

Wisconsin Tribal Conservation Advisory Council Meeting Minutes
Wednesday, May 11, 2011
Bad River

Meeting called to order at 8:13 am by Jonathan Pyatskowitz.

1. Roll Call

Present: Bad River (Cyrus Hester, Lacey Hill), FCPC (Nate Guldán), LCO (Brett McConnell), Menominee (Jonathan Pyatskowitz), Mole Lake (Roman Ferdinand), Oneida (Jeff Mears), Stockbridge-Munsee (Luke Hennigan), St. Croix (Katie Stariha, Tony Havranek; arrived at 8:48 am).

Others present: Jerry Thompson (WTCAC), Tom Krapf (NRCS), Jim Ruppel (EPA), Susan Hunter (FSA), Jim Thannum (GLIFWC), JoAnn Cruse (APHIS), Greg Yakle (NRCS), Keith Sengbusch (WTCAC), Michael Stinebrink (NRCS)

2. Approval of Agenda

Need to add EPA to the agenda after FSA. The invasive species subcommittee did not meet so their report can be removed from the agenda. Need to add a summary of the TCAC training and the new 2501 Grant Proposal.

MOTION: Motion to approve agenda with changes. Motion by Oneida, seconded by LCO. All ayes, zero opposed, motion carried.

3. Approval of Minutes

MOTION: Motion to approve the March 9 and 10, 2011 minutes. Motion by LCO, seconded by Stockbridge-Munsee. All ayes, zero opposed, motion carried.

In the future, approval of the Wisconsin Tribal Caucus Portion of the WTCAC minutes will wait until the Tribal Caucus is on the agenda for approval.

MOTION: Motion to approve the April 5, 2011 minutes. Motion by Stockbridge-Munsee, seconded by Bad River. All ayes, zero opposed, motion carried.

4. NRCS Update

Tom Krapf – Tom passed out a response to the technical recommendations made in March (attached). He is here on Pat Leavenworth's behalf as she had another meeting she had to attend. They have not received their exact state allocation yet, but they look to be pretty stable. They did have some cuts. Funding was cut for the RC & D program; however they can still stand on their own as a non-profit. The staff will be brought into existing NRCS positions. The

Watersheds program was also cut (this included dam rehabilitation). They do anticipate additional cuts for next year. There were cuts to program dollars but it doesn't actually hurt them because they never received those dollar amounts anyway. Wisconsin is always trying to position itself to take some change without having to take significant hits.

In regards to March's technical recommendations, they are looking into cedar for wood duck boxes. For fish cribs, NRCS needs to develop the scenarios and they will work on it over the next year. The NRCS raceway standard is for moving water, which is why they specify trout. LCO uses raceways as a container to put into a lake. They need to work on resolving this issue. NRCS raceway was submitted for the fisheries initiative.

Wisconsin NRCS has volunteered to be one of the first states to put together practices and scenarios for Energy. They hope to have something ready to go in 2012.

They need more cost information on wild rice seeding – Tribes should send info to Greg and he will send it on to NRCS. Peter David with GLIFWC should be called for wild rice information as well. Greg will follow up with Matt Otto on exactly what is needed yet and he will get back to us.

We need a representative on the Wildlife Subcommittee as Bob Frank took a job in Michigan.

MOTION: Motion to appoint Lacey Hill to represent WTCAC on the State Wildlife Committee. Motion by FCPC, seconded by Mole Lake. All ayes, zero opposed, motion carried.

Question - Could Chris Borden take over the position as the Resource Conservationist for the Tribes (Randy's old position)? Tom – there are a couple of things happening right now. There is supposed to be a national plan because there are employees all over the national they need to deal with. He would gladly let Pat Leavenworth know that we are requesting this. WTCAC will prepare a letter and send to Pat Leavenworth. Chris did write a letter to his supervisor indicating that he would be willing to become the Resource Conservationist for the Tribes.

Fisheries Initiative – They have been in discussions on this with headquarters and Tom talked to the program manager last week and confirmed that they are in support of how we would use the practices. They will use fish cultural production practices even though they are using fry to be released. They are calling it fish farming. Funding – they are just now getting back the money from all of the states that did not spend their money and they are going to reallocate it. We have a 50/50 shot of getting the funding because the requests for the excess money are double what they will have, it will be in EQIP. Tom feels we still have a very good chance. This money will need to be contracted out this year. WTCAC can make the decision as to how we allocate the

money. WHIP may be a better fit for LCO's "raceways". Keith and Tom will meet on the "raceway" issue. They should hear by the end of the month.

