

The Grassland Reserve Program

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Authorization of the Grassland Reserve Program

- The total number of acres enrolled under the program shall not exceed 2,000,000 acres of restored or improved grassland, rangeland, or pastureland.
- The Secretary (of Agriculture) shall establish a grassland reserve program to assist owners in restoring and conserving eligible land.

[Sec. 1238 N (a) and (b)(1)]

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The Grassland Reserve Program

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- Eligible land
- Funding and duration
- Maximum enrollment
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Eligible Land

- Land shall be eligible to be enrolled in the program if the Secretary determines that the land is PRIVATE land that is:
 - Grassland, land that contains forbs, or shrubland (including improved rangeland and pastureland); or
 - Land that:
 - » Is located in an area that has been historically dominated by grassland, forbs, or shrubland; and
 - » Has potential to serve as habitat for animal or plant populations of significant ecological value if the land is:

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Eligible Land (continued)

- Retained in the current use; or
 - Restored to a natural condition; or
- Land that is incidental to the land described above (but necessary to its management).

[Sec. 1238 N (c) (1, 2, and 3)]

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Maximum Enrollment

- The total number of acres enrolled shall not exceed 2,000,000 acres of restored or improved grassland, rangeland, and pastureland.

[Sec. 1238 N (b) (1)]

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Funding Level and Duration of the Grassland Reserve Program

- A total of \$254,000,000 has been provided for the program.
- The program is funded at this level for the 5-year period of fiscal year 2003 through fiscal year 2007.

[Sec. 1241 (a) (5)]

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Method of Enrollment

- The Secretary shall enroll in the program from a willing owner not less than 40 contiguous acres of land through the use of:
 - A 10-year, 15-year, or 20-year rental agreement
 - A 30-year rental agreement or permanent 30-year easement; or in a State with maximum duration for easements, the maximum allowed by law.
- No more than 40% of the enrollments will be under (i) and no more than 60% of the enrollments will be under (ii).
- Parcels with less than 40 acres may be enrolled when such are deemed to assist in the accomplishments of the program's goals.

[Sec. 1238 N (b) (2) (A and B)]

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Ranking of Easement and Rental Agreement Applications

- The Secretary shall establish criteria to evaluate and rank applications for easements and rental agreements under this subchapter.
- The Secretary shall emphasize support for:
 - Grazing operations
 - Plant and animal diversity; and
 - Grassland, land that contains forbs, and shrubland under the **greatest threat of conversion**.

[Sec. 1238 O (c) (1 and 2)]

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Terms of Easement or Rental Agreement

- An easement or rental agreement shall (2) prohibit:
 - The production of crops (other than hay), fruit trees, vineyards, or any other agricultural commodity that requires breaking of the soil surface; and
 - Except as permitted under this subsection or subsection (d), the conduct of any other activity that would disturb the surface of the land covered by the easement or rental agreement [subsection (d) covers the restoration activities].

[Sec. 1238 O (b) (2)]

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Terms of Easement and Rental Agreement

- An easement or rental agreement shall (1) permit:
 - Common grazing practices, including maintenance and necessary cultural practices, on land in a manner consistent with maintaining the viability of grassland, forb, and shrub species common to the locality;
 - Subject to appropriate restrictions during the nesting season for birds in the local area that are in significant decline or conserved in accordance with Federal or State law, as determined by the Natural Resources Conservation Service state conservationist, haying, mowing, or harvesting for seed production; and
 - Fire rehabilitation and construction of firebreaks and fences (including placement of posts necessary for fences).

[Sec. 1238 O (b) (1)]

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Restoration Agreement

- The Secretary shall prescribe the terms of the restoration agreement by which grassland, land that contains forbs, or shrubland that is subject to an easement or rental agreement entered into under the program shall be restored.
- The restoration agreement shall describe the respective duties of the owner and the Secretary (including the Federal share of restoration payments and technical assistance).

[Sec. 1238 O (d) (1 and 2)]

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Easement Payments

- In return for granting an easement by an owner, the Secretary shall make easement payments to the owner in an amount equal to:
 - In the case of a permanent easement, the fair market value of the land less the grazing value of the land encumbered by the easement; and
 - In the case of a 30-year easement or an easement for a maximum duration allowed state law, 30 percent of the fair market value of the land less the grazing value of the land for the period during which the land is encumbered by the easement.
- Easement payments may be provided in not less than 1 payment nor more than 10 annual payments or equal or unequal amounts.

[Sec. 1238 P (b)(1) (A and B)]

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Federal Cost Share of Restoration

- The Secretary shall make payments to an owner under this section of not more than:
 - In the case of grassland, land that contains forbs, or shrubland that has never been cultivated, 90 percent of the costs of carrying out measures and practices necessary to restore functions and values of that land, or;
 - In the case of restored grassland, land that contains forbs, or shrubland, 75 percent of those costs.

[Sec. 1238 P (c) (1 and 2)]

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Rental Payments

- In return for entering into a rental agreement by an owner, the Secretary shall make annual payments to the owner during the term of the rental agreement in a amount not more than 75 percent of the grazing value of the land covered for the contract.

[Sec. 1238 P (b)(2)]

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Delegation to Private Organizations

- The Secretary may permit a private conservation or land trust organization of a State agency to hold or enforce an easement under this subchapter, in lieu of the Secretary, if:
 - The Secretary determines that granting the permission will promote protection of the grassland that contains forbs, and shrubland;
 - The owner authorizes the private organization or State agency to hold and enforce the easement; and
 - The private organization assumes the costs of administration, enforcement and restoration.

[Sec. 1238 Q (a) (1,2, and 3)]

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Expectations in the Implementation of the Grassland Reserve Program

- The motivation for this program came from livestock industry concerns about the breaking out of range and urban encroachment on grasslands.
- Implementation will initiated in fiscal year 2003.
- With a finite limitation of \$254,000,000 for the period of the Act, competition for enrollment will likely be intense.
- For the 40% of funds devoted to 10,15 and 20-year rental agreements, it is expected that signup and enrollment will be conducted in a manner similar to the methods currently in use for the CRP.

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Expectations in the Implementation of the Grassland Reserve Program (continued)

- There does not appear to be any per person payment limitation expressed in the statute.
- Some of the eligible lands under pressure from urban encroachment may also be eligible under the Farmland Protection Program.

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Expectations in the Implementation of the Grassland Reserve Program (continued)

- For the 60% of funds to be devoted to 30-year agreements and easements, or permanent easements, it is expected that methods similar to those used for WRP. The Wetlands Reserve Program uses long-term easements and restoration cost-share agreements.
- It is anticipated that the standards for grazing should be no more stringent than for programs such as CRP, the Conservation Security Program, or the Farmland Protection Program.

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