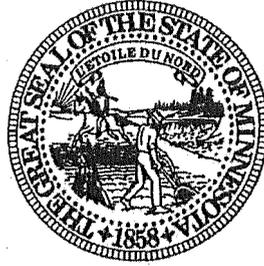


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Minnesota Department
of Agriculture



Minnesota Pollution
Control Agency

Minnesota Department
of Natural Resources

Minnesota Board of
Water and Soil Resources

April 16, 2009

Submitted via <http://regulations.gov>

Financial Assistance Programs Division
USDA Natural Resources Conservation Service
Washington, D.C.

Re: Wildlife Habitat Incentives Program (WHIP) Interim Final Rule

We are writing to comment on the January 15, 2009 WHIP interim final rule and the March 12, 2009 request for additional input. Our comments reflect the perspectives of four Minnesota state agencies—the Department of Agriculture, Department of Natural Resources, Pollution Control Agency and Board of Water and Soil Resources.

The March 12 correction to the WHIP interim final rule included a request for input on how WHIP can simultaneously achieve its purposes and advance national efforts to produce renewable energy, conserve energy, mitigate the effects of climate change, facilitate climate change adaptation or reduce net carbon emissions. In response to this request for input, we recommend (1) Promoting WHIP practices that involve perennial vegetation; (2) Drawing attention to the energy-conserving value of many WHIP practices; and, (3) Collaborating with conservation districts, carbon credit aggregators and others to inform prospective enrollees about the potential for carbon credit payments (in addition to WHIP cost-share) for many WHIP practices. Also, regarding WHIP practices that generate waste wood (such as timber stand improvement or shelterbelt renovation), we see a potential match between the goal of renewable energy production and the critical need in Minnesota and other states to safely dispose of waste wood that is infected or potentially infected by invasive species (such as emerald ash borer); that is, infected waste wood could potentially be used to produce renewable energy.

Below are additional, more specific comments about the WHIP interim final rule.

§ 636.1 **Applicability.**

- **Program purpose.** We commend NRCS's continued efforts to help WHIP participants develop fish and wildlife habitat on private lands. We are concerned, however, that the purpose statement limits the program to those private lands on which agricultural, livestock or forest-related products are produced. (See related comment below.)

§ 636.3 **Definitions.**

- **Applicants.** In Minnesota, most WHIP contracts have been on non-agricultural land. We are concerned that limiting applicants to those with "*an interest in an agricultural operation*" will result in lost opportunities to improve fish and wildlife habitat.
- **At-risk species.** We recommend designating state Departments of Natural Resources as the lead agency for technical advice to the State Conservationist concerning at-risk wildlife species.

§ 636.6 **Establishing priority for enrollment in WHIP.**

- **National, regional, or state fish & wildlife habitat concerns.** We recommend replacing "and" with "or" in all references to national, regional, and state fish and wildlife habitat concerns or initiatives, here and throughout the interim rule, including § 636.8 **WHIP plan of operations.**

§ 636.7 **Cost-share payments.**

- **Eligible conservation practices.** (1) We recommend requiring consultation with State Technical Committees to identify conservation practices eligible for payment. (2) We recommend specifying in the rule that eligible conservation practices may include development and implementation of conservation activity plans including grazing, haying, forestry and stubble management—provided these activities occur outside of the nesting season.

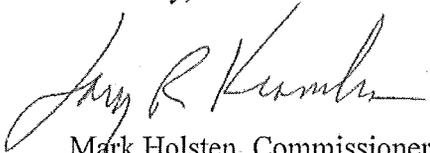
§ 636.7 **Cost-share agreements.**

- **Minimum duration.** (1) We recommend clarifying that the one-year minimum duration applies only to management practices. (2) We recommend establishing a minimum duration of 5 years for structural and vegetative practices.

Thank you for the opportunity to comment on the WHIP interim final rule. Feel free to contact any of the following agency staff if you have questions about our comments:

- Wayne Edgerton, Ag Policy Coordinator, MN Dept of Natural Resources, 651-259-5223
- Julie Klocker, Assistant Director, MN Board of Water and Soil Resources, 651-297-5617
- Barbara Weisman, Conservation Policy Specialist, MN Dept of Agriculture, 651-201-6631
- Wayne Anderson, Agriculture Liaison, MN Pollution Control Agency, 651-757-2195

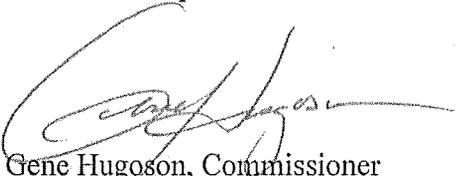
Sincerely,



Mark Holsten, Commissioner
Minnesota Department of Natural Resources



John Vaschke, Executive Director
Minnesota Board of Water and Soil Resources



Gene Hugoson, Commissioner
Minnesota Department of Agriculture



Paul Eger, Commissioner
Minnesota Pollution Control Agency

BW: MDA ADFA

cc: Minnesota Governor Tim Pawlenty

NRCS State Conservationist Bill Hunt

U.S. Senator Amy Klobuchar

U.S. Representatives Michele Bachmann, Keith Ellison, John Kline, Betty McCollum,
James Oberstar, Erik Paulsen, Collin Peterson and Timothy Walz