



Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

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MAY 19 2009

Geoff Mullins
Theodore Roosevelt Conservation Partnership
555 11th Street, North West, 6th Floor
Washington, District of Columbia 20004

Dear Mr. Mullins:

Thank you for your letter of April 16, 2009, in regard to Docket No. RIN-0578-AA49, the Wildlife Habitat Incentive Program (WHIP) Interim Final Rule, as published in the *Federal Register*. The conservation provisions of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) and the Administrative Procedures Act offer the public the opportunity to submit official comments on Agency regulations and other documents published in the *Federal Register* during the official public comment period indicated with each published regulatory document. Please note that the WHIP public comment period has been extended to April 17, 2009.

Regulatory changes generally are being published as interim final rules, enabling full implementation of the programs while public comment is assessed. NRCS acknowledges your letter of recommendation. Your comments will be analyzed and given full consideration in the process of moving to final program rules. The preamble for final rules will include our analysis of public comments and their disposition with regard to the final rules.

Again, thank you for your official comment. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Christensen". The signature is fluid and cursive.

THOMAS W. CHRISTENSEN
Deputy Chief for Programs

cc:

Leslie Deavers, Acting Farm Bill Coordinator, NRCS, Washington, D.C.
Albert Cerna, National WHIP Program Manager, Financial Assistance Programs
Division, NRCS, Washington, D.C.
Maggie Rhodes, Team Leader, Program Allocations and Management Support Team,
NRCS, Washington, D.C.

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April 17, 2009

Financial Assistance Programs Division
USDA Natural Resources Conservation Service
Wildlife Habitat Incentives Program Comments RIN 0578-AA49
P.O. Box 2890
Room 5237-S
Washington, DC 20013

4/19/09

Dear Sir or Madam:

As the coalition of America's leading hunting, fishing, and conservation organizations representing millions of members, we have a unique interest in the successful implementation of the conservation programs administered by the U.S. Department of Agriculture (USDA). This suite of programs represent the single largest federal investment in conservation on private lands and is critical to maintaining healthy fish and wildlife habitat, soil and water quality, and recreational opportunities for America's 34 million sportsmen/-women. For these reasons, we appreciate the opportunity to comment on the proposed interim-final rule for the Wildlife Habitat Incentives Program (WHIP).

- We commend NRCS' identified national priorities for WHIP as identified in the Interim Final Rule (i.e., promote the restoration of declining or important native fish and wildlife habitats; protect, restore, develop, or enhance fish and wildlife habitat to benefit at-risk species).
- The Interim Final Rule emphasizes the need to use the WHIP for the conservation of pollinators. We commend this emphasis but stress that the focus should be on "native" pollinators and not "managed" pollinators which are non-native (thus do not meet the rules for correct definition of wildlife) and often require non-native habitats to sustain them. Other programs such as EQIP could be used to further managed pollinators. In addition, WHIP should continue its emphasis on native habitats which will support pollinators.
- The Interim Rule's definition of agricultural lands should be broadened to include areas other than just those "on which agricultural and forest related products or livestock are produced." Many critical landscapes such as wetlands, riparian areas, streams, and aspen groves should also be eligible for cost share payments. These important wildlife habitats are often within lands that are used for agricultural purposes and provide important conservation values (e.g. groundwater recharge) related to the agricultural operation.
- Section 636.7 Cost-share Payments states that "The cost-share payment to a participant shall be reduced proportionately below 75 percent to the extent that direct Federal financial assistance is provided to the participant from sources other than NRCS, except for certain cases that merit additional cost-share assistance to achieve the intended goals of the program..." We recommend that

NRCS readily grant this waiver, particularly as it relates to declining or at-risk species, because there is often little financial incentive for an agricultural producer to participate in activities that do not, inherently, result in increased agricultural profitability. If NRCS and other partners can eliminate the cost of this type of habitat work the landowner may be willing to allow the habitat to be restored or enhanced. This can help recover declining species and prevent Endangered Species Act listings.

- The Interim Rule allows for the NRCS State Conservationist, in consultation with the State Technical Committee, to give priority to WHIP practices that address unique habitats, or special geographic areas identified in a State. This will help focus resources, both staffing and funding, to maximize benefits where most needed. We are willing to work with you to achieve this end result.
- In some states, the stream bottom is often under jurisdiction of the state or federal government and, according to the rule, is not eligible for WHIP funding. However, these streams are integral parts of farming and ranching operations and provide critical habitat for many at-risk species. Private landowners have taken responsibility for management of these stream systems which are critical to their agricultural operations. In-stream habitat practices can often benefit both at-risk fish and other aquatic species and help protect the viability of the land for food and fiber production. We recommend that NRCS allow these stream systems to be eligible for WHIP when the landowner who operates agricultural operations within these landscapes is willing to participate.

Thank you for considering our comments on this important program. Successful implementation will not only result in benefits to fish and wildlife habitat but improved and greater opportunities for America's hunters and anglers. We are happy to provide further information regarding this program if necessary and we look forward to working with USDA in the future on implementation of this very important program.

Sincerely,

Izaak Walton League of America
Quail Unlimited
Theodore Roosevelt Conservation Partnership
The Wildlife Society