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Cooperative Forestry Staff

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Date: APRIL 17, 2009

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Pages Including Cover Sheet: _____

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Sender's Comments/Instructions: Greg, Comments from
The Forest Service on the EQIP
interim final rule Ted

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File Code: 1010-2-2

Date: April 17, 2009

Gregory Johnson
Director, Financial Assistance Programs Division
USDA Natural Resources Conservation Service
Room 5237, P.O. Box 2890
Washington, DC 20013-2890

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4/17/09

Dear Mr. Johnson:

Thank you for the opportunity to submit comments in response to the Environmental Quality Incentives Program correction and extension of comment period as contained in the *Federal Register* on March 12, 2009. This is an addition to comments (enclosed) the Forest Service (FS) provided on the first EQIP interim final rule and request for comments published on January 15, 2009.

Forest Management Plans and Forest Stewardship Plans

The 2008 Farm Bill authorizes the use of EQIP funds for planning assistance and also creates a new category of conservation plans called forest management plans (FMPs). The Forest Service administers the Forest Stewardship Program, authorized in the 1990 Farm Bill, partnering with state forest agencies to provide landowners with Forest Stewardship Plans. Through the Forest Stewardship Program the Forest Service and state forestry agencies have built an extensive and successful network of professional forestry technical and planning assistance expertise.

With the new authorities in the Farm Bill, we are concerned that cost-share assistance for FMPs, if implemented without care and coordination, will be perceived as duplicative with the Forest Stewardship Program. We recommend that, since there is an existing and successful federal program providing forestry planning assistance to landowners, NRCS should provide national direction that the priority for EQIP forestry funds be financial assistance for on the ground activities -- or management plan implementation. We also recommend that in states where the State Conservationist decides to utilize FMPs, this should be done in consultation and coordination with the State Forester to ensure it is complementary to existing planning efforts. These recommendations are consistent with the Memorandum of Understanding signed by the NRCS and FS Chiefs and the presidents of the National Association of State Foresters and National Association of Conservation Districts on September 29, 2008. In that document we agreed to integrate plans and processes to facilitate landowner access to assistance and programs and specifically call for integration between NRCS conservation plans and processes with Forest Stewardship plans and processes. We are currently working to accomplish this integration.

EQIP contributions to the Nation's efforts on renewable energy, climate change, and carbon sequestration

EQIP can play a large role in expanding renewable energy feed stocks, adapting private land to climate change, and increasing carbon sequestration. In particular, forestry activities on private forest land have a big potential to address all of these issues.



EQIP can fund forestry activities and practices that accelerate sustainable woody biomass production and utilization. EQIP activities could also help fund the harvest of woody biomass for transportation to a conversion facility. Forests and other working lands can be made more resilient to a changing climate by reducing fire risks, addressing forest health issues such as insects and disease outbreaks, and promoting agroforestry practices such as windbreaks and waterway buffers. Private forest lands are already a significant carbon store. EQIP can promote activities that will increase carbon sequestration on private forest lands while also allowing for other sustainable forest management activities.

EQIP National Priorities

The national priorities for EQIP described in §1466.4 do not fully reflect the new opportunities for forestry or the emphasis areas of woody biomass as a source of renewable energy, climate change, and carbon sequestration. We recommend that the national priorities be made more inclusive of forestry and other activities. One suggestion would be to frame the national priorities in an ecosystem services context; showing how EQIP activities contribute to the improvement or restoration of ecosystem service benefits such as water quality, biodiversity, or carbon sequestration. We also recommend that climate change adaptation and mitigation should be included as a national priority.

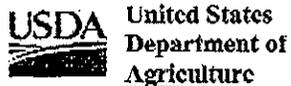
Thank you for the opportunity to comment and we look forward to continuing our work with NRCS to improve conservation and forestry assistance to landowners.

Sincerely,

A handwritten signature in black ink, appearing to read 'PAUL RIES', with a large, loopy flourish extending to the left.

