



Farm and Foreign
Agricultural
Services

APR 17 2015

Farm Service
Agency

Farm Programs

1400 Independence
Ave, SW
Stop 0513
Washington, DC
20250-0513

Voice: 202-720-6221
Fax: 202-720-4619

TO: Val Dolcini
Administrator

THROUGH: J. Michael Schmidt
Deputy Administrator for Farm Programs

FROM: Matthew Ponish
Acting Director
Conservation & Environmental Programs Division

Nell Fuller
FSA National Environmental Compliance Manager

SUBJECT: Record of Decision for the Conservation Reserve Program (CRP)
Supplemental Programmatic Environmental Impact Statement (SPEIS)

Pursuant to the requirements of the National Environmental Policy Act (NEPA), this is the official Record of Decision (ROD) documenting Farm Service Agency's (FSA) rationale for selecting to implement the Proposed Action Alternative, as defined in CRP's SPEIS, after a thorough environmental analysis and public feedback process. The ROD summarizes this analysis and documents FSA's conclusions.

By signing the ROD, as is required by NEPA, you are making the decision that completes this SPEIS process. From here, we will publish a Notice of Availability in the Federal Register (on the same day as the new CRP regulations), which will begin a 30-day "waiting period." After this waiting period is complete, provided no unforeseen circumstances are presented, FSA is authorized to implement the decision defined in this ROD, to implement the Proposed Action Alternative.

If you have any questions, please contact Nell Fuller at (202) 720-6303 or Nell.Fuller@wdc.usda.gov.

**Record of Decision
For
Conservation Reserve Program
Supplemental Programmatic Environmental Impact Statement**

**U.S. Department of Agriculture
Farm Service Agency**

1.0 INTRODUCTION

On behalf of the Commodity Credit Corporation (CCC), the Farm Service Agency (FSA) prepared a Supplemental Programmatic Environmental Impact Statement (SPEIS) to examine the potential environmental consequences associated with implementing the changes to the Conservation Reserve Program (CRP) defined in the Agricultural Act of 2014 (Public Law [PL] 113–79, hereafter referred to as the 2014 Farm Bill), and assist in developing new regulations. The Notice of Availability (NOA) of the Final SPEIS was published in the Federal Register on December 23, 2014 (79 Federal Register 76952-76955). The SPEIS was completed in accordance with the National Environmental Policy Act (NEPA; PL 91-190, 42 United States Code [USC] 4321 et seq.), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] parts 1500-1508), and FSA’s NEPA regulations for compliance with NEPA (7 CFR part 799).

This document presents the Record of Decision (ROD) regarding FSA implementation of certain changes to CRP according to the provisions of the 2014 Farm Bill and additional discretionary measures. The provisions of the 2014 Farm Bill apply to new CRP contracts only. Producers wishing to implement any of these provisions on existing CRP contract land are required to modify their Conservation Plans through the Natural Resource Conservation Service (NRCS) and ensure compliance with environmental laws and regulations in accordance with 7 CFR 799.

In 2010, a Supplemental Environmental Impact Statement (SEIS) was completed to evaluate the environmental consequences of implementing the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) provisions for CRP and a Record of Decision was released in July 2010. This SPEIS tiers from the 2010 SEIS and evaluates those provisions changed by the 2014 Farm Bill governing CRP that have not been previously addressed. This decision record summarizes the reasons for FSA selecting the Proposed Action Alternative based on the program’s expected environmental and socioeconomic impacts and benefits as documented in the SPEIS, all of which were considered in this decision.

1.1 DECISION

Based on a thorough evaluation of the resource areas affected by CRP and a comprehensive review of public comments on the Draft and Final SPEIS, FSA has decided to implement the Proposed Action as described in Section 2.0 of the Final SPEIS with one exception and one clarification. The exception: authorizing emergency haying or grazing on Conservation Practice (CP) 25, Rare and Declining Habitat,

will not be implemented under this decision document. The clarification: FSA intends to use Primary Nesting Season (PNS) provisions that are currently in place (Sec. 1233(b)) to clarify the language provided in the statute for “birds of significant economic importance.” FSA will continue to work with the U.S. Fish and Wildlife Service to address any needs to amend the PNS dates.

The following sections provide the purpose and need for the proposed changes to CRP; a description of the No Action and Proposed Action Alternatives and those provisions eliminated from detailed analysis; a summary of environmental consequences; and a description of public involvement.