Greg – NRCS has a plant materials center where they raise plants for conservation purposes which could be native grasses, conservation shrubs, etc. The Michigan Rose Lake Plant Materials Center Director is Dave Burgdorf and he is the NRCS Tribal contact. He would like to make a presentation at WTCAC involving ash seed collection and storage. This would be primarily about them being able to store the ash seed for the Tribes. Greg will indicate to Pat Leavenworth that we would like him to come to a WTCAC meeting. Dave did sweet grass and tobacco starts for WTCAC years ago.

There was a question about funding bridges through NRCS. Tom Krapf indicated that it is not a possibility as they require inspections and maintenance. Could possibly do bottomless arch culverts which are much more expensive but there is no scenario for them. WTCAC needs to add this to technical recommendations for next year.

Question on forestry management plans – Yes, could have several different plans within a tribe if the lands are geographically distinct with distinct needs. This should be put on next year's technical recommendation list.

There needs to be a consistent way to determine the acreage for invasive species treatment. Particularly when the plants do not cover the entire area. If it comes to an audit we need to be able to justify the acreage reported. Need to get this determination consistent across all agencies particularly NRCS and BIA. Using percent cover is a possibility which is the way they use brush management.

5. APHIS Update

JoAnn brought the EAB traps. All tribes are involved this year which is really good. They could really use GPS points for the traps. They really need to get the reports back so the Tribes get recognized for the work they are doing. There are 2 different types of lure this year.

They are still waiting on their budget as well. She thinks they will be ok the rest of this year. She will see what happens in 2012. 2011 may be the last year they have an EAB survey program as the program may become regulatory and outreach based. No new finds this year. She sent biocontrol documents out recently to each Tribal Chair or President with a CC to WTCAC reps. Price and Jackson Counties were added to quarantine on May 1 for gypsy moth. The full scale exercise they were working on with Menominee has been postponed because of budget issues. They still want to try to do it next year, and they are still trying to see if they can do the tabletop exercise yet this year.

Giant hogweed – federal noxious weed, found in Iron County near Hurley, in the upper peninsula of Michigan, Pennsylvania, and New York. They now have some sites over in Manitowoc County, and they are wondering if there are more sites that they don't know about. They are trying to put together a giant hogweed meeting. They do not have funding for control, but they are usually smaller patches. The sap or juice can cause 3rd degree burns with sunlight. It is like a chemical burn. Is there interest in tribal folks coming to the meeting? They were looking at the Wausau area. She will send out a notice to the WTCAC reps.

Jerry Thompson – VHS agreement update – Monday night he got an email from Mick saying he appreciates his very detailed response to their questions and the rewrite. It takes Regional approval and they are the ones questioning how we do things. Jerry thinks we need to have a Harmony training and get the APHIS folks from the region to attend the training. Pat Leavenworth would like to have another one of those trainings in the next year or so. Jerry will be at APHIS cooperative agreement training in June.

APHIS needs to make sure they contact tribes when quarantining counties that contain tribal land.

6. FSA Update

Susan Hunter gave an update (attached). Their budget is 35% less than last year. Their travel has been cut and they have been instructed to not mail things out but to try and email and fax instead. The Conservation Loan Program is not funded the rest of the year and it will not be in 2012. There is a Biomass Crop Assistance Program (BCAP) info fact sheet in her handout (attached). The first approved BCAP area is in Missouri/Kansa. Woody biomass portion of the program does not look like it is going to go anywhere, just looking at biomass crops. Sign up online to get their newsletter as they want to save money by sending it out electronically. They still have money available for Farm and Youth loans. Wolf depredation – being it is federal dollars why is it going through the state? Why not APHIS-WS instead of DNR or USFWS? She put in a request on the wild blueberries but she has not heard anything back on it. They have elections coming up and they are looking for anyone to run but they have to be actively farming and they are looking for a female and minority advisors. They used to have monthly meetings but it will now only be quarterly.

7. EPA Update

Jim Ruppel (Ruppel.James@epamail.epa.gov), the new Wisconsin Tribal Liaison, indicated he will officially be starting June 13. He is in the listen and learn mode. He will be located in Eau Claire. Let him know if we need anything.

8. Forest Service

Paul Strong, the new Forest Service Supervisor for the Chequamegon-Nicolet National Forest, has indicated that they are looking to get more involved again. He didn't make it today but it would be nice to establish the connection again.

9. TSP

Question for Tom – Any update on TSP initiative – he has not heard anything; he thinks Renae finished up the agreement with the college and it is in process.

