



ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

Comments of the
ENVIRONMENTAL LAW AND POLICY CENTER
on the
Biomass Crop Assistance Program
Proposed Rule
75 Fed. Reg. 6264 (Feb. 8, 2010)

Date: April 9, 2010

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100% Post Consumer Soy Based Inks



Introduction

Developing a reliable and environmentally sustainable supply of renewable biomass resources is both important to the nation's clean energy future and a core purpose of the Biomass Crop Assistance Program (BCAP). For both of these reasons, USDA must effectively and expeditiously implement BCAP.

Consistent with Congressional intent, BCAP should direct the majority of program resources to support the diverse production of environmentally beneficial and sustainable perennial energy crops, established and grown in ways that preserve and improve wildlife habitat, water quality, air quality and soil integrity. Perennial energy crops have enormous potential to increase the amount of available energy that can be produced per acre, while dramatically reducing water, fossil fuel, fertilizer and other chemical inputs. They can be grown on marginal or degraded lands unsuitable for traditional commodity crops. Thus, we recommend changes to the proposed rule to ensure that the most promising, sustainable and environmentally beneficial biomass energy resources receive the greatest support from BCAP.

USDA's cost-benefit analysis provides an excellent example of ELPC's core concern with the Department's current and proposed implementation of BCAP. The analysis projects that more than 75% of BCAP funding – more than \$2 billion -- will be used for Collection, Harvest, Storage and Transportation (CHST) matching payments to fund *existing* feedstock practices and *existing* facilities that use woody biomass. USDA expects to spend only a small fraction of total BCAP funding to achieve the core purpose of the program – developing the next generation of energy crops. Given that USDA predicts BCAP as implemented will still struggle to meet statutory goals for the development of next generation biomass crops, ELPC respectfully requests that USDA revise the proposed rule in the ways we recommend in these comments.

USDA's problem is due largely to how it implemented the interim CHST payment program in 2009. It is a costly program that is supporting primarily existing practices. Since Congress expected the entire BCAP program to cost no more than \$70 million over four years, it likely did not intend USDA to implement the CHST program with so few fiscal constraints. Nor is there anything in either the statutory language or the Manager's Statement (both of which devote the majority of their language to the Project Area Program) to indicate that Congress intended for the CHST matching payments to be so much more than payments for the establishment and support of next generation energy crops.

Consistent with Congressional emphasis on establishing environmentally protective energy crops, among our primary recommendations is that USDA should involve the National Resource Conservation Service (NRCS) more deeply in the BCAP process. The Farm Service Agency (FSA) should coordinate with NRCS on regulation, review, implementation and enforcement of BCAP conservation plans for the CHST program (including specific requirements for crop residue removal) and the Project Area Program, particularly contracts with landowners within project areas. Only NRCS has the requisite agency expertise to ensure that conservation plans are furthering the goals of the BCAP statute or preserving and enhancing existing soil and water resources, wildlife habitat, and reducing greenhouse gas emissions. Requiring strong conservation standards is very compatible with BCAP's goals of fostering the next generation of sustainable energy crops and with the 2008 Farm Bill. Strong standards will also improve the program's integrity and increase public and Congressional acceptance of BCAP.

ELPC also urges USDA to expedite implementation of BCAP's Project Area Program as much as possible, without sacrificing important environmental review conditions. This important component of BCAP provides for establishment and annual payments to producers for promising

perennial energy crops. USDA is rapidly running out of time in this Farm Bill cycle to get this critical component of the BCAP up and running.

I. Collection, Harvest, Storage and Transport (CHST) Program Improvements.

The BCAP statutory text and legislative intent are clear: BCAP's primary purpose is "to promote cultivation of perennial bioenergy crops that show exceptional promise for producing highly energy-efficient bioenergy or biofuels" ELPC believes that Congress did not intend that BCAP subsidize almost exclusively existing uses of low-cost biomass resources through the CHST program, as has occurred during implementation of the 2009 CHST NOFA.

Although USDA briefly acknowledges the economic and program distortions caused by implementation of the 2009 NOFA, the Department proposes to continue spending upwards of \$2 billion on the CHST program without completing additional environmental or other reviews, or exploring alternatives as required by federal law under the National Environmental Policy Act (NEPA). FSA should consider whether sufficient new information has arisen during the implementation of the NOFA in 2009 and 2010 to reverse its previous determination that implementation of the CHST program will have no significant environmental or other impacts. To achieve this goal, FSA should halt implementation of the CHST program until it completes an environmental and program review of the program. At a minimum, FSA should cease all payments to eligible material owners until it confirms the use of adequate and appropriate conservation or ¹forest stewardship plans for all renewable biomass receiving matching payments.