1.2 PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the Proposed Action is to implement programmatic changes to the CRP resulting from the 2014 Farm Bill and other discretionary program provisions. The need for the Proposed Action is to fulfill the FSA’s responsibility to administer the CRP while improving the program’s functionality and maintaining the conservation benefits.

1.3 OVERVIEW OF CRP

The CRP was established by the Food Security Act of 1985 and farmland enrollment began in 1986. The program is governed by regulations published in 7 CFR 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, the CCC provides participants with rental payments and cost-share assistance under contracts that extend from 10 to 15 years. Funding for the CRP is provided by CCC and governed by acreage caps set by the Farm Bill. Technical support is provided by:

- USDA NRCS
- USDA National Institute for Food and Agriculture
- U.S. Forest Service (USFS)
- State forestry agencies
- Local soil and water conservation districts
- Other non-Federal providers of technical assistance

Producers can enroll in the CRP using one of two procedures: (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 conservation practices (CPs) under CRP Continuous Sign-up provisions, if certain eligibility requirements are met or if a state and county are involved in a Conservation Reserve Enhancement Program (CREP), and the land qualifies. As of September 2014, there were nearly 25.5 million acres enrolled in the CRP: 19.7 million acres under General Sign-up and 5.7 million acres under Continuous Sign-up, including 1.3 million acres in CREP and 0.3 million acres in Farmable Wetlands Program (FWP).

2.0 OVERVIEW OF CHANGES TO THE CRP FROM THE 2014 FARM BILL

The FSA will implement changes to the CRP resulting from the 2014 Farm Bill, which extends the enrollment authority for the CRP to 2018, as well as other discretionary measures to improve the functionality and conservational benefits of the program. The 2014 Farm Bill aims to consolidate a number of conservation programs in an effort to simplify the programs, reduce overlapping goals, and reduce overall budgets.

Some of the changes in the 2014 Farm Bill are administrative in nature, do not result in major changes to the current administration of the program, or have been addressed in other NEPA documents concerning the CRP. These changes are not addressed in the SPEIS.

Some elements of the 2014 Farm Bill are non-discretionary, meaning implementation is mandatory and specifically required by the statute. As the FSA has no decision-making authority over these non-discretionary aspects of the 2014 Farm Bill, they are assessed in the SPEIS as part of the No Action Alternative.

Other elements of the 2014 Farm Bill provide overall guidance, but details of implementation are left to FSA's discretion. These discretionary aspects of the 2014 Farm Bill form the Proposed Action. In addition, the FSA will implement additional discretionary measures for targeting enrollment of environmentally sensitive lands, expand flexibility for managed harvesting and routine grazing frequencies, and expand the flexibility of emergency haying and grazing in drought designated areas to provide necessary support to producers and ranchers during difficult times.

A summary of the changes to the CRP is provided in Table 1. This table describes proposed changes to CRP and how they are addressed in the SPEIS and whether each is eliminated from detailed analysis or assessed as part of the No Action or Proposed Action Alternative. All of the changes are discussed in more detail in the following sections.

Table 1: Summary of Proposed Changes to CRP

Provision	Description
Eliminated from Detailed Analysis	
Maximum Enrollment	Reduces maximum enrollment gradually from 32 to 24 million acres by fiscal year 2017.
FWP	Creates permanent program from pilot program established by 2008 Farm Bill and sets enrollment cap at 750,000 acres.
Tree Thinning	Reduces payment authority to \$10 million, allows for incentive payments.
Early Termination of Contracts	Provides contract termination opportunity in 2015 for contracts that have been in place for at least 5 years, with exceptions.

Provision	Description
Managed Harvesting, Prescribed and Routine Grazing Payment Reduction	Requires rental payment reduction of at least 25 percent. No payment reduction for beginning farmer or rancher for grazing.
Transition Option	Provides authority for \$33 million to facilitate transfer of land from retired owners to beginning or socially disadvantaged farmers or ranchers, or military veteran farmers or ranchers.
Prescribed Grazing Frequency	Allows annual grazing for control of invasive plants.
Intermittent and Seasonal Use	Allows for intermittent and seasonal use of vegetative buffer practices incidental to agricultural production on adjacent lands.
No Action Alternative	
Grasslands Eligibility and Authorized Activities	Allows up to 2 million acres of certain grasslands to be eligible for the CRP under Continuous Sign-up. Authorized activities differ from other CRP contracts.
Final Year of Contract	Allows enrollment in Conservation Stewardship Program and the Agricultural Conservation Easement Program during final year of contract.
Emergency Haying and Grazing Payment Reduction	Removes the requirement to reduce rental payments.
Proposed Action	
Targeted Enrollment	Proposes the targeted enrollment of environmentally sensitive lands through reverse auctions or competitive bidding to meet reduced enrollment caps.
Managed Harvesting Frequency	Sets minimum frequency of once in 5 years, and maximum frequency of once in 3 years.
Routine Grazing Frequency	Sets maximum frequency to no more than once every 2 years.
Emergency Haying and Grazing on Additional CPs	Allows emergency haying and grazing on additional conservation practices during severe drought conditions.

