

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.<sup>i</sup> 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.”<sup>ii</sup> 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.

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

<sup>ii</sup> House Conference Report No. 110-627 at p. 919