

**FACSIMILE**Texas General Land Office • Jerry Patterson • Commissioner

Date: March 17, 2009

To: Easements Programs
Division

From: Scott Campbell
Texas General Land
Office

Company: Natural Resources
Conservation Service
(FRPP COMMENTS)

Sender's Fax No.: 512-463-5233

Fax No.: 202-720-9689

Sender's Phone No.: 512-463-5824

Phone No.:

Pages: 4

Re: Farm & Ranch Lands Program Comments

Notes: Included are comments from the Texas General Land Office regarding the Farm & Ranch Lands Program.

The information in this facsimile is intended only for the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by telephone and return the original message to us at the address below via the U S Postal Service.

1700 North Congress Ave. • Austin, Texas 78701-1495
P.O. Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 1-800-998-4GLO

TEXAS

**TEXAS FARM & RANCH LANDS CONSERVATION PROGRAM**

GENERAL LAND OFFICE

Stephen F. Austin Bldg. • P.O. Box 12873 • Austin, TX 78711-2873
512-463-5001 • 800-998-4GLO • www.glo.state.tx.us

March 12, 2009

Easement Programs Division
Room 6819-S
Natural Resources Conservation Service
U.S. Department of Agriculture
P.O. Box 2890
Washington, DC 20013-2890

RE: Farm and Ranch Lands Program Comments

Enclosed are comments from the Texas General Land Office concerning the Farm and Ranch Lands Protection Program Interim Final Rule (Docket Number NRCS-IFR-08006) as published on January 16, 2009. We hope our comments will be useful as you continue fine-tuning this important program.

As Texas builds and funds its state program, the ability to match resources with the FRPP will make a dramatic impact on protection of U.S. agriculture and natural resources.

We appreciate the opportunity to provide these comments and encourage you to contact us should you have any questions.

Sincerely,

Jody Henneke
Deputy Commissioner, Texas General Land Office

MEMBERS

Land Commissioner Jerry Patterson, Presiding Officer
Thomas R. Kelsey • R. Neal Wilkins • Glen David Webb • Bob McCann • Dan Dierschke

EX-OFFICIO

Todd Staples, President
Peter Holt • Don Gohmert

Federal Register: January 16, 2009/Rules and Regulations (Volume 74, No. 11)
Pages 2809-2823

Subject: Docket Number NRCS-IFR-08006 -- Farm and Ranch Lands Protection Program

Agency: Natural Resources Conservation Service (NRCS) and the Commodity Credit Corporation (CCC), United States Department of Agriculture (USDA)

Action: Interim final rule with request for comments

The Texas General Land Office (GLO) appreciates the opportunity to provide comments to the United States Department of Agriculture (USDA) regarding revisions to the rules governing the Farm and Ranch Lands Protection Program (FRPP). These comments focus specifically on FRPP benefits to Texas, and the program's compatibility to a state program, the Texas Farm & Ranch Lands Conservation Program (TFRLCP).

The GLO offers the following information to provide a brief background of the TFRLCP

In 2005 the Texas Legislature passed Senate Bill 1273 which established the TFRLCP. The program authorizes the state to work with landowners in facilitating the purchase of development rights through agricultural conservation easements. These voluntary agreements allow landowners to receive payments, which in turn assist them in keeping land under family ownership rather than selling to commercial and residential developers. It is anticipated the program will increase the viability of agriculture in Texas, while protecting critical water recharge zones, wildlife habitat and other irreplaceable natural resources.

The GLO generally supports rule changes outlined in the Federal Register of Jan. 16, 2009 (Vol. 74, No. 11), pages 2809-2823. As described above, the TFRLCP is an ideal state companion program to provide matching funds for the FRPP. Both programs serve basically the same benefit to farmers and ranchers, and the combination of state and federal funds will allow the best possible use of taxpayer resources.

In previous years, Texans had difficulty securing funds through the FRPP due to rules that restricted qualifying acreage to very specific soil types. The proposed new rules expand the types of land eligible for the FRPP, consistent with statutory changes made by the Food, Conservation and Energy Act of 2008 (Pub. L. 110-234, 122 Stat. 923, enacted May 22, 2008), thus making FRPP a much better fit with TFRLCP.

Texas is a large, diverse state, which has tropical climates along the Gulf Coast and desert-like drought conditions in other areas. Generations of dedicated Texas farmers and ranchers have learned to cope in all situations but are struggling due to high costs of production and low commodity prices. Opening the FRPP to these landowners, without regard to soil type, will greatly increase opportunities for protection of agricultural production, wildlife habitat, and water resources in Texas and elsewhere.

One other major factor which has arisen in discussions with Texas landowners in regard to both the state and federal program, is the issue of perpetuity. The state program authorizes 30-year or perpetual easement terms, while the FRPP authorizes only perpetual easement. This disconnect limits both the number of willing participants available to the FRPP and partnership opportunities between the FRPP and state programs. While we understand the significance of long-term protection, it may be impossible to estimate future needs 100, 1000 or 10,000 years from now (whatever perpetuity may be). For that reason we suggest consideration of optional term easements, consistent with state program requirements, where available.

While agriculture is on the decline, Texas still leads the country in many areas of production. Agricultural revenue bolsters the economy by more than \$19 billion annually. Approximately 80 percent of Texas is involved in some kind of agricultural production, and more than 90 percent of those operations are run by families. The ability to maximize use of the FRPP in conjunction with the TFRLLCP would make significant strides in protecting agriculture and natural resources across the state.

We hope these comments are useful in an effort to establish the most successful and efficient farmland protection program possible. Thank you for the opportunity to comment on these proposed rule changes.