2.1 PROVISIONS ELIMINATED FROM DETAILED ANALYSIS

Those changes in the 2014 Farm Bill that are administrative in nature, would not result in major changes to the administration of the CRP, or have been addressed in other NEPA documents are eliminated from detailed analysis.

2.1.1 Maximum Enrollment Authority Changes

The 2008 Farm Bill authorized a maximum enrollment of 32 million acres in the CRP (16 USC 3831(d)). Currently, there are 25.5 million acres enrolled in the CRP with approximately 7 million acres set to expire from 2015 through 2018. The 2014 Farm Bill calls for enrollment in CRP to be gradually reduced to 24 million acres by fiscal year 2017. Given the contracts that are scheduled to expire over the next 5

years, the number of acres enrolled in the CRP would be below the statutory maximum acreage cap due to attrition. The expiring acres would allow for enrollment to continue through 2018 even with the reduced enrollment cap. The 2010 CRP SEIS analyzed an alternative maximum enrollment of 24 million acres and concluded that reducing the enrollment cap would decrease the potential for beneficial environmental impacts. Since the reduced acreage cap is a mandatory change, and since the 2010 CRP SEIS provided analysis of a maximum enrollment option of 24 million acres, the mandatory reduction in the maximum enrollment authority did not require additional analysis.

2.1.2 FWP Enrollment Changes

The FWP is designed to restore previously farmed wetlands and wetland buffers to improve both vegetation and hydrology. Participants agree to restore wetland hydrology and vegetation and prohibit the commercial use of the enrolled land. Lands meeting certain criteria can be enrolled on a Continuous Sign-up basis until the national or state limits are reached. Contract duration is between 10 and 15 years. The 2008 Farm Bill limited enrollment to 1 million acres nationally and no more than 100,000 within a state (16 USC 3831(d)). The 2014 Farm Bill includes a mandatory reduction in the enrollment authority to 750,000 acres nationally. Currently there are approximately 340,000 acres enrolled. The statutory change to reduce the maximum enrollment authority to 750,000 acres would allow for 410,000 acres of farmable wetlands to be enrolled in the program. The reduction in enrollment from 1 million acres authorized under the 2008 Farm Bill to the 750,000 acres mandated by the 2014 Farm Bill was eliminated from detailed analysis since there is no discretion for any other level. Additionally, the mandatory reduced acreage cap is not expected to affect actual enrollment, as enrollment historically has been well below the cap.

2.1.3 Tree Thinning Payment Changes

Tree thinning was authorized under the 2008 Farm Bill when performed as part of normal forestry management on CRP lands to improve land cover or tree stands during contract management activities. Tree thinning is a voluntary management activity that is eligible for cost-share payment if included in an approved Conservation Plan. The 2008 Farm Bill provided for \$100 million during 2008-2012 for cost-share payments for thinning activities as authorized (16 USC 3841(a)(1)(A)). As defined in the 2008 Farm Bill, the primary purpose of tree thinning on the CRP must be to improve the wildlife benefits and resource conditions on the land. The producer may dispose of or use the materials for commercial purposes without a rental payment reduction provided that removal of the refuse enhances wildlife, reduces undesirable insect and disease infestation, and/or reduces wildfire hazards. The 2014 Farm Bill reduces the payment authority for tree thinning activities to \$10 million and authorizes incentive payments. Since enactment of the 2008 Farm Bill, less than \$50,000 in cost-share payments have been provided for tree thinning activities, indicating this provision is not widely used. Therefore, the statutory reduction in funding available for tree thinning activities would not represent a real change in current use of the funds. However, the 2014 Farm Bill authorizes incentive payments, which may increase tree thinning activities (incentive payments would be more attractive than cost-share payments), and this payment authority may be used more fully. Reducing the payment authority would not change any environmental or socioeconomic benefits being realized under this provision. The change is administrative in nature and the expected environmental and socioeconomic impacts would be similar

to those analyzed in previous NEPA documents (USDA 2008); therefore, changes to tree thinning payments do not require further analysis in the SPEIS.

