



Senate

General Assembly

File No. 351

February Session, 2022

Substitute Senate Bill No. 243

Senate, April 6, 2022

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CLIMATE-SMART AGRICULTURAL PRACTICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-6c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) The Commissioner of Agriculture may pay, not more than fifty
4 per cent of the cost in advance, or reimburse any farmer for part of the
5 cost of compliance with a comprehensive farm nutrient management
6 plan or a farm resources management plan, provided such plan has been
7 approved by the Commissioner of Energy and Environmental
8 Protection. The Commissioner of Agriculture, in cooperation with the
9 United States Department of Agriculture, may certify for payment or
10 reimbursement comprehensive farm nutrient management or farm
11 resources management plan practices that have been approved by the
12 Commissioner of Energy and Environmental Protection pursuant to this
13 section. The total federal and state grant available to a farmer shall not
14 be more than ninety per cent of such cost. In making grants under this

15 subsection, the Commissioner of Agriculture shall give priority to
16 capital improvements made in accordance with a comprehensive farm
17 nutrient management plan, a farmland restoration and climate
18 resiliency plan or a farm resources management plan prepared pursuant
19 to section 22a-354m.

20 (b) The Commissioner of Agriculture may pay, not more than fifty
21 per cent of the cost in advance, or reimburse any farmer for part of the
22 cost to develop, implement and comply with a farm resources
23 management plan or a farmland restoration and climate resiliency plan
24 intended to restore farmland, including for the costs of farm equipment
25 purchases, provided such plan has been approved by the commissioner.
26 Such reimbursement shall not exceed fifty per cent of the cost of such
27 plan or twenty thousand dollars, whichever is less, except any such
28 reimbursement for such a management or restoration plan on any state-
29 owned land or any municipally owned land with an agricultural lease
30 of five years or longer shall not exceed ninety per cent of the cost of such
31 management or restoration plan or twenty thousand dollars, whichever
32 is less. The Commissioner of Agriculture may pay or reimburse any
33 nonprofit organization, soil and water conservation district, The
34 University of Connecticut Extension Services or any municipality to: (1)
35 Provide technical assistance, (2) distribute grant funding to producers,
36 (3) coordinate training programs, (4) coordinate projects that pilot or
37 demonstrate conservation practices, (5) create tools that help reduce
38 barriers to accessing assistance for conservation practices on farms, (6)
39 establish equipment sharing programs, or (7) other activities that will
40 increase the number of farmers who are implementing climate-smart
41 agriculture and forestry practices, as defined by the United States
42 Department of Agriculture's Natural Resources Conservation Service.
43 Such plan may require agricultural restoration and climate-smart
44 agricultural and forestry plans, practices and purposes, as defined in
45 section 22-6d, as amended by this act.

46 (c) For purposes of this section, "farmer" includes, but is not limited
47 to, any lessee or franchise holder of a state or town shellfish bed and
48 ["farmland restoration plan"] "farmland restoration and climate

49 resiliency plan" means a conservation plan of the United States
50 Department of Agriculture's Natural Resources Conservation Service, a
51 conservation plan of a soil and water conservation district established
52 pursuant to section 22a-315 or a conservation plan approved by the
53 Commissioner of Agriculture. ["Farmland restoration plan"] "Farmland
54 restoration and climate resiliency plan" includes agricultural restoration
55 purposes, as defined in section 22-6d, as amended by this act, and
56 conservation and restoration plans for leased or franchised shellfish
57 beds.

58 Sec. 2. Section 22-6d of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2022*):

60 As used in section 22-6e: "Commissioner" means the Commissioner
61 of Agriculture; "department" means the Department of Agriculture;
62 "garden" means a piece of land appropriate for the cultivation of herbs,
63 fruits, flowers, or vegetables; "sponsor" means any municipal agency or
64 nonprofit civic service association or organization designated by the
65 commissioner to operate a program pursuant to section 22-6e; "use"
66 means, when applied to gardening, to make use of, without conveyance
67 of title or any other ownership; "vacant public land" means any land
68 owned by the state, or any municipality therein, that is not in use for
69 public purposes; "agricultural restoration purposes" means reclamation
70 of grown-over pastures and meadows, installation of fences in
71 restoration areas to keep wildlife out of such areas, manage livestock
72 and to keep livestock out of riparian areas, climate-smart agriculture
73 and forestry practices, as defined by the United States Department of
74 Agriculture's Natural Resources Conservation Service, including such
75 practices in urban communities, soil health improvements, replanting of
76 vegetation on erosion prone land or along streams, restoration and
77 improvement of water runoff patterns, improvement of water sources
78 and irrigation efficiency, conducting hedgerow and woodlot
79 management, including the removal of invasive plants and timber,
80 purchasing farm equipment to improve soil health or renovating farm
81 ponds through farm pond management and any incidental land
82 clearing activities attendant to such reclamation, installation,

83 restoration, replanting, improvement, management or renovating.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	22-6c
Sec. 2	<i>October 1, 2022</i>	22-6d

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill expands the farmland restoration program, administered by the Department of Agriculture (DoAg), to include climate-smart agriculture and forestry practices. Currently, DoAg may reimburse a farmer for partial costs relating to a farm nutrient management plan and farm resources management plans.

