

Amendment offered by Rep. Jim Costa

Amendment description

The amendment would expand eligible lands under the Conservation Reserve Enhancement Program (CREP) to include qualified wetlands for habitat concerns or risks. This amendment would also ensure the Regional Conservation Partnership Program (RCPP) would allow for public-private partnerships to enter into short-term contracts enhancing seasonal habitat.

AMENDMENT TO H.R. 7567

OFFERED BY MR. COSTA OF CALIFORNIA

Redesignate section 2102 as section 2103.

Insert after section 2101 the following:

1 **SEC. 2102. CONSERVATION RESERVE ENHANCEMENT PRO-**

2 **GRAM.**

3 Section 1231A of the Food Security Act of 1985 (16
4 U.S.C. 3831a) is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (g); and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) SEASONALLY FLOODED WORKING LANDS HABI-
10 TAT CONSERVATION AGREEMENTS.—

11 “(1) IN GENERAL.—In the case of an agree-
12 ment entered into under subsection (b)(1) that ad-
13 dresses diminished quantity and quality of wetland
14 wildlife habitats, the Secretary, in consultation with
15 the applicable State technical committee established
16 under section 1261(a), may—

17 “(A) enroll other agricultural land that is
18 not eligible land on which the resource concerns

1 identified in the agreement can be addressed if
2 the enrollment of such other agricultural land is
3 critical to the accomplishment of the purposes
4 of the agreement;

5 “(B) if the agreement involves the mainte-
6 nance of habitat for one or more wetland-de-
7 pendent species on working cropland, permit
8 seasonally flooded agricultural uses on such
9 working cropland with the adoption of at least
10 one best management practice; and

11 “(C) calculate annual rental payments in a
12 manner that—

13 “(i) is comparable with annual costs
14 to maintain other seasonally-flooded wet-
15 land wildlife habitats in the region; and

16 “(ii) ensures regional consistency in
17 those rental payment rates.

18 “(2) MATCHING REQUIREMENT WAIVER.—In
19 the case of an agreement described in paragraph (1),
20 the Secretary may waive the matching requirement
21 described in subsection (c)(1).”.

Page 148, lines 2 and 3, strike “(1)” each place it
appears.

Page 148, beginning on line 3, strike “is amended by striking subparagraph (D) and inserting the following:” and insert “is amended—”.

Page 148, after line 4, insert the following:

- 1 (1) in paragraph (1), by striking subparagraph
2 (D) and inserting the following:

Page 148, line 6, strike the final period at the end and insert a semicolon.

Page 146, after line 6, insert the following:

- 3 (2) in paragraph (7), by inserting “or a sea-
4 sonal wildlife habitat contract under section
5 1271C(b)(3)” before the period at the end; and
6 (3) by adding at the end the following:
7 “(8) COVERED ACTIVITY.—The term ‘covered
8 activity’ means a practice, activity, or related con-
9 servation measure that supports the restoration, de-
10 velopment, protection, enhancement, and improve-
11 ment of a seasonal wildlife habitat on covered land,
12 including, in the case of a seasonal wetland habitat
13 for waterfowl and migratory birds—
14 “(A) a practice to carry out postharvest
15 flooding; and
16 “(B) a practice to maintain the hydrology
17 of temporary and seasonal wetlands to maintain

1 waterfowl and migratory bird habitat work on
2 working cropland.

3 “(9) COVERED LAND.—The term ‘covered land’
4 means any agricultural or nonindustrial private for-
5 est land or associated land on which the Secretary
6 determines a covered activity would help achieve con-
7 servation benefits.

8 “(10) SEASONAL WILDLIFE HABITAT.—The
9 term ‘seasonal wildlife habitat’ includes—

10 “(A) upland wildlife habitat;

11 “(B) wetland wildlife habitat;

12 “(C) habitat for threatened and endan-
13 gered species;

14 “(D) habitat for species of conservation
15 concern;

16 “(E) seasonal habitat for migratory birds;

17 “(F) fish habitat;

18 “(G) habitat on pivot corners and other ir-
19 regular areas of a field;

20 “(H) habitat on working farmed lands or
21 non-cropped areas on farmlands; and

22 “(I) other types of wildlife habitat, as de-
23 termined by the Secretary.”.

Page 148, line 16, strike the period at the end and
insert “, including a project that will assist producers

with installing and maintaining covered activity on covered land pursuant to section 1271C(b)(3).”.

Redesignate subsections (b) and (c) of section 2803 as subsections (c) and (d), respectively.