2.1.4 Early Termination of Contracts

Early termination of CRP contracts was authorized, with some exceptions, under the 2008 Farm Bill for contracts signed prior to January 1, 1995 as long as the contract has been in place for at least 5 years (16 USC 3835(e)). If a contract is terminated under this provision prior to the end of the fiscal year (FY) in which an annual rental payment is due, the producer receives only a prorated annual rental payment to cover the portion of the year the land was under contract. The 2014 Farm Bill modifies the early termination provision to include an opportunity during FY 2015 for early contract termination of CRP contracts, provided the contract has been in place for at least 5 years. Some lands (including but not limited to land devoted to certain CPs and CREP land) are not eligible for early termination. Early land preparation activities would be allowed in accordance with national policy (2-CRP Handbook). Taking the exceptions into consideration, approximately 2.7 million acres of CRP land were eligible for early termination, the majority of which is enrolled in CP2 (Native Grasses). Early termination of contracts was previously authorized. The provision is an administrative change and does not offer any discretion for implementation; therefore it was eliminated from detailed NEPA analysis. This early termination opportunity occurred during the course of the SPEIS preparation and about 90,000 acres left the program under this provision.

2.1.5 Haying and Grazing Payment Reduction Changes

Under the 2008 Farm Bill, managed harvesting and routine grazing required a payment reduction of the annual payment to be commensurate with the economic value of the haying and grazing activity (16 USC 3832(d)). The 2014 Farm Bill requires a payment reduction of at least 25 percent for both managed harvesting and routine grazing. This statutory change codifies the existing administrative procedure related to these practices. Because it was determined to be infeasible to assess the actual value of activities undertaken by CRP participants, a payment reduction of 25 percent was established and evaluated in the 2010 CRP SEIS (USDA 2010); therefore, these changes did not require further analysis in the SPEIS.

2.1.6 Transition Option Funding

Under the 2008 Farm Bill, a retiring farmer or rancher was eligible for an additional 2 years of annual rental payments if the land was transferred to a beginning farmer or rancher, or a socially disadvantaged farmer or rancher who is not a family member (16 USC 3835(c)(1)(iii)). The beginning or socially disadvantaged farmer or rancher is able to make improvements to CRP land one year prior to termination of the CRP contract for the purpose of returning some or all of the land to production using sustainable grazing or crop production methods. The 2008 Farm Bill authorized up to \$25 million to facilitate the transfer of land from a retiring farmer or rancher to a beginning or socially disadvantaged farmer or rancher (7 USC 2279(e)(7)). Nearly all of the funding authorization was used for this purpose. The 2014 Farm Bill authorizes an additional \$8 million (for a total of \$33 million) to facilitate such land transfers and expands the eligibility to include veteran farmers or ranchers (as defined in Section 2501(e) of the Food Agriculture, Conservation, and Trade Act of 1990, USC 2279(e)). It is expected that

all of the additional funding authorization (\$8 million) would be used and would not represent a significant change with respect to socioeconomic conditions. This is an administrative and statutory change and did not require detailed analysis in the SPEIS.

2.1.7 Prescribed Grazing Frequency

The 2008 Farm Bill authorized the use of prescribed grazing to control invasive plant species provided that activities do not defeat the purpose of the CRP contract and are consistent with the conservation of soil, water quality, and wildlife habitat (16 USC 3832 (a)(8)(C)). The 2010 CRP SEIS evaluated the impacts of prescribed grazing in compliance with a Grazing Management Plan, part of the Conservation Plan developed with NRCS that includes frequency, timing, stocking rates, and type of grazing animal. The 2014 Farm Bill would allow prescribed grazing to control invasive plant species to be conducted annually, essentially providing clarification that such grazing can occur as determined as part of the Conservation Planning process and in consultation with the State Technical Committee (STC). In 2012, there were approximately 650 acres where prescribed grazing was used. Because this provision was evaluated in the 2010 CRP SEIS, it did not require further analysis in the SPEIS.

