Decker, Denise - Washington, DC

From: Elizabeth Henderson [ehendrsn@redsuspenders.com]
Sent: Thursday, March 12, 2009 7:25 PM
To: RA.dcwashing2.frpp
Cc: PLAN- Rothfuss, Ora
Subject: FRPP comments from Wayne County Agriculture Development Board

273

To Whom It May Concern:

I am offering comments on the FRPP proposed rule NRCS-IFR-08006 on behalf of the Wayne County Agriculture Development Board, Wayne County New York. We would like to applaud and support the many changes that were implemented in the proposed rule; these changes reflect many of the concerns that were expressed by our local farmers in previous responses regarding the FRPP during the 2006 Interim rule comment period. We agree with the change in program focus from that of saving soil to saving farm businesses because successful farm managers will make decisions to protect the soil resources of the farm.

We have three concerns on which we offer comment. As you know, the impervious surface limitation is a critical point of concern in New York. While the proposed ability to offer a waiver up to 10% is good, the requirement that each project receive an individual waiver seems overly burdensome. If a state program has demonstrated the ability and commitment to protecting soils and farm businesses, why should the State and Federal programs spend critical staff time in reviewing and deciding waivers on a case by case basis. Either the state program can be a trusted partner or they cannot. Likewise, we believe that the FRPP should not have the ability to create a definition of "agricultural uses" that is narrower than a state's definition. If this narrower definition becomes enforceable through an easement, it would potentially put farmers operating under that easement at a disadvantage with their immediate neighbors who are not restricted by an easement. Again, either the state program can meet the intent of the program or it cannot.

Lastly, we are concerned with the requirement that any woodlot over ten acres have a forest management plan. This seems like a very low threshold and one that could be exceptionally burdensome for small farm owners. We believe plans should not be required on woodlots of less than fifty acres.

Thank you again for the positive changes that you have proposed. The FRPP has been a critical partner in the successful protection of over 3400 acres in Wayne County. We look forward to partnering again with NRCS in the future as we strive to protect our critical farm resources.

Respectfully submitted,
Elizabeth Henderson
Chair
Agriculture Development Board
Wayne County New York