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Monroe Rasnake

University of Kentucky, mrasnake@uky.edu

Lloyd W. Murdock

University of Kentucky, lmurdock@uky.edu

Craig Infanger

University of Kentucky, Craig.Infanger@uky.edu

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Soil Conservation Provisions of the 1985 Farm Bill

Monroe Rasnake, Lloyd Murdock, and Craig Infanger

The 1985 Farm Bill which was signed into law on December 23, 1985, contains 3 provisions relating to land use which will have a large impact on Kentucky farmers. The purpose of these provisions is to reduce cropland acreage on highly erodible lands and on wetlands. A description of them follows.

Conservation Reserve Program (CRP)

CRP was implemented in the spring of 1986. It encourages farmers to stop producing crops on highly erodible land by offering rental payments on the land for 10 years. During this time, the land must be protected from erosion and the crop base of the farm reduced. About 125,000 acres of highly erodible land in Kentucky was signed up for the program in 1986. Another 800,000 acres is eligible for future sign-up periods.

Sodbuster and Swampbuster Provisions

Swampbusting refers to draining and converting to cropland any wetlands on which the conversion began after December 23, 1985. There are some exemptions for wetland conversion which will be determined by the USDA Agricultural Stabilization and Conservation Service (ASCS) on an individual basis. Kentucky has 75,000 acres of wetland with a medium to high potential for conversion and which would be subject to the swampbuster regulations.

Sodbusting refers to plowing highly erodible land out of sod, unless it was plowed during 4 years prior to enactment of the 1985 Farm Bill. In order to produce annual crops on these lands and remain eligible to participate in USDA programs, a farmer must certify that such land is to be used according to a conservation plan developed by the USDA Soil Conservation Service (SCS).

Conservation Cross Compliance

Highly erodible land which was used for crop production at least once during the 4 years prior to December 23, 1985, is covered by this provision. Farmers will have until 1990 to have SCS develop an approved conservation plan for crop production from such land, and initiate use of the plan. By 1995 farmers must have such plans fully implemented.

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Implication of Conservation Provisions of the 1985 Farm Bill

Provisions for highly erodible land will have a much greater impact on Kentucky farmers than the wetland provisions because most farms will have some highly erodible land. Farmers will be asked by the appropriate USDA agency from which they are applying for program benefits to certify how they are using highly erodible land or wetlands. These benefits include crop price supports, including tobacco, crop insurance, Farmers Home Administration (FmHA) loans, Commodity Credit Corporation (CCC) storage payments and other programs such as the rental payments under the CRP program. One tough aspect of the rules is that failure to comply on one field will make the farmer ineligible for benefits on all of his fields and farms. The critical concern to farmers will be how much of their acreage is classified as being highly erodible, or as wetlands. SCS will be responsible for making such determinations. If a field is classified as being highly erodible or as wetland and if the farmer wishes to receive any of the USDA farm program benefits, then he must comply with the conservation provisions of the 1985 Farm Bill described above. If he does not comply, he loses eligibility for the USDA farm programs mentioned.

Implementation of the 1985 Farm Bill Provisions

These provisions became law with signing of the bill on December 23, 1985. Sodbuster and swampbuster provisions are currently being implemented. Most farmers will not become directly involved until they apply for program benefits through a USDA Agency. At that time they will be asked to complete Form AD-1026, "Highly Erodible Land and Wetland Conservation Certification." On this form, there are three questions that must be checked "yes" or "no." A "yes" answer on any of them will indicate that the producer may be involved in "sodbusting" or "swampbusting." In this case, SCS will be asked to assess the situation before the benefits are approved. If the producer is found to be not complying with the regulations, the program benefits may be denied. If the answers to all three questions are "no," the farmer will be allowed to certify that he is complying with the conservation provisions on his land by signing part "C" of the form. Then, SCS will not be required to make a determination until 1990, or whenever their workload will permit. All of the rules and regulations have not been determined and some will probably be changed as different situations arise. But most of the USDA agencies are attempting to implement the conservation provisions for the 1987 crop year. Personnel have already been trained and form AD-1026 is being filled out when applications for benefits are made. So, farmers should expect to start seeing some of the impacts of the program during 1987.