2.1.8 Intermittent and Seasonal Use

The 2008 Farm Bill authorized routine grazing on CRP contracts to include “incidental” grazing on certain CPs to allow for gleaning of crop residue in an adjacent non-CRP field or before the harvest of a small grain. Incidental grazing is only authorized if the CRP acreage to be grazed is not separated from the cropland by a fence. Incidental grazing requires 25 percent payment reduction, must be covered in the Conservation Plan, and must avoid the Primary Nesting Season (PNS). The 2014 Farm Bill adds specific language that allows for the intermittent and seasonal use of vegetative buffer practices incidental to agricultural production on lands adjacent to the buffer provided this use does not destroy the permanent vegetative cover. This is an activity that already occurs under the current administration of the program and would not change under the 2014 Farm Bill. The permitted use of vegetative buffers would continue to adhere to requirements outlined in the CRP handbook and is, therefore, not further assessed in the SPEIS.

2.2 NO ACTION ALTERNATIVE

Some elements of the 2014 Farm Bill are non-discretionary, meaning implementation is mandatory and specifically required by the statute. As the FSA has no decision-making authority over these non-discretionary aspects of the 2014 Farm Bill, they are assessed in the SPEIS as part of the No Action Alternative.

2.2.1 Grasslands Eligibility and Authorized Activities

The Grassland Reserve Program (GRP) was developed to assist in protecting native grasslands and managed rangelands. The program emphasizes support of grazing operations, maintaining and improving plant and animal biodiversity, and protecting grasslands and shrublands under threat of conversion to cropping, urban development, and other non-grazing uses. Prior to the 2014 Farm Bill, the GRP was jointly administered by the FSA and NRCS with the purpose of providing assistance to

landowners and operators to protect grazing uses and related conservation values on eligible private range and pasture lands. Enrollment options included long-term contracts (10, 15, or 20 years) or permanent easements.

The 2014 Farm Bill makes grasslands, which would have been previously eligible for the GRP, eligible for enrollment in the CRP. Up to 2 million acres could be enrolled through Continuous Sign-up in 10- or 15-year contracts. The eligibility requirements and authorized activities are the same as those previously defined for the GRP. 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 2014 Farm Bill authorizes the Secretary to grant priority to lands expiring from current CRP contracts that will retain grass cover. To maximize enrollment of grasslands providing the most conservation value while maintaining the statutory maximum enrollment cap of two million acres, different factors as determined by CCC may be considered for priority purposes to accomplish the goals of the program. The specific criteria has yet to be defined at the time of this decision document; however, any substantive changes to program implementation developed during the rule-making process will be reviewed for compliance with NEPA as appropriate in accordance with 7 CFR 799.

Site specific environmental evaluations (EEs) are required prior to enrollment in the CRP. A Grazing Management Plan, which includes a Conservation Plan, Restoration Plan, and any applicable grazing management systems, is required and developed in accordance with the NRCS National Planning Procedures Handbook. These plans must comply with all Federal, state, local, and Tribal regulations and permit requirements; and include a schedule of operations for implementation and maintenance of practices with a description of the grazing management system, permissible and prohibited activities, applicable information on species in the local area that are in significant decline, and a description of the USDA's right of ingress and egress.

2.2.2 Final Year of Contract

A provision in the 2014 Farm Bill allows a CRP participant to enroll expiring CRP land into NRCS' Conservation Stewardship Program or the Agricultural Conservation Easement Program during the year prior to expiration of the contract as long as the conservation activity required under the program is consistent with the existing CPs and land preparation activities avoid the PNS. Expiring CRP land must remain in conservation and cannot be converted to agricultural production in order to be eligible for this option. Improvements to the installed CP are allowed prior to enrolling in the program and would be similar to activities authorized for mid-contract maintenance. CRP rental payments could be reduced commensurate with the number of months left on the contract at the time of the transfer.

The Conservation Stewardship Program is a voluntary program that encourages agricultural and forestry producers to address resource concerns by undertaking additional conservation activities and improving and maintaining existing conservation systems. The program pays participants for conservation performance – the higher the performance, the higher the payment. Land is enrolled in 5-year contracts through Continuous Sign-up. The Agricultural Conservation Easement Program is a new program authorized in the 2014 Farm Bill. In general, the program combines the purposes of the Wetlands Reserve Program (WRP), GRP, and Farm and Ranchlands Protection Program. In this program, agricultural land and wetlands could be enrolled in permanent easements or easements of the

maximum duration allowed by states. Additionally, wetlands could be enrolled in 30-year easements. Compensation would be based on the fair market value of land and financial assistance to establish conservation measures would be available.

2.2.3 Emergency Haying and Grazing Payment Reduction

Emergency haying and grazing of CRP acreage may be authorized to provide relief to livestock producers in areas affected by severe drought or a similar natural disaster. Emergency haying and grazing generally are intended for periods of drought or excessive moisture of such magnitude that livestock producers nationally or across large areas are faced with culling herds or livestock losses.