This bill does not authorize additional resources for the Farmland Restoration Program. Thus, the bill may reduce the number of individual reimbursements made as it broadens the pool of eligible reimbursable activities under the Farmland Restoration Program.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 243****AN ACT CONCERNING CLIMATE-SMART AGRICULTURAL PRACTICES.****SUMMARY**

This bill generally expands the farmland restoration program's purposes to include climate-smart agriculture and forestry practices in farmland restoration plans. The matching grant program, which the Department of Agriculture (DoAg) administers, encourages farmers to restore farmland that has gone out of production.

Under the program, the DoAg commissioner may partially reimburse a farmer for the cost to:

1. comply with a comprehensive farm nutrient management plan or a farm resources management plan that the Department of Energy and Environmental Protection commissioner has approved or
2. develop, implement, and comply with a farm resources management plan or a farmland restoration plan, which the bill renames the farmland restoration and climate resiliency plan, that the DoAg commissioner has approved.

The bill allows the DoAg commissioner to pay up to 50% of those amounts in advance. It also explicitly allows a farmer to seek this advance payment or reimbursement for farm equipment purchases under a farm resources management or farmland restoration and climate resiliency plan.

The bill requires the DoAg commissioner, when making the first type of grant listed above, to prioritize capital improvements made under a farmland restoration and climate resiliency plan, in addition to those

made under a comprehensive farm nutrient management plan or farm resources management plan as under current law. However, the impact of this is unclear, because the bill does not expand the grant's purpose to include the cost of complying with a farmland restoration and climate resiliency plan.

Under the bill, a "farmland restoration and climate resiliency plan" is a conservation plan (1) of the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS), (2) of a soil and water conservation district or (3) the DoAg commissioner approves. It includes agricultural restoration purposes, which the bill expands to include climate-smart agriculture and forestry practices.

Additionally, the bill authorizes the DoAg commissioner to pay or reimburse certain entities (i.e., a municipality, nonprofit organization, soil and water conservation district, or UConn Extension Services) for a variety of services designed to increase the number of farmers implementing climate-smart agriculture and forestry practices, as defined by USDA NRCS. These include activities that store carbon, improve soil health, and reduce greenhouse gas emissions (e.g., cover crops, prescribed grazing, nutrient management, manure management).

EFFECTIVE DATE: October 1, 2022

AGRICULTURAL RESTORATION PURPOSES

The bill broadens the term "agricultural restoration purposes" to incorporate climate-smart agriculture and forestry practices, as defined by USDA NRCS, including practices in urban areas, and soil health improvements, water source improvements, woodlot management, and farm equipment purchases intended to improve soil health.

By law, "agricultural restoration purposes" already includes the following:

1. reclaiming grown-over pastures and meadows;
2. installing fences to keep livestock out of riparian areas;

3. replanting vegetation on erosion-prone land or along streams;
4. restoring water runoff patterns;
5. improving irrigation efficiency;
6. conducting hedgerow management, including removing invasive plants and timber; and
7. renovating farm ponds through farm pond management.

The “agricultural restoration purposes” definition also applies to the vacant public lands program. The law authorizes the agriculture commissioner to establish this program to encourage the use of vacant state property for gardening, agricultural purposes, or agricultural restoration purposes (CGS § 22-6e). To date, he has not established this program.

ENTITIES’ SERVICES PAYABLE OR REIMBURSABLE

The bill authorizes the DoAg commissioner to pay or reimburse a municipality, nonprofit organization, soil and water conservation district, or UConn Extension Services for any of the following services:

1. providing technical assistance;
2. distributing grant funding to producers;
3. coordinating training programs;
4. coordinating projects piloting or demonstrating conservation practices;
5. creating tools that help reduce barriers to accessing help for on-farm conservation practices;
6. establishing equipment sharing programs; or
7. other activities that increase the number of farmers implementing climate-smart agriculture and forestry practices,

as defined by USDA NRCS.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 1 (03/22/2022)