

Food, Conservation, and Energy Act of 2008

TITLE IX—ENERGY—Biomass Crop Assistance Program

- *Adds a new program, Biomass Crop Assistance Program (BCAP) to support the establishment and production of crops for conversion to bio-energy in project areas and to assist with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.*
- *BCAP project areas are selected based on:*
 - *A description of the eligible land and eligible crops of each producer that will participate in the proposed BCAP project area;*
 - *A letter of commitment from a biomass conversion facility that the facility will use eligible crops intended to be produced in the proposed BCAP project area;*
 - *Evidence that the biomass conversion facility has sufficient equity available if the facility is not operational at the time the project area proposal is submitted;*
 - *Other appropriate information.*
- *BCAP project area selection criteria include:*
 - *The volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that such crops will be used for BCAP purposes;*
 - *The volume of renewable biomass projected to be available from sources other than the eligible crops grown on contract acres;*
 - *The anticipated economic impact in the proposed BCAP project area;*
 - *The opportunity for producers and local investors to participate in the ownership of the biomass conversion facility in the proposed BCAP project area;*
 - *The participation rate by beginning or socially disadvantaged farmers or ranchers;*
 - *The impact on soil, water, and related resources;*
 - *The variety in biomass production approaches within a project area, including agronomic conditions, harvest and postharvest practices; and monoculture and polyculture crop mixes;*
 - *The range of eligible crops among project areas; and*
 - *Any other additional information.*

- *On approval of a BCAP project area, BCAP contracts may be entered into with producers the terms of which may include:*
 - *Compliance with highly erodible and wetland conservation requirements of Title II;*
 - *Conservation or forest stewardship plans;*
 - *Commitment to provide information to promote the production of eligible crops and the development of biomass conversion technology; and*
 - *Other appropriate information including the preservation of cropland bases and yield history.*
- *BCAP contract duration is for five years for annual and perennial crops or 15 years for woody biomass.*
- *Establishment payments of up to 75 percent of the cost for establishing a perennial crop including:*
 - *The costs of seed and stock for perennials;*
 - *The cost of planting the perennial crop; and*
 - *For non-industrial forst land, the costs of site preparation and tree planting.*
- *Annual payments are authorized.*
- *Annual payments must be reduced if:*
 - *An eligible crop is used for purpose other than the production of energy at the biomass conversion facility;*
 - *An eligible crop is delivered to the biomass conversion facility;*
 - *The producer receives a payment for collection, harvest, storage, or transportation;*
 - *The producer violates a term of the contract; or*
 - *Other circumstances necessary to carry out BCAP.*
- *Payments for delivery of eligible material to a biomass conversion facility are authorized:*
 - *For a producer of an eligible crop that is produced on BCAP contract acreage or a person with the right to collect or harvest eligible material;*
 - *For collection, harvest, storage, and transportation to a biomass conversion facility;*

- *At a rate of \$1 for each \$1 per ton provided by the biomass conversion facility, in an amount equal to not more than \$45 per ton for a period of 2 years.*