The Deputy Administrator for Farm Programs or FSA State Committee, with the concurrence of the FSA Conservation and Environmental Programs Division, determines whether emergency haying and grazing is warranted based on specific required evidence of flood or drought, which is submitted by County Committees. The 2014 Farm Bill authorizes emergency haying and grazing without a reduction in the rental rate. Prior to this, a standard 25 percent payment reduction (in 2012 and 2013 a payment reduction of 10 percent was used in response to severe drought) was assessed on producers who utilized emergency haying and grazing.

2.3 PROPOSED ACTION

Some elements of the 2014 Farm Bill provide overall guidance, but details of implementation are left to the FSA's discretion. These discretionary aspects of the 2014 Farm Bill form the Proposed Action. In addition to those Farm Bill elements, the FSA proposes to implement additional discretionary measures assessed as part of the Proposed Action.

2.3.1 Targeted Enrollment

The 2014 Farm Bill reduces the maximum enrollment for the CRP to 24 million acres by 2017. The reduced enrollment authority creates pressure on FSA to ensure enrolled land maximizes environmental benefits using available funding. Historically, FSA has utilized Continuous Sign-ups to target environmentally desirable lands through several initiatives and programs. These include CREP, FWP, State Acres for Wildlife (SAFE), and several CPs established to meet specific environmental goals. As of September 2014, there were over 4 million acres enrolled under Continuous CRP.

The demand and need for conservation is increasing as statutory constraints have tightened, motivating FSA to explore alternative ways to allocate funding and enroll acres. To increase the environmental benefits generated per Federal dollar spent, FSA may implement a reverse auction when targeting enrollment for certain current or new initiatives. A reverse auction is simply a process in which many "sellers" compete with each other for the attention of a single "buyer" who then selects the most attractive offers from them. Thoughtfully structured, a reverse auction will motivate producers to submit a bid near to the minimum amount they are willing to accept to enroll in CRP. By then selecting the offers that generate the most environmental benefits per unit cost, FSA can efficiently allocate a limited budget. The details of how FSA will select which practices, initiatives, or geographic areas to target each year will vary and be dependent on acreage available for enrollment under the maximum enrollment cap and environmental benefits sought.

2.3.2 Managed Harvesting and Routine Grazing Frequencies

Various forms of harvesting and grazing practices are used to maintain the CRP cover and improve the quality and performance of the vegetative cover. The specific CP determines which harvesting or grazing provision is authorized. The 2008 Farm Bill authorized managed harvesting and routine grazing of the CRP, replacing managed haying and managed grazing authority for new contracts. Managed harvesting includes the periodic removal of vegetation for livestock feeding (haying) or biomass (harvesting). Between 2009 and 2013 the average acreage harvested and grazed ranged from two to four percent of the total CRP acreage.

The 2014 Farm Bill continues to allow for managed harvesting (hay or biomass) of CRP acres and requires that managed harvesting occur at least once every 5 years (1/5), but no more frequently than once every 3 years (1/3). Currently, most states allow managed harvesting either 1/3 or 1/5 and allowable frequencies would remain the same for lands enrolled under the 2014 Farm Bill. For these states, managed harvesting would continue at current frequencies covered by previous NEPA (CRP EISs or state-specific EAs) since they are within the parameters defined in the 2014 Farm Bill. Four states (Arizona, California, Colorado, and Nevada) currently allow for less frequent managed harvesting of once every 10 years (1/10). In accordance with the 2014 Farm Bill, these four states are required to have more frequent harvesting than currently authorized (harvesting at least once in every 5 contract years) on contracts that wish to use managed harvesting to maintain the CRP cover.

The 2014 Farm Bill continues to allow for routine grazing of CRP acres and requires that routine grazing occur at a frequency of not more than once every 2 years (1/2). Currently, allowable frequency for routine grazing varies by state, but is no more often than once every 3 years (1/3). The 2014 Farm Bill provides states more flexibility to allow for more frequent routine grazing if approved by STCs, which include state wildlife agencies, among others.

2.3.3 Emergency Haying and Grazing on Additional Conservation Practices

The Proposed Action includes affording the Secretary the discretionary authority to make additional CPs that are currently ineligible for any type of haying and grazing to be eligible for emergency haying and grazing to provide support to livestock producers during severe drought conditions (D2 or greater). These include 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). Eligibility requirements for authorizing these CPs would remain the same as the current administration. The additional CPs to be authorized under emergency conditions would depend on the local conditions and recommendations from the STC and concurrence and approval by the STC and certain state and/or Federal agencies. The Draft and Final SPEIS included a proposal to authorize emergency grazing of CP25 (rare and declining habitats). After thoroughly reviewing the SPEIS and comments received during the Draft and Final SPEIS review periods, FSA has decided to not implement this aspect of the Proposed Action at this time.