If, however, FSA chooses to finalize a rule implementing the CHST program before completing a comprehensive environmental and program review, ELPC recommends the

¹ Note that some of ELPC's recommendations are similar to USDA's proposed "tiering" or scaling CHST payments.

following conditions to limit potential environmental impacts and realign the program with BCAP's original intent.

A. Recommendations to improve the performance, sustainability, and environment integrity of the CHST program.

ELPC recommends that USDA:

- Limit total funding for the CHST program to no more than 50% of annual BCAP expenditures through the end of 2011, and no more than 25% of annual BCAP expenditures beginning in 2012, preferably with an annual cap on total CHST payments above which no more applications for matching payments will be accepted;
- Require conservation plans with clear resource conservation standards for the removal of all CHST renewable biomass (see comments specific to CHST conservation below); and
- Structure matching payments to support primarily CHST of perennial energy crops and *additional* renewable energy and biofuel production from renewable biomass, particularly from new sources of renewable biomass.

ELPC supports USDA's general proposal to "tier" payments based on certain factors in order to avoid the market distortions and concerns that have arisen under the NOFA. We share USDA's concern with recognizing the carbon reduction benefits that can flow from using biomass for energy and fuel production. For those reasons, ELPC prefers Option 3 in the proposed rule (proposed rule § 1450.106). However, we recommend several modifications to more effectively meet the goals of the BCAP statute and that would direct CHST resources towards CHST of renewable biomass that actually results in a reduction of greenhouse gas emissions. USDA should not assume that all uses of renewable biomass will result in zero carbon emissions (or a net reduction).

ELPC recommends that USDA set up a tiered scale of CHST matching payments, similar to Option 3 of the proposed rule, with the highest scores and matching payment amounts (up to \$45/dry ton) given to:

- Project area participants and other eligible materials owners for CHST of sustainable perennial bioenergy crops or similar “material showing exceptional promise for producing innovative advanced biofuels” or renewable energy; and
- Renewable biomass consumption over above a facility’s established historical baseline that results in a *significant* net reduction in greenhouse gas emissions, which may include the sale of eligible material to facilities that fully convert from fossil fuel consumption to renewable biomass feedstocks.

A lesser amount (\$25-\$35/dry ton) and score could be given to:

- All other eligible material owners supplying a biomass conversion facility (BCF) that is part of an approved BCAP project area proposal (increasing the economic viability of project area BCFs); and
- Renewable biomass consumption above a facility’s established historical baseline that results in zero net carbon emissions.

The lowest matching payment amounts (below \$16/ton) should go to renewable biomass consumption over a certain baseline (no requirement to evaluate GHG emissions associated with the renewable biomass).

No payments should support consumption of renewable biomass that existed prior to the established historical baseline – ELPC thus opposes the language in subsection (c) of Option 3 for proposed section 1450.106.

In all cases, ELPC recommends that the baseline for biomass use be determined as of the

date of the issuance of the 2009 NOFA.

No applicant should receive funding unless it submits and implements an approved conservation plan (see below) that addresses BCAP-specific natural resource conservation concerns. In order to incorporate other concerns about “higher value” uses of renewable biomass, USDA could consider whether providing payments to a particular source of renewable biomass would distort existing markets for such biomass when the Department scores an application for matching funds.

ELPC does not believe that USDA should preference payments for the production of advanced biofuels over other feedstock uses. Rather, USDA’s focus should be on promoting the most sustainable (both economically and environmentally) CHST of renewable biomass possible that can be used to produce biofuels and biopower. As the very name of the Biomass *Crop Assistance* Program indicates, the program’s focus should be on the feedstock rather than the product.

B. CHST Conservation/Stewardship Requirements.

FSA has a duty to ensure that the CHST of renewable biomass is done in an environmentally beneficial and sustainable manner. The CHST program is directly linked to biomass crop production, and Congress intended that BCAP include environmental protections. Moreover, if FSA’s projection is correct that CHST payments will account for the lion’s share of total BCAP payments, environmental protections for CHST assume additional significance.