PAUL RIES
Director, Cooperative Forestry

Enclosure



United States
Department of
Agriculture

Forest
Service

Washington
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1400 Independence Avenue, SW
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File Code: 1010-2-2

Date: March 6, 2009

Mr. Greg Johnson
Director, Financial Assistance Programs Division
Natural Resources Conservation Service
Room 5237
PO Box 2890
Washington, DC 20013-2890

Dear Mr. Johnson:

This letter is in response to the request for comments on the Environmental Quality Incentives Program (EQIP). Our comments relate to the definition of a forest management plan, the role of existing planning assistance, and the relationship between the forest management plan and the EQIP plan of operations.

The EQIP Interim Final Rule delegates approval of forest management plans to the State Conservationist. We feel that this is an unnecessary burden for the State Conservationist and involves that person and his/her staff in a level of detail regarding forestry conservation practices that is already being addressed by existing programs and partnerships. Section 2506(a)(5) of the Food, Conservation, and Energy Act of 2008 states that the Secretary may include two types of plans approved by State Foresters as meeting the requirements for a forest management plan. These plans are:

1. A Forest Stewardship Plan developed under Section 5 of the Cooperative Forestry Assistance Act (a US Forest Service technical assistance program delivered through State Foresters), and
2. A practice plan approved by a State Forester.

We encourage NRCS to accept both of these types of plans as meeting the requirements for a forest management plan for all States and to clearly specify this in the final EQIP rule.

State Foresters have a long-standing role in providing forestry technical assistance, including engagement with USDA, through the US Forest Service's Forest Stewardship and Rural Forestry Assistance Programs and through the Farm Service Agency's Conservation Reserve Program. State Foresters are well-positioned to provide this forestry technical expertise, including the development of plans for non-industrial private forest (NIPF) land, both by their own employees as well as private sector forestry consultants and other partners. The September 29, 2008, Memorandum of Understanding entered into among the NRCS, US Forest Service, National Association of State Foresters and National Association of Conservation Districts, identified in Section III, Roles and Responsibilities, that State forestry agencies have the primary leadership role and responsibility for delivery of forestry programs on State and private lands.

The EQIP interim final rule requires that State Conservationists approve site specific plans for forestry, creating an unnecessary workload. State Foresters have demonstrated that they are very capable of developing forest management plans, specifically Forest Stewardship Plans and



practice plans. There have been over 300,000 Forest Stewardship Plans covering nearly 35 million acres since this program was created in the 1990 Farm Bill. In fiscal year 2008, 14,003 plans covering 1,724,956 acres were prepared and approved by State Foresters. Many of these plans call for conservation practices to be carried out. In some cases the NIPF owner simply completes the work identified in the plan with no financial assistance. In other cases being able to participate in the EQIP program is needed to provide some financial support to the NIPF owner. In these cases the NIPF owner would apply for EQIP, using his/her existing Forest Stewardship or practice plan as the forest management plan. NRCS could then choose to fund conservation practices identified in these plans by including them in the EQIP plan of operations which becomes part of the EQIP contract. NRCS retains the final say on what conservation practices are included in the EQIP plan of operations, but there is no reason for NRCS to approve a forest management plan when the State Forester has already done so. The US Forest Service has added an appendix to its Forest Stewardship Program Guidelines to promote the collection of the additional information needed by NRCS to satisfy the National Environmental Policy Act, cultural resource and other requirements for NIPF owners who might wish to participate in EQIP or Wildlife Habitat Incentives Program.

We propose that the EQIP Final Rule use the following definition of a forest management plan:

“Forest management plan means a site-specific plan that is prepared by a professional resource manager, in consultation with the participant. Forest management plans include a Forest Stewardship Plan, as specified in Section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a); another practice plan approved by the State Forester; or another plan as deemed appropriate by NRCS. The forest management plan may identify conservation practices that the participant wishes to submit to NRCS for funding consideration and inclusion in an EQIP plan of operations.”

Thank you for your consideration. My staff and I are available to discuss this further with the goal of having a Final Rule for EQIP that better addresses forest management and the roles the US Forest Service and State Foresters can play in helping NIPF owners participate. Please contact Ted Beauvais on (202) 205-1190 or tbeauvais@fs.fed.us if you have any questions.

Sincerely,

/s/ Paul Ries
PAUL RIES
Director, Cooperative Forestry