3.0 PUBLIC INVOLVEMENT

Public involvement for this project began with FSA’s publication of a Notice of Intent (NOI) to prepare the CRP SPEIS in the Federal Register (78 FR 71561-71562) on November 29, 2013. A website developed to compile comments for the project was activated on the day the NOI was released and the official scoping comment period began. Comments were received through the project website/email system, mail, fax, and www.regulations.gov. Eight comment letters were received during the scoping period from Federal, state, and local government agencies, as well as private organizations and members of the concerned public. The comments could be broken into 55 individual comments covering a range of topics including proposed Farm Bill changes, CRP maximum enrollment and acreages, regional differences in haying and grazing impacts, lack of thorough environmental and socioeconomic impact analysis in previous NEPA documentation related to the Farm Bill, and CRP funding policy. The comments provided during the scoping period were considered in developing the Proposed Action and the SPEIS environmental consequences to ensure these concerns were adequately addressed.

The Draft SPEIS Public Comment Period began with a Notice of Availability (NOA) published in the Federal Register on July 15, 2014 (79 FR 41247-41249). This NOA provided a summary of the changes to the CRP, the Proposed Action, and the No Action Alternative. Also included in the NOA was a description of how to provide comments, as well as a list of the dates, times, and locations of the five public meetings that were held as a part of the public involvement process. The meeting locations, dates, and times are shown below in Table 2.

Table 2. Public Meeting Dates, Times, and Locations.

Date	Time	Location
July 21, 2014	6 pm to 8 pm	Hilton Garden Inn, Spokane Airport 9015 West SR Highway 2 Spokane, WA 99224
July 22, 2014	6 pm to 8 pm	Holiday Inn, Great Falls 1100 5 th Street, South Great Falls, MT 59405
August 4, 2014	6 pm to 8 pm	Plains Cotton Cooperative Association 3301 East 50 th Street Lubbock, TX 79404
August 5, 2014	6 pm to 8 pm	Stillwater Library 1107 S Duck Street, Stillwater, OK 74074
August 6, 2014	6 pm to 8 pm	Moorhead Area Conference Center 1080 28 th Avenue, South Moorhead, MN 56560

Eighteen comments were received during the comment period. Those 18 comments included 75 issues to be considered in the Final SPEIS. Table 3 provides a breakdown of the comments by category.

Table 3. Number of Comments Received by Category

Comment Category	Number of Comments
Alternatives	1
Cumulative Impacts	3
Early Termination of Contracts	2
Emergency Haying and Grazing	22
Farmable Wetlands Program	1
Final Year of Contract	1
Grassland Enrollment	14
Haying and Grazing Payment Reduction	1
Intermittent and Seasonal Use of Buffers	1
Managed Harvesting and Routine Grazing Frequencies	11
Maximum Enrollment Cap	1
Protected Species	1
Targeted Enrollment	12
Wind Turbines	4
Total	75

The Comment Summary Report was prepared and is included as an appendix in the CRP SPEIS. This report provides additional detail on the Draft SPEIS comment process, a copy of the NOA, copies of all public meeting materials, and responses to all 75 substantive comments and how they were addressed in the Final SPEIS.

The Final SPEIS public review period began with an NOA in the Federal Register on December 23, 2014 (79 FR 76952-76955). A total of six comment letters or emails were received during the 30 day comment period. The comments could be broken down to 12 individual comments. The comments were primarily repetitive from concerns addressed during the Draft SPEIS and included grassland eligibility requirements, targeted enrollment, and emergency haying and grazing of additional CPs. Those comments were considered in the decision-making process.

4.0 IMPACTS SUMMARY

The Final SPEIS outlines the potential impacts of the Proposed Action. Based upon the analyses and conclusions presented in the Draft and Final SPEISs, FSA has determined that the Proposed Action is environmentally responsible and reasonable to implement, and no significant negative impacts would occur. Beneficial and potential adverse impacts are discussed below for each of the elements of the Proposed Action.

