

Institute for Agriculture and Trade Policy. National Center for Appropriate Technology. National Sustainable Agriculture Coalition. National Wildlife Federation. Natural Resources Defense Council. Wisconsin Bioenergy Initiative

FIXING BCAP: KEY STEPS TO PROMPT, PRUDENT, AND LAWFUL IMPLEMENTATION

Outlined below are the major changes USDA needs to make to get the Biomass Crop Assistance Program up and running.ⁱ Congress mandated that “the primary focus of the BCAP will be promoting the cultivation of perennial bioenergy crops and annual bioenergy crops that show exceptional promise for producing highly energy-efficient bioenergy or biofuels, that preserve natural resources, and that are not primarily grown for food or animal feed.”ⁱⁱ The steps below are needed to meet that intent, ensure fiscal responsibility, and fulfill the agency’s NEPA duties.

For both the CHST and the Project Areas (establishment and annual payments) components:

- In consultation with House and Senate Agriculture Committees, establish an annual cap on payments and allocate all or almost all of it to establishment and annual payments.
- Drawing on input the agency solicited on its Feb. 2010 proposal, promptly develop reasonable implementation alternatives, display their environmental effects for public and sister agency comment in a DEIS, then produce an FEIS and final rule.
- Require conservation and forest stewardship plans, approved and monitored by NRCS, that: (1) maintain soil quality and carbon content; (2) do not cause erosion or chemical contamination of water bodies; (3) protect wildlife habitat values; (4) prevent loss of wetlands and conversion of native ecosystems; (5) conserve water; (6) avoid net GHG emissions; and (7) guard against spread of invasive species.
- Exclude Title 1 crop residues.

Additional measures for selecting Program Areas and making establishment/annual payments:

- Award project status and contracts competitively based on a scoring system that prioritizes: (1) improvement of resource values, including habitat; (2) purpose-grown perennials, especially those that promise exceptional net GHG reductions; (3) mixed plantings, especially of native species; (4) annuals integrated into existing crop rotations; and (5) restoration of degraded or abandoned farmland.
- Exclude animal or food wastes or byproducts.

Additional measures that apply only to CHST:

- Suspend payments for biomass not already delivered; only resume payments, if at all, (1) after completing an FEIS, or (2) pursuant to a FONSI that identifies the subset of materials and methods which ensure against significant environmental impacts.
- Prioritize or tier payments to accelerate development of innovative renewable energy and assure net GHG emissions reductions.
- Allow payments for wood not grown as biomass only if it is logging slash, mill waste, or pre-commercial or other small diameter thinning, with restrictions to avoid substantial impacts on non-bioenergy users of the same types of material.

ⁱ Additional recommendations are contained in comments each signatory group provided on USDA’s February 9, 2010 proposed BCAP rules.

ⁱⁱ House Conference Report No. 110-627 at p. 919