USDA did not complete a comprehensive environmental review of the CHST program, and the Department is still gaining experience with the removal of renewable biomass from crop and forestlands. The Department therefore should be cautious in its approach to resource conservation under BCAP and should not rely solely on existing requirements to ensure that

renewable biomass is removed in a sustainable manner. For example, water quality degradation chiefly related to pollution from traditional agricultural practices is already considered an extremely costly and difficult environmental problem.² BCAP CHST payments should not exacerbate this problem by, for instance, increasing pollution and sediment runoff from agricultural fields.

At best, USDA is ambiguous about the extent to which environmental protections apply to the CHST matching payments program. For example, in discussing how to protect land from erosion and maintain water quality while still allowing crop residue removal, USDA states that BCAP contract participants "will implement conservation plans, forest stewardship plans or equivalent plans that take into account site-level conservation needs." (Proposed Rule, 75 Fed. Reg. at 6265). USDA includes no specific proposal in the rule itself for how these plans should in fact "account for" (or preferably address or mitigate) site-level conservation needs, such as the soil and water quality degradation issues related to crop residue removal. USDA should establish these conditions in the rule itself.

Additionally, although USDA proposes to require that eligibility for matching payments be contingent on "compliance with any new, updated, or existing conservation plans, forest stewardship plans, or equivalent plans," the proposed rule provides very limited guidance on what a conservation plan should look like, in contrast to the very specific definition of the types of resource concerns that should be addressed in a forest stewardship plan. The proposed rule simply requires CHST participants to implement and adhere to "a conservation plan prepared in accordance with BCAP guidelines, as established and determined by CCC." (Section 1450.3).

² See U.S. EPA, EPA 841-R-08-001, National Water Quality Inventory: Report to Congress, 2004 Reporting Cycle 16 (Jan. 2009), available at <http://www.epa.gov/owow/305b/2004report/>.

Little information is provided on what these conservation guidelines might look like, other than to indicate that CCC “intends” to apply existing conservation plan requirements for highly erodible land. However, there is no such requirement in the proposed rule itself.

Even if the rule included this condition, it would not be sufficient to protect and conserve much BCAP cropland, particularly cropland that falls outside of those requirements (*i.e.*, is not highly erodible land and/or not a wetland). Additionally, although farmers with highly erodible land should have a conservation plan for managing their land to control soil erosion, the focus of these plans typically is on how much soil is retained, not on other performance factors such as those linked to soil health, depletion of soil carbon stores, sediment and pollution run-off impacting water quality, wildlife habitat, or similar concerns. Compliance with existing federal and state regulations also will not ensure that natural resources like water will be protected after the removal of renewable biomass, since many agricultural practices are exempt from water quality protection requirements.

ELPC therefore recommends that USDA include in the final rule specific resource and other conservation concerns to be addressed in CHST conservation plans. These conditions should address the potential environmental effects of large-scale removal of renewable biomass, including requiring that plans specify how water quality, soil health and soil carbon stores and wildlife habitat will be maintained or improved after the removal of biomass. Existing plans may address these concerns, but applicants should still have to demonstrate that such plans do in fact comply with BCAP. While the potential environmental impacts from biomass removal will vary depending on the type of biomass removed and the land from which it is removed, USDA can and should set protective requirements that all projects must satisfy.

To ensure the creation of sufficiently protective conservation standards, USDA and FSA

should use their discretion under the BCAP statute to coordinate all conservation requirements with NRCS, consistent with FSA's partnership with NRCS in implementing other agricultural conservation programs such as the Conservation Reserve Program (CRP). NRCS has clear technical expertise in agricultural conservation and in assisting producers with compliance. USDA specifically should require consultation with NRCS prior to approving any conservation plan under the CHST program. If NRCS determines a plan is inadequate, FSA should not provide that project with any BCAP matching payments until a sufficient plan is prepared. FSA could also request that NRCS establish minimum resource conservation standards for CHST of renewable biomass (for example crop residues) to ensure consistency within the CHST program and provide applicants with a clearer understanding of what types of conservation practices will satisfy CHST conservation requirements.

To summarize our recommendations:

NRCS Approval

NRCS should approve all CHST conservation plans. Furthermore, all suppliers already approved for CHST payments should submit plans, and future payments to those suppliers should cease pending receipt and NRCS approval of the plans. USDA, in coordination with NRCS, should provide for periodic inspection and enforcement of conservation and forest stewardship plans to ensure that such plans are actually being implemented and followed on the ground.