4.1.1 Targeted Enrollment

Enrolling land in CRP would be expected to benefit vegetation, wildlife, and protected species as sensitive lands or those with higher environmental benefits could be targeted. Soils, surface and groundwater, wetlands, floodplains would benefit similarly and would also be positively impacted by reduced fertilizer and pesticide usage and lower demands on groundwater for irrigation. Recreation related to wildlife would be expected to benefit from targeting of environmentally sensitive areas that would benefit wildlife and habitats and surface water quality. Air quality would benefit from enrollment in CRP through reduced emissions from equipment, greater soil stability, and increased potential for long-term carbon sequestration as compared to agricultural production. No effect to socioeconomic conditions is anticipated to result from use of Targeted Enrollment; however, general social benefits from conservation would be realized. CRP establishes or restores vegetation in order to meet the program goals of improving surface water and groundwater quality, controlling soil erosion, and enhancing wildlife habitat. These benefits result in improved recreational opportunities on and adjacent to CRP lands. It is expected that using Targeted Enrollment would increase the quality of lands enrolled in CRP, resulting in a greater environmental benefit. Targeted Enrollment could provide long-term benefits to areas of especially sensitive vegetative communities, wildlife habitat, or water quality, if they were so targeted. Such benefits could occur throughout the U.S. in any ecoregion.

Installation and maintenance of CPs could create temporary, short-term negative impacts to resources including vegetation, wildlife, protected species, soils, surface and groundwater, floodplains, wetlands and air quality. All activities would be specified in Conservations Plans, which reflect local conditions and needs for each tract of land enrolled. Once CPs are established, long-term beneficial impacts to resources would be realized.

4.1.2 Managed Harvesting and Routine Grazing Frequencies

Managed harvesting would be allowed to occur no more frequently than once every 3 years but not less frequently than once in 5 years. This would require four states (California, Colorado, Arizona, and Nevada) that currently allow managed harvesting once every 10 years, to have more frequent managed harvesting on new contracts where managed harvesting would be used to maintain CRP. The 2014 Farm Bill allows for the STC to establish routine grazing frequencies of not more than once every 2 years. More frequent harvesting and grazing could reduce the growing period between harvests, which may cause short-term negative impacts to some types of vegetation, potentially affecting wildlife habitat, soil stability and any adjacent wetland, floodplains, or surface waters. Direct impacts would vary by ecoregion and species composition. Long-term benefits of harvesting and grazing include maintaining

early succession stages, improving species diversity, composition and function. Wildlife adapted to early successional habitats could benefit from more frequent harvesting and grazing. Grazing could negatively affect wildlife through displacement or competition for food resources. Both grazing and haying could result in direct mortality to some wildlife species. Protected species are not expected to be affected as site specific Environmental Evaluations would determine the presence of protected species and ensure no impacts occur. No effects to groundwater, air quality, recreation or socioeconomic resources are anticipated. When performed in accordance with established guidelines, managed harvesting can be an effective tool for maintaining early successional stages of vegetative communities.

4.1.3 Emergency Haying and Grazing on Additional Conservation Practices

Consecutive years of emergency haying or grazing on the same acreage would reduce the growth period and could result in long-term negative impacts to some types of vegetation, in turn affecting wildlife. Impacts to wildlife could also include direct mortality and competition for food resources. FSA has decided to not authorize emergency haying or grazing during severe drought on CP25, Rare and Declining Habitat, as proposed in the Draft and Final SPEIS. Beyond this, no impacts to protected species are expected based on use of site specific EEs. As with managed harvesting and routing grazing, short-term impacts to soils could occur from reduced vegetation growth affecting stability of soils. Short-term impacts to surface waters, floodplains and wetlands could occur from increased runoff however, adherence to site-specific conservation plans and oversight by STC would reduce the potential for long-term impacts to these resources. No impacts to groundwater are anticipated. In the short-term, consecutive years of emergency haying and grazing could reduce the carbon sequestration potential of CRP vegetation. Socioeconomic benefits would result from enabling producers to maintain herds during severe droughts.

5.0 BASIS FOR DECISION

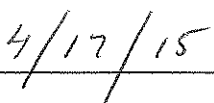
No significant impacts would occur from implementation of the Proposed Action and no adverse cumulative impacts are expected. Potential negative impacts will be minimized by employment of best management practices specified in Conservation Plans and through the use of site-specific Environmental Evaluations.

DECISION

FSA will implement the Proposed Action as described in this ROD. FSA will ensure impacts are minimized by employment of best management practices, site-specific environmental review of approved contracts, and other environmental compliance as required.



Approved by: Val Dolcini, Administrator, FSA



Date