10. Fisheree Initiative Engineering

Keith passed out a general list of some of the issues we talked about in the past (attached). This started before the fisheries initiative was begun. We would need someone from NRCS staff appointed to work on this with Keith and WTCAC.

Where are we at with getting the different tribal projects going? They are currently working with St. Croix and surveys will be done next week. He has had other conversations with the Tribes but nothing concrete started yet.

We need to develop ranking criteria for distributing the funds. We do not need these standards transferred into Wisconsin standards if they are already national standards.

The Tribes that may be interested in participating are Mole Lake, Menominee, LCO, Stockbridge-Munsee, St. Croix and Red Cliff .

List of tasks that need to be worked on:

- 1) Need to develop a ranking tool (Jerry will start working on it)
- 2) Need to have cost estimate available in 2 months for the projects
- 3) Keith will work on setting up surveys and getting designs and cost estimates in

We also need to clarify whether these projects will be covered at the 75% or 90% rate.

11. Small Project Proposals

We had conditionally approved Red Cliff's project in March but we were looking at some modifications and clarifications.

Melanie Thoreen is an AmeriCorps Vista worker with Red Cliff. They changed the first 2 tasks and objectives to include FSA. Large education component to this project which is very good! It is focused on the individual level within the Tribes.

MOTION: Motion to appoint the modified Red Cliff small project proposal titled Red Cliff Mino Bimaadiziiwin Gitigaaning “Return to the Good Life Farm” for \$15,000. Motion by Mole Lake, seconded by FCPC. All ayes, zero opposed, motion carried.

12. WTCAC Program Manager Report

About Mid-June be on the lookout for an email from Jerry changing his address, phone, and email address as he just put an offer in on a house that was accepted so he is moving. He hopes to be in the new place by July 1.

Annual Reports are here. The folks at the TCAC training picked up their copies. If you did not get them pick up a bundle (50 per bundle).

Students – it is all set, they should have everything that they need and they all have their paperwork in. Four with NRCS offices and one with APHIS. Their first day is Memorial Day; they are all meeting in Medford on June 1.

TCAC training – he put together an evaluation form. We had great reviews. They wished we could have spent more time on the Indigenous Stewardship Handbook and talking about getting elders involved in the NRCS process. He will get the evaluations summarized and out to everyone to see. Just about everyone wants us to come to their state to put on a training, Alaska wants us up there twice this year. New Mexico, Arizona, and California also would like us. Don Baloun would like us to do something with MN. Problem is that we are kind of out of money for this year. We have some slippage where we could pay for a WTCAC representative or two to go out and make some presentations. Pat Leavenworth has already made contacts with those State Conservationists to let them know that tribes in their state have asked us to put on training conferences.

Jerry looked into Director’s liability insurance. He contacted 3 different agents but has only heard back from one. Option 1 is \$1,005/year, if we want defense expenses as well then \$1,205/year both with a \$1000 deductible. Not sure if grant would cover this cost. We need to get David Armstrong here to discuss this with us to really figure out what is really needed. Keith would be covered by NRCS liability insurance being he would have job approval from NRCS (as long as he follows NRCS specs exactly). This is an advantage to job approval.

Jerry handed out the 2501 one year extension budget. We are right on track with this year’s budget and looking good the rest of the year. They approved us for \$340,000 for next year down from the \$400,000 we requested. In order to get it within budget we needed to make cuts. The cuts were:

- \$6,000 from Fringe
- \$3,500 for annual reports
- \$3,260 for WTCAC Directors to attend AIANEA

- \$4,000 for Students to attend AIANEA and send them to Boot Camp instead
- \$10,000 from meeting expenses
- \$1,900 for WTCAC Directors to attend INCA
- Cut Jerry down to 95% time
- Take the remainder needed out of Jerry and Keith's travel for regular meetings

Taxes were submitted on time so we do not have to worry about penalties this year. There was a mess up in the waiver for the other years so our bank account was seized by IRS, we are working through the issue right now.

Jerry handed out the budget report for last quarter.

13. By-law Amendment

MOTION: Motion to change the Fiscal Year in the by-laws from October – September to January - December. Motion by Bad River, seconded by Stockbridge-Munsee. All ayes, zero opposed, motion carried.

14. Next Meeting

We need to schedule a conference call in 4 weeks to discuss the Fisheries Initiative. Nate will schedule the call for Monday June 20 from 10am – 12pm.

