



2008 Farm Bill

Education and Implications for Georgia

Conservation Title: Land Preservation Programs

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Introduction

Land preservation programs within the conservation title are programs where farmers or ranchers are allowed to enter eligible lands into a conservation easement or long-term contract to keep that land in agricultural production, protect it from non-agricultural development, or protect the land from potentially damaging production practices (in the case of a grassland). The two land preservation programs in the conservation title are the Farmland Protection Program and the Grasslands Reserve Program. A short summary of both programs and the changes that will occur as a result of the Food, Conservation and Energy Act of 2008 (2008 Farm Bill) are summarized for each program in the following paragraphs.

Farmland Protection Program

The Farmland Protection Program (FPP) is a land preservation program that provides matching funds to help purchase development rights from a farmer or rancher (*producer* through the rest of this fact sheet) to keep productive farm and rangeland in agricultural uses. The FPP allows USDA to partner with state, tribal, or local governments and non-governmental organizations to acquire conservation easements or other interests in land from producers.

Changes to the FPP:

- Adds forest land that contributes to the economic viability of an agricultural operation or serves as a buffer to protect an agricultural operation from development as eligible land.
- Establishes certification criteria for eligible entities. Eligible entities must have:
 - A plan for administering easements.
 - The capacity and resources to monitor and enforce the easements.
 - Policies and procedures to ensure the long-term integrity of the conservation easements.
 - Policies and procedures to ensure timely completion of acquisitions, evaluation and reporting on the use of funds.
- Federal cost-share of the easement shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.
- The eligible entity entering into the easement with USDA shall provide no less than 25 percent of the acquisition purchase price as a share of the cost of purchasing the conservation easement.
- Part of the non-USDA share of the cost of purchasing a conservation easement may include a charitable donation or qualified conservation contribution from the private landowner.
- The fair market value of the conservation easement or other interest in eligible land shall be determined on the basis of an appraisal using an industry approved method, selected by the eligible entity.
- Any highly erodible cropland for which a conservation easement or other interest is purchased may be subject to a conservation plan that requires the conversion of the cropland to less intensive uses.
- Overall funding for the FPP during fiscal years 2009-2012 is \$743 million.



Grassland Reserve Program

The Grassland Reserve Program (GRP) offers producers the opportunity to restore and protect grassland, rangeland, pastureland and shrubland and provides assistance for rehabilitating grasslands. The objective behind the program is to conserve vulnerable grasslands from conversion to cropland or other uses and conserve valuable grasslands by helping maintain viable agricultural operations. Producers may participate in the GRP through rental contracts, easements and restoration agreements.

Changes to the GRP:

- Adds 1.22 million acres of eligible land during fiscal years 2009 through 2012.
- Eligible land may be enrolled through a 10-year, 15-year, or 20-year rental contract or permanent easement.
- Forty percent of funds are allocated for rental contracts and 60 percent for easements.
- Lands that classify as eligible for GRP that were under the conservation reserve program may be enrolled in the GRP.
 - The number of acres shall not exceed 10 percent of the total number of acres enrolled in the program in that calendar year.
- Permitted activities under GRP contract include:
 - Common grazing practices, including maintenance, on the land in a manner that is consistent with maintaining the viability of local grassland, forb, and shrub species.
 - Haying, mowing, or harvesting for seed production.
 - Fire pre-suppression, rehabilitation, and construction of fire breaks.
 - Grazing related activities, such as fencing and livestock watering.
- Prohibited activities include the production of crops (other than hay), fruit trees, vineyards, or any other agricultural commodity that is inconsistent with maintaining grazing land.
- Annual payments during the term of the rental contract shall be made in an amount that is not more than 75 percent of the grazing value of the land.
- Payments for rental contracts may not exceed \$50,000 per year per producer.
- Compensation for the easement is determined upon the lowest of: the fair market value (using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis survey), a geographical cap, or the offer made by the landowner.
- Easement payments may be provided in up to 10 annual payments.
- Payments for a restoration agreement shall not exceed 50 percent of the costs necessary to restore functions and values of the land.
 - Payments for restoration agreements may not exceed \$50,000 per year per producer.

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