

Wyoming Department of Agriculture

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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.
Equal Opportunity in Employment and Services



Dave Freudenthal, Governor
John Etchepare, Director

March 11, 2009

Financial Assistance Programs Division
U.S. Department of Agriculture
Natural Resources Conservation Service
1400 Independence Avenue, SW., Room 5237S
Washington, D.C. 20250-2890

RECEIVED MAR 27 2009

Dear Natural Resources Conservation Service:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the proposed interim rules on the Environmental Quality Incentives Program: Docket Number NRCS-IFR-08005.

Our comments are specific to our mission within state government: dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and provide us the opportunity to express pertinent issues and concerns.

The WDA supports the conservation, protection and restoration of America's farm and ranchlands. We believe the benefits to these programs are multifaceted for the private landowner, the wildlife utilizing these private lands and the public for their water quality, aesthetic values and open space.

While we support the Natural Resources Conservation Service (NRCS) in their efforts and specifically the Environmental Quality Incentives Program (EQIP), which has proven successful in Wyoming on our farm and ranchlands, we offer the following comments and concerns.

The demand of organically raised food continues to grow every year. We support producers who can economically convert their operations to meet this demand with the assistance of EQIP funding. Farmers and ranchers must provide vast amounts of documentation to certify their crops and livestock. We have some concerns regarding the lack of information in the interim final rule regarding the additional restrictions for producers seeking EQIP funding. For example, the NRCS must provide additional information of timelines to become certified, how long they must stay in the organic industry to receive the funding and more.

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The WDA is also concerned how EQIP funding could create restrictions or hardships where "at-risk species" are found. The NRCS is seeking comments regarding "at-risk species." As currently defined, "at-risk species" means "any plant or animal species as determined by the State Conservationist, with advice from the State Technical Committee, to need direct intervention to halt its populations decline." We have a strong concern of how improving agricultural practices on private lands using EQIP funding can have restrictions or future implications regarding wildlife. The primary function and intention is to enhance soil, water, air and related natural resources. Wildlife is a secondary benefit under EQIP, but a priority under Wildlife Habitat Incentive Program. Acceptance of EQIP funding and implementation of stock ponds, improved irrigation systems or other conservation efforts should not cause producers additional burdens due to wildlife inhabiting the project site. Nor should the project development be restricted, denied or changed due to wildlife ranking over the need of the landowner.

The WDA along with the landowners of Wyoming place wildlife and their habitat high on our priority lists. The Wyoming Game and Fish Department (WGFD) or United States Fish and Wildlife Service are the two agencies to make the state determinations of "at-risk species." The WGFD's Comprehensive Wildlife Conservation Strategy has already been in place and ranks our state's species. If a producer has an interest of designing a project with a specific species in mind based on habitat and state ranking, they can and should include this in the initial application. If NRCS is seeking projects for specific species and the project funding is contingent upon these "at-risk species," then it must be stated in the application.

We strongly support the efforts to improve water, soil and air on a larger landscape scale, including the watershed scale NRCS is proposing. While we support this concept, watershed planning efforts in Wyoming are in place. When a Request for Proposal is sent out to producers, it is important to seek multiple producers in the watershed and clarify the reasoning and ranking system in advance. The current procedures by the NRCS often times seek individuals in an area, not necessarily within a watershed. We strongly urge consistency amongst field offices and personnel when seeking and spending money on projects within a watershed.

The NRCS is seeking to reduce corporations from reaping the benefits of the Farm Bill programs by adding provisions for Adjusted Gross Income (AGI) Limitations of \$1,000,000 or less for conservation programs. The interim final rule fails to explain or define AGI or to explain the reason behind the maximum AGI. We ask the NRCS be as specific as possible to define AGI and to seek additional ways for individual, family owned and operated farms and ranches to get priority.

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The WDA thanks the NRCS for receiving our comments. We look forward to reviewing the final rules and to the implementation of these programs onto the farm and ranchlands across Wyoming.

Sincerely,

A handwritten signature in cursive script that reads "John Etchepare" followed by the date "3/11/09". The signature is written in black ink on a white background.

John Etchepare
Director

JE/jw

- Cc: Governor's Planning Office
WDA Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Rocky Mountain Farmers Union
Wyoming Association of Conservation Districts
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Game and Fish Department
Wyoming NRCS State Office

Wyoming Department of Agriculture

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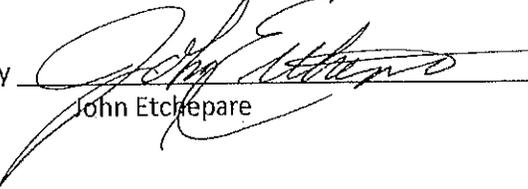
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John Etchepare, Director

In the absence of myself and the Deputy Director, Jason Fearneyhough, I hereby give full signatory authority to Karen Everett, Administrative Services Manager. Karen Everett is also authorized to sign any document requiring two signatures when either myself or Jason Fearneyhough are not available.

Signed this 25th day of November, 2008 by  Director
John Etchepare

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