FIVE VALLEYS LAND TRUST

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March 16, 2009

Easements Programs Division
NRCS
Wetland Reserve Program Comments
PO Box 2890, Room 6819-S
Washington, DC 20013

Re: Comments on Wetland Reserve Program Docket Number NRCS-IFR-08013

Dear Wetland Reserve Program Manager,

The Wetland Reserve Program is a very important program for the conservation of fish and wildlife resources. The lands presently enrolled in the program are providing significant environmental benefits and have positively affected populations of wetland dependent wildlife. The program's reauthorization in the 2008 Farm Bill will continue to serve fish and wildlife resources throughout the Nation. There are several modifications to the program that we think will provide the flexibility in implementation that will ensure that opportunities to further wetland conservation are not missed.

- The statute and Interim Rule provides for the pilot of a Wetlands Reserve Enhancement Program that allows grazing rights to be reserved to the landowner with a reduction in easement payment. This will be an important tool in the West to protect and restore areas critical to wetland dependent wildlife. The existing program only allows for grazing to be provided as a compatible use at the discretion of NRCS. This has deterred many traditional ranching operations from participating in the program, because they cannot give up their right to graze and meet their economic goals for the lands. Therefore, many important wetland landscapes are unprotected. Reserved grazing rights have the potential to greatly extend the opportunities for program enrollment in the West. We recommend that NRCS issue a Request for Proposal in the near future and work to make this a successful tool for the conservation of wetlands and important wildlife habitat in the western United States.

- The WREP pilot program with reserved grazing rights is a long-needed tool to further the conservation of wetlands in the western U.S. To minimize workload for everyone involved with the program we recommend that instead of preparing individual grazing plans for the easements, that an ecological condition be integrated into the easement document. This would be an agreed to condition between the NRCS and the landowner. The landowner would be responsible for managing the ecological conditions to the predetermined level of rangeland health. This condition would target the wetland functions being targeted through easement acquisition. NRCS or a partner would

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periodically determine whether the landscape goals are being met. If not, the landowner would be notified and given a date to implement a management strategy that would achieve the landscape objectives

- The 2008 Farm Bill limits participation to landowners who have owned the land for 7 years or longer. This will significantly reduce important opportunities to enroll critical wetlands into the program. However, Congress provided for NRCS to allow waivers to this time period. Therefore we recommend that waivers be granted where landowners purchased the land for other purposes but that some of the land would be eligible for enrollment into WRP. For example, if landowners purchases a large tract of land and learns than a portion of it is eligible for WRP there should be no waiting period. NRCS has already issued Draft policy indicating a 4 year wait would be required. We do not believe this is in the best interest of wetland resources. In addition, waivers should be granted for areas that contain at-risk species or restoration would benefit these species. Declining species need special attention to ensure they are not listed through the Endangered Species Act or removed when possible and every opportunity to meet this goal should be actively sought

- The 2008 Farm Bill statute continues to allow riparian areas to be included within the Wetlands Reserve Program when they link protected wetlands. This is an important tool since riparian areas are critical to many species of wildlife. In addition, these areas are corridors that provide for the movement of plants and animals through often otherwise uninhabitable landscapes. However, the WRP Interim Rule has placed greater restriction on the enrollment of riparian areas that either the law or past NRCS policy. Specifically, Section 1467.4 relegates riparian area enrollment to only be included when other lands as specified in Section 1467.4 are included (e.g., farmed wetland or converted wetlands, farmed under natural conditions). This discretionary change by NRCS will make it extremely difficult to enroll important riparian areas into WRP. Therefore, we request that riparian area be eligible for enrollment as a stand alone land eligibility that only has to meet the statutory criteria of linking protected areas. In addition, latitude should be provided to the State Conservationist to waiver this requirement when special circumstances support doing otherwise

- Section 1467.11 (a) (2) (ii) includes hunting and fishing as a compatible use. Compatible uses are activities that NRCS allows through a process that further the conservation of wetland functions and values. However, hunting and fishing should be a reserved right that is regulated by the State Wildlife Agency and the US Fish and Wildlife Service. We request that hunting and fishing be removed from this paragraph and that the Interim Final Rule indicate that hunting and fishing is a reserved right

Thank you for considering our comments

Sincerely,

Grant Kier
Executive Director