

Lebanon County

Agricultural Land Preservation Board

110

2120 Cornwall Road, Suite 5, Lebanon, PA 17042-9788

Phone: (717) 272-3908 Ext. 4 Fax: (717) 272-5314 Email: info@lccd.org

Easements Programs Division
 Natural Resources Conservation Service
 Farm and Ranch Lands Program Comments
 PO 2890, Room 6819-S
 Washington, DC 20013

March 16, 2009

Re: Rulemaking for Farm and Ranch Lands Protection Program
Docket Number NRCS-IFR-08006

To Whom It May Concern:

Thank you for the opportunity to comment on the rulemaking process for the Fiscal Year 2009 and beyond Federal Farm and Ranch Lands Protection Program (FRPP). The Lebanon County (PA) Agricultural Land Preservation Program has effectively used FRPP funds to leverage additional critical funding to protect production agricultural lands in the "bread basket" of Pennsylvania. This area of the Commonwealth features some of the most productive non-irrigated agricultural land in the world. This agricultural land is also under extreme land development pressure from the eastern megalopolis.

We urge rulemakers to proceed in a manner that protects productive agricultural lands, while securing these soil and water resources in a sustainable fashion for future generations. Change for the sake of change often creates harmful unintended bureaucracy and consequences, and we urge you not to pursue this course of action. USDA NRCS should look at the track record of states regarding protection of agricultural lands in making awards. Those states with a proactive record of protecting these lands under good soil and water stewardship parameters should receive priority. Top down directives, like the terrible Yellow Book appraisal process of the fiscal year 2007 program, are not feasible if the program is to be successful. An abuse in Georgia should not have meant bad medicine for the rest of the country. We worry about the federal government sticking their nose into guidelines that are better left to states who know their local needs best.

An example for potential of another "Yellow Book stepchild" would be the huge bureaucratic snafu the federal government could create by trying to legislate a Hazmat Records Search and Field Review process. This worries us greatly. What must they be thinking in Washington and what sort of hurdles will be put in the path of farmland protection in the name of this new suggestion proposed in the FRPP rulemaking? That is how we view this at the grassroots, where the rubber meets the road. The Pennsylvania program and documents include language relative to hazardous wastes in their agricultural conservation easements and we would prefer not to see an additional layer of federal government process involved in this area.

Another change that threatens the efficiency of administration of the program is the requirement for a title commitment review. Currently we provide the title commitments to NRCS for a review. If an outside agency is to also review this information, it seems likely to cause unreasonable delays in the process towards closing easements.

The requirement for forest management plans for those farms with greater than 10% forested acreage is a concern. Who will write these plans and who will review them? Currently, there is no one housed in the Conservation District, NRCS Field Office, nor the NRCS Technical Center that is qualified to write such a plan. The way the proposed rules are written, management plans would be required on small fragments of forested land on farms.

There are a few proposed changes that move in the right direction, which we support. The removal of the yellow book appraisal requirement which would allow for USPAP appraisals is applauded. The Ag Land

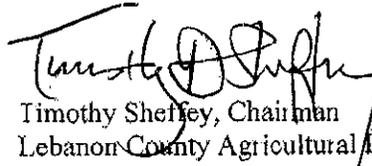
March 16, 2009

Page 2

Preservation Program has been using this format for almost 20 years to successfully preserve farmland. We are glad to see that the FRPP program will again be consistent with our State program. Also, we are pleased to see that the rules are proposed to lessen the required contribution by a cooperating agency, which will allow us to leverage greater FRPP funds towards purchasing easements on productive farmland. This will translate into greater acreage that can be preserved, which is a common goal between the Lebanon County Ag Land Preservation Board and NRCS.

Again, we thank you for the opportunities offered through FRPP. It is a gift in perpetuity to the security and quality of life in our state and nation.

Sincerely,



Timothy Sheffey, Chairman
Lebanon County Agricultural Land Preservation Program

cc: Rep Tim Holden
Craig Derickson, Pennsylvania State Conservationist
Martha Joseph, FRPP Program Manager – PA NRCS