The next WTCAC meeting will be scheduled sometime during the last 2 weeks of July at Lac du Flambeau but we will wait for the RTOC to be scheduled. Nate will finalize this.

MOTION: Motion to adjourn. Motion by St. Croix seconded by Bad River. All ayes, zero opposed motion carried. Meeting adjourned at 2:05 pm.

WTCAC Fisheries Initiative

- **Code 397 Aquaculture Ponds**- National Standard exists need WI standard. Scenarios are needed for program funding.
- **Code 398 Fish Raceway or Tank**- National Standard exists need WI standard. Scenarios are needed for program funding.
- **Code 399 Fishpond Management**- WI Standard exists needs revision to ensure it includes aquaculture ponds. Scenarios are needed for program funding.
- **Code 382 Fence**- WI Standard exists. Program scenario must be revised to include wildlife exclusion. Additional fencing options needed.
- **Code 516 Pipeline**- WI Standard exists. Program scenarios need to be created that include pipe dia. up to 8 inches. Currently program restricts practice to prescribed grazing systems only.
- **Code 533 Pumping Plant**- WI Standard exists. Currently program restricts practice to Tailwater Recovery Systems.
- **Code 642 Water Well**- WI Standard exists. Currently program restricts practice to livestock watering systems.
- **Code 378 Pond**- WI Standard exists. Currently 378 are not funded through either program in WI.



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FSA REPORT TO WTCAC – May 2011

By Susan Hunter, FSA County Executive Director (715) 362-5941 ext 104, susan.hunter@wi.usda.gov

USDA Budget Issues: FSA is currently experiencing a very tight 2011 budget and will also in 2012. This will result in less money for travel, mailing, outreach and many other issues. Some programs will be affected such as the Conservation Loan Program and possibly others that may not be funded.

Biomass Crop Assistance Program (BCAP): New fact sheet issued that has more details on the program (attached). Also have a recently issued fact sheet attached on the first approved Biomass Crop Assistance Program (BCAP) Project Area in Missouri/Kansas. This fact sheet gives the details on how this particular project area is being handled and is a good example to see how the program can be implemented. There are some project areas being looked for approval at in Wisconsin, but that is protected information that cannot be released until the project areas are approved.

Online FSA Newsletters – FSA is trying to save some money by having producers and individuals currently on the newsletter mailing list to signup online for the FSA newsletter. Those that signup will get the newsletter and news releases emailed directly to them and will no longer get a paper copy. This will result in huge savings nationwide.

Farm Loans: There is still money available for farm operating loans in Wisconsin, but that will be depleted soon when the available loan money is pooled nationwide. Other states are out of money. Each year when the FSA fiscal year starts in October, FSA does target a certain amount of the farm loan funding for traditionally underserved communities such as the Native Americans.

Livestock Losses due to Wolf Depredation: At the TCAC training in Green Bay this year, I indicated that to prove wolf depredation of livestock, someone from DNR would have to come out and make the determination. One tribal member asked if their tribal wildlife officials could make this determination. According to FSA handbook directives, it could be some other wildlife official, but we assume the state would want to confirm the individual's expertise in identifying wolf kills and insure that these officials are a non affiliated third party to the persons filing the claim.

Wild Rice Eligibility – Need the tribes with wild rice to work on gathering their past harvest yields, reseeding rates, etc. I'll put together a document that will list the information that will be required for the FSA programs.

County Committee Elections – Most all counties in Wisconsin will be having an election in a portion of their county for an individual that is actively farming to serve a three year term on the local County FSA Committee. All offices are also looking for a female or minority advisor to serve one-year terms on the local Committee so that their voice is heard. If anyone is interested they should contact their local FSA office.



NEWS RELEASE

UNITED STATES DEPARTMENT OF AGRICULTURE • FARM SERVICE AGENCY

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Rhineland, WI 54501

FOR IMMEDIATE RELEASE

Contact: Susan Hunter, Phone: (715) 362-5941, ext 104
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Wisconsin FSA Now Offers Electronic State Newsletters

(RHINELANDER, WISCONSIN), March 22, 2011 - As of March 1, 2011, producers and landowners currently receiving the Wisconsin Farm Service Agency (FSA) State Newsletter now have the opportunity to receive the state newsletter electronically.

Producers wishing to receive an electronic copy of the newsletter may do so by subscribing to the Wisconsin FSA e-mail news.

To subscribe to the electronic delivery service, visit the Wisconsin FSA website at www.fsa.usda.gov/wi. Click on "Subscribe to Wisconsin FSA E-mail News" on the right side of the Wisconsin FSA homepage in the "I Want To...." box. Individuals will be prompted to enter an email address, then after clicking the "Submit" button; choose which e-mail notifications to receive, including the Wisconsin Newsletter.

