



**ASSOCIATION of
FISH & WILDLIFE
AGENCIES.**

The voice of fish and wildlife agencies

Hall of the States
444 North Capitol Street, NW
Suite 725 • Washington, D.C. 20001
Phone: 202-624-7890
Fax: 202-624-7891
E-mail: info@fishwildlife.org
www.fishwildlife.org

533

FAX EQIP Comments

To:	Financial Asst. - EQIP	From:	AFWA
Fax:	202.720.4265	Pages:	3 (including this cover)
cc:		Date:	6/26/09
Re:			

Urgent

For Review

Please Comment

Please Reply

Comments:

ASSOCIATION OF FISH & WILDLIFE AGENCIES

The voice of fish and wildlife agencies

444 North Capitol Street, NW • Suite 725 • Washington, D.C. 20001

Phone: 202-624-7890 • Fax 202-624-7891 • E-mail: info@fishwildlife.org • www.fishwildlife.org



**ASSOCIATION of
FISH & WILDLIFE
AGENCIES**

The voice of fish and wildlife agencies

Hall of the States
444 North Capitol Street, NW
Suite 725 • Washington, D.C. 20001
Phone: 202-624-7890
Fax: 202-624-7891
E-mail: info@fishwildlife.org
www.fishwildlife.org

June 26, 2009

Financial Assistance Programs Division
USDA - Natural Resources Conservation Service
Environmental Quality Incentives Program Comments
1400 Independence Avenue, SW
Room 5237 South Building
Washington, DC 20250-2890

RE: Federal Register Docket Number NRCS-IFR-08005, Amendment to the Interim Final Rule for the Environmental Quality Incentives Program

Dear Sir or Madam:

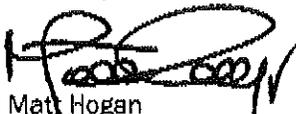
The Association of Fish and Wildlife Agencies (Association) appreciates the opportunity to comment on the amendment to the interim final rule affecting implementation of the Environmental Quality Incentives Program (EQIP) as provided by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). The Association represents the collective perspectives of the state fish and wildlife agencies, and promotes sound management and conservation. All fifty states are members.

As EQIP is revised in accordance with the 2008 Farm Bill, it is important that fish and wildlife resources be given adequate priority and attention. The agricultural landscapes of the Nation are home to many species of fish and wildlife, the conservation of which can be compatible with production of food and fiber with forethought and planning, particularly to address at-risk species that already suffer from diminished habitat. Fish and wildlife conservation should not be left to chance as EQIP is implemented on agricultural landscapes - when that happens, society often has to pay separately and additionally in order to achieve fish and wildlife conservation.

We commend the Natural Resources Conservation Service (NRCS) for their amendment to the EQIP interim final rule for it improves the utility of the program for many program participants and offer a few suggestions we believe will provide clarity and consistency in implementation of these provisions across the country.

We look forward to working diligently with the Natural Resources Conservation Service (NRCS) to help deliver this important program to landowners and its benefits to the American taxpayers. Again, thank you for your consideration of our recommendations for the implementation of the Environmental Quality Incentives Program as authorized in the 2008 Farm Bill. Please do not hesitate to contact Mrs. Jen Mock Schaeffer at jenmock@fishwildlife.org or at 202-624-7890 with any questions about our comments, or if we can further assist with this provision.

Sincerely,



Matt Hogan
Executive Director

ASSOCIATION OF FISH & WILDLIFE AGENCIES

The voice of fish and wildlife agencies

Hall of the States
444 North Capitol Street, NW • Suite 725 • Washington, D.C. 20001
Phone: 202-624-7890 • Fax: 202-624-7891 • E-mail: info@fishwildlife.org • www.fishwildlife.org

Amendment to the Environmental Quality Incentives Program
Docket Number NRCS-IFR-08005
Comments submitted by the Association of Fish and Wildlife Agencies

General Comments:

We are pleased with the increased flexibility that the amendment provides to participants of the program and would like to thank NRCS for issuing this amendment on the Environmental Quality Incentives Program (EQIP) which corresponds to one of the recommended changes the Association provided in our comments on the interim final rule. We do believe more clarity is necessary for this rule to have consistent implementation across the country, and we provide such recommendations below for consideration and incorporation into the final rule.

Specific Comments:

Leases and Permitting Systems for Agricultural and Forestry Operations

- The background section states that this amendment will now allow landowners to enroll part of their overall agricultural or forestry operation "that is part of the private landowner's operation pursuant to a long-term lease from a public agency." While it is common for some landowners to have leases with federal agencies for land, this is not true for all public land. In many states, public land becomes part of a private landowner's operation through a state permitting system not a leasing system. We would like NRCS to clarify and include in the final rule and policy that control of public lands can be obtained through either a lease or permit system from a public agency provided the operator has control of the public land for the life of the EQIP contract.

Long-term Lease versus Shorter Lease/Permit for the Life of the EQIP Contract

- The second paragraph of the background section ends with "...private landowner's operation pursuant to a long-term lease from a public agency." While it is common for private landowners to have long-term leases from federal agencies in some parts of the country, that is not the case every where. We are concerned that this statement could be misinterpreted in implementation to mean that only landowners with long-term leases are eligible for EQIP funds. Some public lands are leased or permitted for use by private landowners for terms that are less than 10 years but would be under the private landowner's control for the life of an EQIP contract. We would like NRCS to clarify in the rule and policy that public lands leased or permitted by a participant are eligible for EQIP funds provided the participant manages such lands as a working component of their agricultural or forestry operation and provided the participant has control of the land for term of the EQIP contract. This would remove any ambiguity of required length of lease or permit for eligibility of the participant.

Finer Points of Control of the Land versus Control of the Agricultural or Forestry Operation on the Land

- We commend NRCS for their use of language in this amendment with regard to control of the land by a participant and specifically the use of the phrase "control of the agricultural or forestry operation." We believe it is important to note that the participant should be expected to have control over the agricultural or forestry operation on the land for the life of the EQIP contract, but it should be recognized that the participant often does not have control over other activities that may occur on public land such as hunting, fishing, or other types of outdoor recreation. Expectations of participants should be limited to those activities that are directly assigned to their agricultural or forestry permit/lease. We recommend that NRCS in rule and policy make the distinction that participants enrolling leased or permitted public lands as part of their agricultural or forestry operation should be responsible for activities relating to their agricultural or forestry operation but not expected to control other activities occurring on the same public land that is not associated with the agricultural or forestry operation and is beyond the participant's control.