



Committed to innovative business solutions.

81

RECEIVED MAR 10 2009

March 12, 2009

SENT VIA FAX

Easements Program Division
 Natural Resources Conservation Service
 Wetlands Reserve Program Comments
 P.O. 2890
 Washington, DC 20013
 202-720-9689
 Attn: Susy

Re: Docket Number NRCS-IFR-08013

To Whom it May Concern:

Hendry County Nursery Farms, LLC, a company I represent, recently submitted an application to the Wetlands Reserve Program (WRP) in the State of Florida for the inclusion of approximately 3,700 acres located in Hendry County, Florida in that program. Last week, we were informed that our application for the WRP was ineligible due to the fact that we have not owned the land for the last seven years.

As you know, the 2008 Farm Bill provides that an exception to the 7 year holding period may be granted if the "Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the [WRP] program established by this subchapter." 16 U.S.C. 3837(a)(3). The interim rules list the "*demonstration of status as a beginning farmer or rancher*" as the example of a circumstance that gives adequate assurance that the land was not acquired for the purposes of putting it in the WRP. 7 CFR Part 1467.4(c)(2)(iii).

We are currently seeking a waiver to the 7 year holding period requirement in reliance on the foregoing rules and more particularly on our ability to demonstrate our "*status as a beginning farmer or rancher*."

The WRP's self-proclaimed goal is the restoration and protection of wetlands in the United States. The successful restoration and protection of the Everglades in Florida, a national wetland treasure, hinges on our state's ability to use the WRP to help restore agricultural lands to their natural condition. I believe it is imperative to the goal of the

Headquarters Foliage & Bedding Plant Division: 22290 SW 162 Ave • Goulds, FL 33170 • 800-327-7074 • Fax 305-247-0591

Bedding Plant Division: 19995 SW 194 Ave. • Miami, FL 33187 • 888-792-6782 • Fax 305-971-7751

1468 Bear Creek Rd • Leicester, NC 28748 • 866-322-6782 • Fax 828-683-0074

6071 Durham Rd • Pipersville, PA 18947 • 215-766-9448 • Fax 215-766-0590

www.costafarms.com

WRP in Florida, and more importantly to the restoration and preservation of the Everglades, that farmers, ranchers and others in the agricultural industry be able to avail themselves of the exception to the 7 year holding period requirement that I highlighted in italics above. For these reasons, I ask that you consider keeping the following language in the interim rules in place as is:

"(iii) The land was acquired under circumstances that give adequate assurances, as determined by NRCS, that such land was not acquired for the purposes of placing it in the program, such as demonstration of status as a beginning farmer or rancher" 7 CFR Part 1467.4(c)(2)(iii)

If you have any questions or if I can provide you with any further information, please feel free to contact me at 305-608-6572.

Very truly yours,



Arianna C. Arana, Esq.
General Counsel