For questions or more information about signing up for FSA newsletter e-mail alerts, producers can contact their local county office. Producers in Oneida, Florence, Forest and Vilas counties should contact the Rhineland FSA office at 715-36-25941, ext 104.

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FACT SHEET

UNITED STATES DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY

May 2011

Biomass Crop Assistance Program (BCAP)

Overview

BCAP, created in the 2008 Farm Bill, is a primary component of the domestic agriculture, energy, and environmental strategy to reduce U.S. reliance on foreign oil, improve domestic energy security, reduce carbon pollution, and spur rural economic development and job creation. BCAP provides incentives to farmers, ranchers and forest landowners to establish, cultivate and harvest biomass for heat, power, bio-based products and biofuels.

BCAP addresses a classic chicken-or-egg challenge around the start up of commercial scale bioenergy activities. If commercial-scale biomass-facilities-are-to-have-sufficient feedstocks, then a large-scale energy crop must exist. Conversely, if profitable crop production is to occur, then viable consumers must exist to purchase the crop.

The federal Renewable Fuels Standard (RFS) requires 21 billion gallons of non-corn-starch biofuels in the national fuel supply by 2022 and new types of biomass feedstocks must be available to meet this requirement. Many bioenergy crops need several years to become established. Many bioenergy facilities need several years to reach commercial scale. BCAP serves as catalyst to unite these dynamics by reducing the financial risk for landowners who decide to grow unconventional crops for these new markets.

- With BCAP, crop producers and bioenergy facilities can team together to submit proposals to USDA for selection as a BCAP project area.
- If selected, crop producers will be eligible for reimbursements of up to 75 percent of the cost

of establishing a bioenergy perennial crop. Producers can receive up to five years of annual payments for herbaceous (non-woody) crops (annual or perennial), and up to 15 years of annual payments for woody crops (annual or perennial).

- Assistance for the collection, harvest, storage and transportation of crops to facilities will be available for two years, per producer, in the form of a matching payment for up to \$45 per ton of the delivery cost.

Highlights

- **Expenditures**

Refinements to the final BCAP regulations have targeted program expenses to a more limited set of materials than were eligible for payment under the Notice of Funding Availability (NOFA).

- **Blue, white and green-collar job creation in rural America:**

The Record of Decision on the BCAP Environmental Impact Statement estimates that by 2023, up to \$88.5 billion in economic activity and 700,000 jobs could be created.

- **New energy crops**

BCAP reduces the financial risk for producers who volunteer to grow crops at an unexplored scale. Potentially eligible crops include switchgrass, miscanthus giganteus, fast-growing woody poplar, jatropha, algae, energy cane, camelina or pongamia.

- **Enhanced stewardship and conservation measures**

1. Biomass must be collected

and harvested according to an approved conservation, forest stewardship, or similar plan to protect soil and water quality and preserve land productivity into the future.

2. Native sod cannot be converted under BCAP contracts.
3. Crop collection, harvesting and transportation must be in strict accordance with invasive plant species protections.

- **Protects existing woody markets**

Biomass may not qualify for incentives if FSA determines that the biomass would be diverted from pre-existing markets.

- **Provides feedstock neutrality**

Maintains the 2008 Farm Bill definition of renewable biomass by supporting the use of both woody and herbaceous materials for energy purposes. The production of heat, power, biofuels, and bio-based products all remain supported by BCAP, as required by statute.

- **Kick-starts liquid cellulosic biofuels to meet RFS targets**

Provides incentives for the harvest of biomass for conversion to cellulosic biofuels that achieve 60 percent lower lifecycle greenhouse gas emissions.

- **Matching payments for eligible materials.**

1. Subject to the availability of funding, provides for matching payments to eligible material owners at a rate of \$1 for each \$1 per dry ton paid by a qualified biomass conversion facility, in an amount up to \$45 per dry ton. An eligible material owner

may be a producer of an eligible crop or a person or entity with the legal right to collect or harvest eligible material. By law matching payments may be made to eligible material owners for a maximum of two years.

