

USDA Breaks New Ground In Conservation

Under the farm bill's swampbuster and sodbuster provisions, plowing marginal land can become costly

UNIVERSITY PARK — Farmers planning to break sod in order to plant crops should check with their local Agricultural Stabilization and Conservation Service office first. They could violate provisions of the Food Security Act of 1985 and lose eligibility for certain U.S. Department of Agriculture programs.

Under the "sodbuster" and "swampbuster" provisions of the law, farmers who break highly erodible sod or convert wetlands in order to plant crops must implement a conservation plan approved by the local conservation district. These provisions took effect Dec. 23, 1985, when the Farm Bill was signed into law.

A conservation compliance provision included in the law will disqualify from certain USDA programs farmers who raise crops on any highly erodible land without an approved conservation plan. Farmers have until Jan. 1, 1990 to begin applying a conservation plan on highly erodible cropland, and until Jan. 1, 1995 to fully apply a conservation system to the land.

Each of these provisions is described in detail later in this release. "Unless a farmer knows for sure that his land will not be classified as highly erodible under the conservation compliance provisions, the farmer should check with ASCS and the Soil Conservation Service," stresses Dr. William McSweeney, extension

economist at The Pennsylvania State University. "Failure to do so could lead to serious financial consequences."

Violations disqualify farmers from these farm programs:

- price and income supports
- disaster payments
- crop insurance
- Farmers Home Administration loans
- Commodity Credit Corporation storage payments
- Farm story facility loans
- Other programs under which USDA makes commodity-related payments, including annual payments made under the Conservation Reserve Program.

To be considered highly erodible, more than one-third of a field must

be composed of a highly erodible soil map unit, or the highly erodible area must be larger than 50 acres.

The SCS and ASCS can help farmers determine if their fields are highly erodible, and help develop a conservation plan. They will use an "erodibility index," which uses soil characteristics, slope and climate to measure potential for erosion. It indicates the extent of conservation practices necessary to adequately reduce erosion. Land equal to or greater than eight on the index is highly erodible.

In certain situations, farmers could believe they are following good conservation practices and unknowingly violate the sodbuster

provision. For example, a highly erodible field planted to rotational hay as late as 1982, so that the field was in hay from 1982 to 1985, is considered to be in permanent cover. Breaking the sod and planting an annual crop violates the sodbuster provision, and farmers could lose eligibility if they do not follow a locally approved conservation plan. This is true even if the farmer intended to use a conservation tillage such as no-till. Any conservation practice must be approved by the local conservation district.

As of 1990, farmers will violate the conservation compliance provision of the act if they plow a highly erodible field cropped prior to Dec. 23, 1985, and plant a cover crop without having an approved conservation plan.

"The potential financial consequences of this can be severe," McSweeney says. "Therefore, it is important that all farmers find out the erodibility index of their land. They should have locally approved conservation plans for these highly erodible fields in place in order to continue participating in farm programs.

The Sodbuster Provision

Farmers who break out a field of highly erodible grassland or woodland to plant crops without protecting it from erosion immediately disqualify themselves from USDA programs.

They must follow a conservation plan approved by the local conservation district. Highly erodible fields not planted to an agricultural commodity or designated as set-aside land between Dec. 31, 1980, and Dec. 23, 1985, are affected. This provision became effective Dec. 23, 1985.

When applying for USDA farm programs, farmers must certify that they have not broken out highly erodible land since Dec. 23, 1985, in order to produce crops, unless they did so under a locally approved conservation plan.

Conservation Compliance

The conservation compliance provision disqualifies farmers if they produce crops on existing highly erodible cropland without a conservation system approved by the local conservation district.

The land must have supported an annual crop at least once between 1981 and 1985.

Farmers have until Jan. 1, 1990, to begin actively applying a conservation plan on highly erodible cropland. They have until Jan. 1, 1995, to have a conservation system fully applied to the land. However, if soil maps of a farm or ranch are not available, they have two years after mapping to establish a soil plan.

When applying for USDA farm programs, farmers must certify that they are not producing crops on highly erodible fields.

The Swampbuster Provision

The swampbuster provision applies to wet soils - called hydric soils - that support mainly water-loving plants. Such soils are usually saturated or associated with a pond.

Like the sodbuster provision, swampbuster went into effect Dec. 23, 1985. Producers converting wetland after that date in order to produce agricultural commodities will no longer be eligible for certain farm programs.

Farmers who convert wetlands and lose eligibility can regain it by stopping production of agricultural commodities on the land.

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