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STATE OF WASHINGTON

Department of Fish and Wildlife

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April 9, 2009

USDA Natural Resources Conservation Service
Financial Assistance Programs Division
1400 Independence Avenue SW, Room 5237S
Washington, DC 20250-2890

SUBJECT: Docket Number NRCS-IFR-08005; Environmental Quality Incentives Program (EQIP) Interim Final Rule Comments

Dear Sir or Madam:

Thank you for the opportunity to comment on the Interim Final Rule for EQIP. Because EQIP provides agricultural producers with cost share and incentive payments to further the conservation of many species, and it specifically targets at-risk species, it is an important tool to address fish and wildlife conservation. At-risk species should continue to be a national priority of EQIP.

We commend the Natural Resources Conservation Service (NRCS) for continuing to allow the use of ranking pools to focus on key conservation issues (Section 1466.20(b)). This allows the State Conservationist, with advice from the State Technical Committee, to establish strategic geographical habitat initiatives to address fish and wildlife concerns and creates opportunities for beneficial partnerships. We encourage NRCS to continue this approach.

In Payment Rates, Section 1466.23(c)(iv), at-risk species should be listed as a conservation need where the State Conservationist can give higher priority for income forgone. While declining species are an important focus of society and EQIP, little economic incentive typically exists for agricultural producers to do habitat work for their benefit. Cost share and incentive payments should be maximized to help agricultural producers further the conservation of these species. Higher payment rates are key to affecting the conservation of at-species in most need.

The Interim Final Rule requests comments on the definition of at-risk species that the U.S. Department of Agriculture (USDA) has been using for implementing EQIP. We recommend that at-risk species should be determined in consultation with the State Wildlife Agency that is responsible for fish and wildlife.



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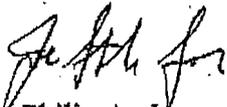
EQIP has been used on federal and state lands that are part of a landowner's agricultural operations. These funds in conjunction with other federal land state funding have improved watershed health and fish and wildlife habitat at the landscape scale. Therefore, we recommend that NRCS continue to allow this opportunity to persist.

The Explanatory Statement of the Committee of Conference for the 2008 Farm Bill stated that fuel and forest management is added to the list of activities for which the Secretary will assist producers in making cost-effective changes. However, the interim rule does not mention fuels management. Therefore, the rule should be amended to include fuels management. This provides an opportunity to reduce losses through catastrophic wildfires while also improving fish and wildlife habitat.

In Section 1466.31 add language directing NRCS to consult with state permitting agencies on project design before work begins. In Washington State, this is particularly important regarding in-stream projects requiring Department-issued Hydraulic Project Approvals where the potential exists for NRCS to design and fund projects that do not meet state regulations. Further, confidentiality laws prevent NRCS from informing the Department if federal funds were involved when illegal activities are discovered. At minimum, language should be included in Section 1466.31 directing NRCS to withhold costshare payments until proof is provided that all applicable local, state, and federal permits have been obtained by the applicant.

Thank you for considering our comments. If you have any questions, please contact Don Larsen, the Washington State Department of Fish and Wildlife, Private Land Coordinator, by email at don.larsen@dfw.wa.gov or by phone at (509) 323-2967.

Sincerely,



Philip Anderson
Interim Director

cc: Mark Clark, Washington State Conservation Commission
John Larsen, Washington Association of Conservation Districts
Don Larsen, Department
Nate Pamplin, Department