BCAP-Specific Conservation Protections

Some BCAP cropland will be subject to existing conservation requirements and some will not. (In any case, those requirements are not sufficiently environmentally protective.) No BCAP forestland will be subject to those requirements. Therefore, USDA should include in the final

rule resource-specific requirements for water quality protection, maintenance of soil integrity and soil carbon stores, and wildlife habitat, *in addition to* compliance with existing conservation requirements, for *all BCAP eligible materials, no matter where that material is sourced*. NRCS (or U.S. Forest Service, as appropriate) also should establish minimum soil, water and wildlife conservation standards for discrete categories of renewable biomass including crop residues, renewable biomass removed from federal lands, and any other important categories identified by NRCS or FSA.

Commodity Crop Residues

While USDA has the authority to restrict the percentage of Title I crop residues that qualify for CHST funding (given the statute’s blanket exclusion of Title I crops from BCAP), it is more important for USDA to ensure that any removal of crop residues for BCAP purposes is done in a sustainable manner, preserving soil integrity and avoiding erosion, soil carbon depletion or water quality impacts. These concerns are even more relevant now that USDA is proposing to lift the 20% cap on crop residues. Some purchasers of crops residues for bioenergy production like Show Me Energy in Missouri already require their suppliers to demonstrate removal of residues is done in a sustainable manner, which should provide some indication to USDA that there is both a real concern here and a precedent for addressing it.

II. BCAP Project Area Program.

Implementation and funding of the BCAP Project Area Program should be USDA’s top priority for BCAP. The majority of the BCAP statute focuses on the Project Area program and outlining criteria for participation and payments under it. When the Administration and USDA speak publicly about the enormous potential of the BCAP, they are referring to the Project Area Program. As Congress stated in the BCAP Manager’s Statement: “[T]he primary focus of the

BCAP will be promoting the cultivation of perennial 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.” ELPC supports this clear legislative intent and urges USDA to realign BCAP with these program priorities in the ways specified in these comments. ELPC also urges USDA to act expeditiously to implement the establishment payment component of the Project Area Program, while also maintaining the environmental integrity of the program, so that projects are up and running before the end of this Farm Bill cycle.

At a minimum, USDA should strive to reverse the spending ratio in favor of establishment and annual payments under the Project Area Program, particularly once USDA has finalized a rule for the Project Area Program and starts to accept project area applications. Additionally, USDA should use both its discretion and the BCAP statutory criteria to establish clear competitive guidelines for both project area proposals and producer contracts so as to prioritize funding for projects most closely aligned with Congressional goals for BCAP. Namely, USDA should ensure that BCAP funding flows first to those projects that 1) support the establishment of promising perennial energy crops and 2) have high natural resource conservation values, including water quality, greenhouse gas reduction, and wildlife habitat values. Widespread and sustainable planting and harvesting of perennial energy crops could help reduce some of the serious water quality impacts of traditional agricultural practices, while providing producers with a new source of income.

Additionally, USDA should not require unreasonable demonstrations of long-term economic viability of project area BCFs or what constitutes an economically viable distance from a BCF, when the focus of the program is assisting with the establishment and support of next generation

energy *crops*. Given the continuing strong interest and activity in bioenergy and advanced biofuels in both the public and the private sector – including improving biomass feedstock supply chains – along with the probability of increasing carbon regulation in the future, “long-term economic viability” and “economically viable distance” could change significantly over a short period of time.

Finally, USDA, through NRCS, should establish minimum conservation and forest stewardship standards that a project area participant *must* meet prior to receiving any establishment or annual payments under BCAP.

A. The competitive selection process for project area proposals and producer contracts should prioritize perennial energy crops and other projects with outstanding natural resource conservation values.

1. Project Area Proposals.

USDA proposes to accept project area proposals on a “rolling basis,” and the rule states that all projects meeting the selection criteria in the BCAP statute “would be considered acceptable for BCAP.” These statutory criteria are broad and do not clearly delineate the limits or range of acceptable projects. It is not clear how any proposal could actually “meet” the criteria. Rather, the criteria suggest a range of performance factors for USDA to consider in *evaluating* project area proposals, indicating USDA has the discretion to set minimum or competitive standards.

