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March 9, 2009

Financial Assistance Programs Division
U.S. Department of Agriculture, Natural Resources
Conservation Service
1400 Independence Avenue, SW., Room 5237S
Washington, DC 20250-2890

Subject: Docket Number NRCS-IFR-08005

Dear USDA-NRCS Financial Assistance Programs Division;

The Marin Resource Conservation District (Marin RCD) has reviewed the Farm Bill EQIP Interim Final Rule (NRCS-IFR-08005), to incorporate programmatic changes and disagrees with Section 1466.8, "Program requirements," which set forth land and applicant eligibility. Within paragraph (c) NRCS states that "publicly owned land is eligible if it is an actively managed component of the agricultural and forestry operation and the conservation practice contributes to an improvement in an identified resource concern that is located on private land."

As stated, the eligibility requirement does not allow EQIP conservation improvements to be made on agriculturally leased land on public lands unless there is an environmental benefit on adjacent or nearby private land. There are situations where agricultural producers operate private operations entirely or almost entirely on leased public land, for example, the local agricultural producers in this position contribute over \$10M annually to Marin County's total agricultural production.

These private operations may be responsible for actively managing agricultural production and the conservation practices that contribute to improving natural resource concerns on the land they lease. These Producers may operate under long term permits which hold them solely responsible for improvements or alterations at their sole cost and expense. Many of the operations exist within federally impaired watersheds which have federally established Total Maximum Daily Load (TMDL) requirements. They may be subject to TMDLs that mandate all agricultural operators to implement conservation practices to demonstrate attainment of applicable water quality load allocations. It is imperative we support agricultural producers in meeting this goal.

The Marin RCD is a strong supporter and participant of the USDA Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP). The very foundation of our organization is based on the principles which have inspired NRCS's EQIP program. In fact, in the late 30's, conservation districts were formed by a federal "Standard Act" with the primary purpose of guiding NRCS (formerly Soil Conservation Service) conservation programs at the local level.

The Marin RCD urges NRCS/Commodity Credit Corporation to change the EQIP eligibility requirement by allowing conservation practices to occur on publicly owned land when there is a private agricultural business operating on public land, and when the agricultural business operates under a long term lease/permit which holds the permittee solely responsible for improvements on the operation, regardless of the resource contributions made to private lands. This change will support a critical part of the agricultural community and assist twenty five private agricultural operations in making important watershed improvements.

Thank you for the opportunity to comment. Should you have any questions, please contact our Executive Director, Nancy Scolari at (415) 663-1170.

Sincerely,

A handwritten signature in black ink that reads "Hank Corda". The signature is written in a cursive, slightly slanted style.

Hank Corda,
President

cc:

Senator Barbara Boxer
Senator Dianne Feinstein
Congresswoman Lynn Woolsey
Assemblyman Jared Huffman
Supervisor Steve Kinsey
Alan Forkey
Asst State Conservationist Daniel Mountjoy