Page 149, after line 13, insert the following:

1 (b) DUTIES OF PARTNERS.—Section 1271B(c)(1) of
2 the Food Security Act of 1985 (16. U.S.C. 3871b(c)(1))
3 is amended—
4 (1) in subparagraph (E)(ii), by striking “and”
5 at the end;
6 (2) in subparagraph (F), by striking the period
7 at the end and inserting “; and”; and
8 (3) by adding at the end the following:
9 “(G) at the option of the eligible partner,
10 enter into seasonal wildlife habitat contracts
11 with a producer in accordance with section
12 1271C(b)(3).”.

Page 149, beginning on line 22, strike “striking the period at the end and inserting ‘; and’; and” and insert “inserting ‘and covered activity’ after ‘eligible activity’;”

Page 150, line 4, strike “.” and inserting “; and”.

Page 150, after line 4, insert the following:

1 “(7) with respect to seasonal wildlife habitat
2 contracts under section 1271C(b)(3)—

3 “(A) authorize an eligible partner to solicit
4 proposals from producers and enter into such
5 contracts with such producers; and

6 “(B) in coordination with relevant stake-
7 holders, develop a criteria for an eligible part-
8 ner to use to evaluate such solicited proposals.”.

Page 150, line 19, strike “Section 1271C(d)(3)” and
insert the following:

9 (a) DUTIES OF ELIGIBLE PARTNERS.—Section
10 1271C(d)(3)

Page 151, after line 7, insert the following:

11 (b) IN GENERAL.—Section 1271C(a) of the Food Se-
12 curity Act of 1985 (16 U.S.C. 3871c(a)) is amended to
13 read as follows:

14 “(a) IN GENERAL.—A producer may receive financial
15 or technical assistance to carry out a covered activity on
16 covered land through a seasonal wildlife habitat contract
17 entered into with an eligible partner under subsection
18 (b)(3).”.

19 (c) PROGRAM CONTRACTS.—Section 1271C(b) of the
20 Food Security Act of 1985 (16 U.S.C. 3871c(b)) is
21 amended by adding at the end the following:

1 “(3) SEASONAL WILDLIFE HABITAT CON-
2 TRACTS.—

3 “(A) IN GENERAL.—An eligible partner,
4 under a partnership agreement, may solicit pro-
5 posals from producers to provide payments to
6 such producers to carry out a covered activity
7 on covered land through a seasonal wildlife
8 habitat contract.

9 “(B) DUTY OF PARTNERS.—For any pro-
10 posal received under subparagraph (A), an eligi-
11 ble partner shall—

12 “(i) evaluate such proposal using the
13 criteria developed under section
14 1271B(d)(6)(B); and

15 “(ii) enter into contracts with the ap-
16 plicable producer if such proposal meets
17 habitat goals outlined in the applicable
18 partnership agreement.

19 “(C) PROPOSAL REQUIREMENTS.—A pro-
20 posal submitted pursuant to this paragraph
21 shall identify—

22 “(i) the payment amount necessary
23 for such proposal to implement covered ac-
24 tivities; and

1 “(ii) the necessary duration of the
2 proposal to address seasonal habitat needs
3 of species.

4 “(D) CONTRIBUTION.—Notwithstanding
5 section 1271B(c)(2)(A), and subject to sub-
6 section (c)(4), an eligible partner shall provide
7 for 100 percent of the costs of administering
8 this paragraph.

9 “(E) CONTRACT PROVISIONS.—

10 “(i) TERM.—A contract entered into
11 under this paragraph shall be for a term
12 that is—

13 “(I) mutually agreed upon by the
14 producer and the eligible partner;

15 “(II) appropriate to address the
16 life cycle needs of the species for
17 which the habitat is being provided;
18 and

19 “(III) not less than 31 days.

20 “(ii) RENEWAL.—An eligible partner
21 may provide a producer an opportunity to
22 renew an existing contract under this sec-
23 tion at the discretion of the eligible part-
24 ner.”.

1 (d) PAYMENTS.—Section 1271C(c) of the Food Secu-
2 rity Act of 1985 (16 U.S.C. 3871c(c)) is amended—

3 (1) in paragraph (1), by inserting “and para-
4 graph (4) of this subsection” after “section 1271D”;
5 and

6 (2) by adding at the end the following:

7 “(4) PAYMENTS FOR SEASONAL WILDLIFE
8 HABITAT CONTRACTS.—With respect to making pay-
9 ments to a producer under a seasonal wildlife habi-
10 tat contract entered into under subsection (b)(3),
11 the Secretary shall make payments, through the eli-
12 gible partner and such contract, for the full amount
13 of carrying out the covered activity on covered land
14 that is subject to such contract.”.