For example, the statute directs USDA to consider project area proposals based on “the volume of eligible crops proposed to be produced in the proposed BCAP project area and the probability that such crops will be used for the purposes of BCAP.” BCAP § 9011(c)(2)(B)(i). In attempting to implement this condition, the proposed rule states only that in “selecting project areas, USDA will consider “[t]he dry tons of the eligible crops proposed to be produced and the probability that such crops will be used for BCAP purposes.” (Proposed rule § 1450.202.) This

ambiguous statement raises several questions, such as what volume of proposed eligible crops is actually necessary to satisfy a project area application, will this determination vary by region and type of crop, and how probable must it be that the crops will be used for the purposes of BCAP? Other questions include how much economic opportunity for producers and local investors to participate in the ownership of a BCF should there be (BCAP § 9011(c)(2)(B)(iv)), and how important is this criteria relative to a project's impact on soil, water and related resources (BCAP § 9011(c)(2)(B)(vi))?

To meaningfully implement BCAP, and avoid it becoming an open spigot of funding for nearly any proposal regardless of merit, USDA should exercise its discretion to competitively review all project area proposals. USDA has interpreted similar statutory authority in other instances (for example under the Rural Energy for America Program, Section 9007 of the 2008 Farm Bill) as allowing it to weight statutory criteria based on a particular scoring system developed through regulation. USDA could adopt a similar approach in this instance and develop specific conditions and a point scoring system to implement the statutory criteria. Only those projects that met minimum scoring conditions would be eligible for BCAP funds. USDA should require a competitive process with high standards because a non-competitive, less rigorous review process could undermine BCAP both by approving ineffectual projects and wasting taxpayer dollars.

The greatest weight and scores, or the most demanding minimum thresholds, should apply to those criteria that will have the greatest impact on furthering the statutory and legislative goals of BCAP – the establishment and support of diverse, sustainable next generation perennial energy crops. In particular, USDA should assign a high minimum threshold (or assign a high weight/score) to evaluating a project's impact on soil, water and related resources, as this will

help ensure BCAP resources are directed towards the most sustainable proposals. ELPC fully supports USDA's intent to evaluate nutrient loads and soil erosion as part of assessing a project's soil and water impacts, but recommends that the rule also require review of the full range of potential impacts a proposal could have on soil, water and wildlife, including chemical, fertilizer and sediment leaching and runoff, water use efficiency, soil health and carbon stores, and wildlife habitat.

ELPC also asks USDA to ensure that projects that would likely have significant negative impacts on soil, water or wildlife receive a very low score and are disqualified from consideration. Whether USDA implements a scoring system, or not, USDA should require all project area proposals to meet a minimum threshold standard for soil, water and related resource impacts. Proposals that fall below the threshold should not be accepted, no matter how high the proposal scores on other criteria, and projects exceeding that threshold (*i.e.* projects with net positive impacts on soil, water or wildlife) should merit a higher score under a scoring system.

As an example of implementing ELPC's approach, a project area proposal that would propose to establish a high volume of different varieties of perennial energy crops on degraded or marginal lands, to supply a cooperatively-owned BCF, and that would in other ways improve the project area's soil, water and environmental quality,³ should receive a high score, assuming other minimum requirements are met.

The BCAP statute also grants USDA direct authority to consider any other project area selection criteria that the agency considers appropriate. ELPC strongly supports the proposal's requirement for an evaluation of a project's ability to promote the cultivation of exceptionally promising perennial bioenergy crops. ELPC does not support including annual energy crops in

³ For example, by reducing fertilizer and other chemical inputs, reducing fossil fuel inputs, establishing stream buffers, returning nutrients to degraded soils, improving native bird habitat.

this criteria, since the BCAP statute refers to providing establishment payments for “eligible perennial crop production,” not annual crops (BCAP § 9011(c)(5)(B)), and ELPC is not aware of an annual energy crop that has the equivalent energy and environmental potential as that of most perennial energy crops.

ELPC also requests that USDA include an evaluation of a project area proposal’s impact on greenhouse gas emissions and/or energy use. One of the primary reasons to promote next generation energy crops (and a goal of BCAP and the entire 2008 Farm Bill Energy Title), is to reduce our reliance on high-carbon emitting fossil fuels. Therefore, it is appropriate to include an evaluation of the potential of a proposal to reduce energy use (or increase energy efficiency) and reduce net greenhouse gas emissions.