2. To qualify for matching payment, eligible materials must be collected or harvested directly from the land. Materials cannot be "collected or harvested" after transport and delivery to a conversion facility.
3. Woody eligible material collected or harvested outside of BCAP project area contracts must be a byproduct of preventive treatments that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health.
4. Woody eligible material collected or harvested outside of BCAP project area contracts must not be separated from material for higher value products after delivery to a conversion facility.
5. All eligible material must be harvested in accordance with an approved conservation, forest stewardship, or equivalent plan.
6. Matching payments are only available for eligible materials sold for a fair market value. This requirement replaces the NOFA restrictions regarding related party transaction and makes matching payments available to startup and other vertically integrated operations, but prevents efforts to defeat the purpose of BCAP by inflating biomass prices to gain higher matching payments.
7. Eligible materials do not include harvested grains, fiber or other commodities eligible to receive payments under Title I of the 2008 Farm Bill; algae; food waste or yard waste; or animal waste and animal waste by-products including fats, oils, greases and manure.

• **Establishment payments**

1. CCC will pay producers up to 75 percent of the costs of establishing a perennial crop. Eligible costs do not include the acquisition of land or equipment. Establishment payments are not available for annual crops. Annual crops, however, are eligible for annual payments.
2. Eligible crops cannot be crops eligible to receive payments under Title I of the 2008 Farm Bill, or any plant that is invasive.

• **Annual payments**

1. Biomass producers in BCAP project areas can receive annual payments up to five years for herbaceous biomass (annual and perennial) and up to 15 years for woody biomass (annual and perennial).
2. Cropland base and yield history applicable to the land enrolled in a BCAP contract will be preserved.
3. Annual payments are reduced by a percentage of the value of the crop and any matching payments received as follows:
 - (a) 1 percent if biomass sold for cellulosic biofuels (60 percent lower greenhouse gas emissions)
 - (b) 10 percent if biomass sold for advanced biofuels
 - (c) 25 percent if biomass sold for heat, power or biobased products
 - (d) 100 percent if biomass sold for anything other than heat, power, biofuels or biobased products.

• **Eligible land**

Eligible land for BCAP project area contracts include agricultural and non-industrial private forestland, but does not include federal or state-owned land, land that is native sod, or land enrolled in the Conservation Reserve Program, Wetlands Reserve Program, or Grassland Reserve

program.

For More Information

For more information on BCAP, please visit FSA's BCAP website at <http://www.fsa.usda.gov/bcap>.

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FACT SHEET

UNITED STATES DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY

May 2011

Biomass Crop Assistance Program – Project Area Number 1 Implemented for Western Missouri and Eastern Kansas County Biomass Producers

Overview

The Farm Service Agency (FSA) has announced the first Biomass Crop Assistance Program (BCAP) Project Area. BCAP Project Areas provide financial incentives to interested farmers, ranchers and forest land-owners for the voluntary establishment and production of biomass crops for conversion to heat, power, biobased products and advanced biofuels.

A BCAP project area is required to have specified boundaries that are approved by the Secretary of Agriculture. The approved specified boundary for Project Area Number 1 is a 39-county area located in central and western Missouri and

eastern Kansas. The target for enrollment in Project Area Number 1 for 2011 is 20,000 acres of cropland and other agricultural land with perennial biomass crops comprised of native grasses, legumes and forbs within the approved area surrounding the biomass conversion facility. When fully enrolled, this project area may have up to 50,000 acres, producing roughly 3 tons of biomass per acre per year, or a total of 150,000 tons per year from land enrolled in BCAP contracts. Producers who enroll land can harvest their crops for sale to any qualified biomass conversion facility.

FSA, with conservation planning assistance from the Natural Resources Conservation Service (NRCS) and other partners, will enter into contracts with landowners and operators in the project area. Producers will generally be eligible for:

- Annual payments for the land enrolled;
- Establishment cost-share pay-

ments for perennial biomass crops and;

- Matching payments for up to two years for the collection, harvest, storage and transport of the biomass to a qualified biomass conversion facility.

The project will support the establishment of mixtures of perennial native grasses and forbs, such as Switchgrass, Big Bluestem, Illinois Bundleflower and Purple Prairie Clover. Additionally, the project will allow enrollment of existing suitable stands of native grasses, legumes and forbs; existing native grass stands can be located on expired Conservation Reserve Program (CRP) fields.

Eligible Counties in Project Area Number 1

BCAP project areas have specific boundaries to establish a distinct geographic region in which producers can enroll land into BCAP contracts and produce eligible crops.

Eligible counties in Missouri are: Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Cass, Carroll, Chariton, Clay, Clinton, Cooper, Daviess, Harrison, Henry, Howard, Jackson, Johnson, Lafayette, Linn, Livingston, Macon, Morgan, Pettis, Platte, Ray, Saint Clair, Saline and Vernon.

