#### § 625.6 [Amended]

■ 9. Amend § 625.6, in paragraph (a)(2), by removing “or species” and adding “or deemed of greatest conservation need under a State wildlife action plan, or species” in their place.

■ 10. Amend § 625.8 as follows:

■ a. In paragraph (c)(2), remove “no more than 10 annual payments of equal or unequal size” and add “through annual payments” in its place; and

■ b. Revise paragraphs (e) and (f).

The revisions read as follows:

#### § 625.8 Compensation for easements and 30-year contracts.

\* \* \* \* \*

(e) The amount, terms, and conditions of the cost-share assistance will be subject to the following restrictions on the costs of establishing or installing NRCS-approved conservation practices or implementing measures specified in the HFRP restoration plan:

(1) On enrolled land subject to a permanent easement or an easement for the maximum duration allowed under State law, NRCS will offer to pay not less than 75 percent nor more than 100 percent of the actual or average cost, and;

(2) On enrolled land subject to a 30-year easement or 30-year contract, NRCS will offer to pay not more than 75 percent of the actual or average cost.

(f) On enrolled land subject to a 10-year cost-share agreement without an associated easement, NRCS will offer to pay not more than 50 percent of the actual or average costs.

#### § 625.10 [Amend]

■ 11. Amend § 625.10, paragraph (d), by removing “easement,” and adding “easement, 30-year contract,” in its place.

■ 12. Amend § 625.11, paragraph (a), by adding a new second sentence to read as follows:

#### § 625.11 Easement participation requirements.

(a) \* \* \* An Indian Tribe may enroll in HFRP through a 10-year cost-share agreement as specified in § 625.9, a 30-year contract as specified in § 625.12, or a permanent easement as specified in this part. \* \* \*

\* \* \* \* \*

#### PART 652—TECHNICAL SERVICE PROVIDER ASSISTANCE

■ 13. The authority citation for part 652 continues to read as follows:

**Authority:** 16 U.S.C. 3842.

■ 14. Amend § 652.25 by adding paragraphs (f) through (h) to read as follows:

#### § 652.25 Alternative application process for individual certification.

\* \* \* \* \*

(f) NRCS may also enter into an agreement with a recommending organization that NRCS determines has an adequate accreditation program to certify individuals as technical service providers for specific practices or categories of technical service in accordance with this part.

(g) After submission of an Application for Certification under § 652.21, NRCS may certify an individual that has an appropriate specialty certification, including a sustainability specialty certification, as qualified to provide technical services for a specific practice, category, or categories of technical service.

(h) NRCS will identify, on its website, which recommending organizations or specialty certifications are recognized

by NRCS as meeting NRCS quality criteria for certification of individuals under this part.

#### PART 1455—VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM

■ 15. The authority citation for part 1455 continues to read as follows:

**Authority:** 15 U.S.C. 714b and 714c, and 16 U.S.C. 3839.

#### § 1455.20 [Amend]

■ 16. In § 1455.20, paragraph (c)(5), at the end, remove the word “program” and add “program, including lands enrolled in the Wetland Reserve Easement component of the Agricultural Conservation Easement Program, part 1468, subpart C of this chapter” in its place.

**Matthew Lohr,**

*Chief, Natural Resources Conservation Service.*

**Robert Stephenson,**

*Executive Vice President, Commodity Credit Corporation.*

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#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

##### 7 CFR Part 985

[Doc. No. AMS–SC–18–0084; SC19–985–1 FR]

#### Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2019–2020 Marketing Year

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements a recommendation from the Far West Spearmint Oil Administrative Committee (Committee) to establish salable quantities and allotment percentages of Class 1 (Scotch) and Class 3 (Native) spearmint oil produced in Washington, Idaho, Oregon, and designated parts of Nevada and Utah (the Far West) for the 2019–2020 marketing year. This rule also removes references to past volume regulation no longer in effect.

**DATES:** Effective June 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Barry Broadbent, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office,