2. Producer contracts.

USDA’s mechanism for review and development of producer conservation and forest stewardship plans, or “equivalent” plans, is not adequate. USDA should not defer review of producer conservation and forest stewardship plans to local soil and water conservation districts. Such local districts are not funded for this type of work in the BCAP rule nor will they have the technical expertise to adequately evaluate the quality of such plans in all cases.

Additionally, the proposed rule states “[i]f the conservation district declines to review the conservation plan, or disapproves the conservation plan, *such approval may be waived by CCC.*” (emphasis added) (Proposed Rule at § 1450.207, 75 Fed. Reg. 6286.) This is a troubling loophole that could allow contracts with weak or sub-standard conservation requirements to be approved for funding. Finally, the proposal does not explain what an “equivalent plan that complies with CCC guidelines” might look like. In its description of the proposed rule, USDA indicates that this language was meant to respond to comments on alternative or “equivalent” forest

stewardship plans described in the 2008 Farm Bill, such as the American Tree Farm Program, or the Sustainable Forestry Initiatives program.

To avoid creating any confusion or inadvertent loopholes, USDA should clearly delineate what it means by “equivalent plan” and preferably restrict it to specific, named programs with strong conservation standards, or include a descriptions of such plans in the definition of forest stewardship plan assuming they meet the same resource protection goals as forest stewardship plans.

As recommended above, instead of local conservation districts, USDA should give authority over all conservation plans to NRCS, the agency best positioned to assist BCAP producers in developing and implementing such plans. NRCS works in partnership with FSA in implementing other USDA conservation programs, and therefore is the most appropriate agency to ensure BCAP conservation and stewardship requirements are met. USDA could certainly direct NRCS to consult with local conservation districts, where feasible and appropriate.

For specific producer contracts within approved project areas, USDA, through NRCS, should require producer plans to meet minimum conservation standards for soil, water, and wildlife. Those plans with the highest potential for outstanding natural resource conservation (particularly water quality enhancement, reduced fossil fuel/fertilizer inputs and greenhouse gas reduction), should be funded first and USDA should consider awarding higher annual payments to these types of projects.

USDA could also consider varying the percentage of establishment costs that it will cost-share, with those producer contracts meeting minimum conservation standards funded at the lower end of the scale, and those with the highest conservation scores/standards funded at the full 75% cost-share. The BCAP statute states that USDA can fund “up to 75% of the costs of

establishing an eligible perennial crop covered by the contract.” (BCAP sec. 9011(c)(5)(B)).

Therefore, as with USDA’s proposal for CHST matching payments, USDA could propose to tier establishment payments to meet program goals of increasing the economic viability of the most promising perennial energy crops.

B. USDA should structure Establishment and Annual Payments to further BCAP goals.

USDA should establish criteria to ensure that practices that are eligible to receive establishment cost-share payments are environmentally beneficial and do not undermine other natural resource conservation goals (for example, those under CRP).

USDA should also specify exactly how it intends to calculate annual payments, including any bonus or “incentive” payments so that potential participants have a clear understanding at the outset of the program what their future payments will likely be if they are accepted into BCAP. This information should also be posted online – if the information can be posted in local FSA offices, it can be put on a website. ELPC requests that USDA set annual payments at a level that is high enough to provide sufficient incentive to producers to invest in or switch to sustainable perennial energy crop production. It is not clear that the current proposal will provide sufficient incentive.

Such payments should also maximize the economic viability of projects within project areas that receive high scores for perennial energy crop production and conservation. Additionally, any annual incentive payments under consideration by USDA should be made only to projects with sustainable perennial energy crop production (particularly crops with “exceptional promise” for producing highly energy efficient renewable energy or advanced biofuels) or outstanding natural resource conservation values.

Conclusion

A reliable, predictable energy crop feedstock pipeline is critical to the success of the next generation of environmentally protective advanced biofuels production and biopower.

Implemented correctly, BCAP will be a game-changing driver in the quest to establish this pipeline. Likewise, the “right” rules will spur rural economic development, create new jobs, and improve environmental quality. To achieve these goals, we urge USDA to expeditiously issue a final rule consistent with these recommendations.

If you have any questions about these comments, please do not hesitate to contact ELPC Staff Attorney and Policy Advocate Karen Bridges, at kbridges@elpc.org, or at 312-795-3737.