Eligible counties in Kansas are: Atchison, Douglas, Franklin, Johnson, Jefferson, Leavenworth, Linn, Miami and Wyandotte. Eligible Land and Producers Eligible land includes cropland and non-crop agricultural land such as grassland, pastureland and hay land. Eligible land must be suitable, as determined by NRCS, for establishing the biomass crops

included in the project area. Ineligible land under this project area includes land active in:

- CRP;
- Wetlands Reserve Program (WRP), or Grassland Reserve Program (GRP) contracts;
- Private non-industrial forestland, native sod and;
- Land owned by federal agencies, states, and local governments.

Land enrolled in other programs may also be ineligible depending on the terms and conditions of those programs.

Producers must be in compliance with the highly erodible and wetland compliance provisions of the Food Security Act of 1985, as amended to be eligible for BCAP. There are no adjusted gross income eligibility requirements or payment limitations for BCAP contracts. Cropland base and yield history are preserved for land enrolled in a BCAP contract.

Producer Payments

Annual Payments - Per acre base payment rates for land classified by FSA as cropland according to the definition published in the Federal Regulation at 7 CFR Part 718.2, will be calculated using CRP's posted non-irrigated cropland soil rental rates. Per acre base payment rates for all other eligible non-cropped agricultural land will be based on the lowest posted CRP marginal pastureland rental rate applicable to the county. In addition, a 20 percent incentive will be added to these base per rates for all land enrolled.

FACT SHEET

BCAP - Project Area Number 1

May 2011

Annual Payments Reductions - Annual payments will be reduced in the year the eligible crops are harvested or collected from the contract acreage by a percentage of the value of the harvest/collection and any BCAP matching payments. The percentage will vary according to the following table:

REDUCTION PERCENT	FINAL CONVERSION PRODUCT
1 percent	If the eligible crop is delivered to a biomass conversion facility for conversion to cellulosic biofuels as defined by the national Renewable Fuel Standard (40 CFR 80.1401).
10 percent	If the eligible crop is delivered to a biomass conversion facility for conversion to advanced bio-fuel, as defined by the BCAP final rule (7 CFR Part 1450).
25 percent	If the eligible crop is delivered to a biomass conversion facility for conversion to heat, power or biobased products, as defined by the BCAP final rule (7 CFR Part 1450).
100 percent	If the eligible crop is used for a purpose other than conversion to heat, power, biobased product or advanced biofuels, as defined by the BCAP final rule (7 CFR Part 1450).

All uses of plant material removed from contract acreage, including material used for commercial seed sales, grazing, gleaning and related uses as determined consistent with the conservation plan, will trigger reductions in annual payments as provided. FSA will require all participants to keep
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and submit accurate records of the disposition and/or sale of all materials removed from contract acreage.

Establishment Payments - BCAP participants may qualify for up to 75 percent of the cost of establishing perennial crops on contract acres. These payments will reimburse participants for a part of the cost of site preparation, seed stocks, planting activities and related measures.

Establishment payments also may be authorized for those fields with existing crops.

Fencing or related livestock or wildlife control measures will not be eligible for establishment payments.

Matching Payments - Subject to the availability of funds, BCAP participants may qualify for matching payments when they deliver biomass to a qualified biomass conversion facility.

These matching payments are provided for the collection, harvest, storage and transport of eligible biomass materials to qualified biomass conversion facilities. The duration of matching payments is limited to two years, per producer, with a matching rate of \$1 per \$1 received, up to \$45 per dry ton.

A percentage of matching payments will be deducted from the annual rental payment in the year the eligible crops are harvested or collected from the contract acreage.

Conservation Plans

Before FSA approves a BCAP contract, the participants will be required to obtain a conservation plan developed by NRCS and must be approved by the local Soil and Water Conservation District and FSA.

Conservation plans must contain provisions for:

- Crop establishment;
- Required conservation practices and;
- Biomass collection, harvest, and storage, including prohibitions on harvesting during the state recognized primary nesting seasons.

The following seeding mixes are planned for Project Area Number 1*

Pure Live Seed (PLS) rates for Mix 1 (upland sites) drilled plantings into residue or a tilled field:	
Big Bluestem	3.0 pounds/acre
Indiangrass	3.0 pounds/acre
Switchgrass	1.8 pounds/acre
Illinois Bundleflower	0.9 pounds/acre

PLS rates for Mix 1 (upland sites) for broadcast plantings are:	
Big Bluestem	4.5 pounds/acre
Indiangrass	4.5 pounds/acre
Switchgrass	2.7 pounds/acre
Illinois Bundleflower	1.4 pounds/acre
Purple Prairie Clover	1.5 pounds/acre

FACT SHEET

BCAP - Project Area Number 1

May 2011

PLS rates for Mix 2 (lowland sites) drilled into residue or a tilled field:	
Canada/Virginia Wildrye	8.2 pounds/acre
Switchgrass	2.7 pounds/acre
Illinois Bundleflower	0.9 pounds/acre
Purple Prairie Clover	1.0 pounds/acre

PLS rates for Mix 2 (lowland sites) spread by broadcast methods and rolled are:	
Canada/Virginia Wildrye	8.2 pounds/acre

PLS rates for (Mix #3) all designated 10% Unharvested Acreage are (broadcast/rolling would require additional seed):	
Big Bluestem	3.0 pounds/acre
Little Bluestem	2.4 pounds/acre
Switchgrass	1.8 pounds/acre
Illinois Bundleflower	0.9 pounds/acre
Purple Prairie Clover	1.0 pounds/acre

* Some variance may be allowed due to shortage of seeds or related causes.

Producer Participation

Enrollment periods will be announced by FSA. Approvals during the period will be made on a continuous basis, subject to funding availability. Enrollment applications will be taken at USDA Service Centers where the enrolled acres are administered.

For more information about BCAP see the general BCAP fact sheet at http://www.fsa.usda.gov/Internet/FSA_File/bcap_update_may2011.pdf.

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State Conservationist Patricia Leavenworth
Responses to
Wisconsin Tribal Conservation Advisory Council
Technical Recommendations
May 10, 2011

- 1) WTCAC recommends adding a scenario to the Wetland Wildlife Habitat (644) for Fish Crib in the tribal EQIP and WHIP docket.

Scenario: Fish Crib Construction and Installation

Aqua Crib or other structure:	\$106.30
Concrete blocks (2 per crib)	\$ 4.50
Rope	\$ 2.00
Labor (3 man hours for brush collection, construction of crib, stuffing brush, boat transportation)	<u>\$ 68.00</u>
Total Estimated Cost	\$181.00

NRCS Response: The agency is attempting to identify a technical standard that this scenario would fit within. Will present to the National Headquarters WHIP manager for comment.

- 2) WTCAC recommends increasing the incentive for the wood duck house scenario in the Wetland Wildlife Habitat (644) from \$36.00 to **\$86.50**.

Scenario: The justification for the cost increase for this scenario is the actual cost of using cedar as the preferred material for construction.

NRCS Response: While cedar is an ideal material, NRCS programs require the least-cost alternative of addressing the resource concern for the lifespan of the practice. Will forward to wildlife subcommittee for recommendation.

- 3) WTCAC recommends adding the following scenario to Upland Wildlife Habitat (645).

Scenario: Construction and installation of bat houses

NRCS Response: This scenario can be offered under Upland Wildlife Habitat Management. Cost data is requested.

- 4) WTCAC requests clarification from NRCS on Wetland Wildlife Habitat (644) scenario #6 Wild Rice Re-seeding as to why the rate was changed from \$735 to \$246 without WTCAC consultation. WTCAC does recommend that the incentive increase to \$??\$/acre for up to three years.

NRCS Response: The rate of \$735/acre assumed three years of seeding would occur on the site for a good establishment. NRCS cannot pay for EQIP or WHIP practices in advance. In addition, if the second or third seeding was not needed or not completed, there would be the issue of debt collection. The payment is now structured annually using the same costs, and may be scheduled for up to three years.

- 5) WTCAC supports the NRCS Wisconsin Tribal Fisheries Initiative. WTCAC recommends that Fish Raceway (398) be available under this initiative and that NRCS consider an aeration scenario possibly within the Fishpond Management (399) practice.

NRCS Response: The Tribal Fisheries Initiative was resubmitted in March to NHQ as an EQIP proposal.

- 6) WTCAC recommends that NRCS explore adding energy conservation practices to the tribal EQIP docket. Wind generators, photovoltaic lighting, and solar tubes are items of tribal interest. WTCAC is willing to dialogue with NRCS as to potential ways to access energy conservation practices.

NRCS Response: In addition to Agricultural Energy Management Plans that are currently available in EQIP, there are efforts nationally to offer practices to encourage renewable energy production and energy efficiency. Wisconsin has been asked and has agreed to participate in the early stages of payment schedule development for these practices and is awaiting further information.