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STATE OF TENNESSEE

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TO: <i>Director, Fin. Asst. Programs</i>	FROM: <i>Mark Buller</i>
AGENCY/COMPANY: <i>Natural Resources Conservation Dept.</i>	DATE: <i>April 14, 2009</i>
FAX NUMBER: <i>615-720-4265</i>	TOTAL NUMBER OF PAGES INCLUDING COVER: <i>3</i>
PHONE NUMBER:	SENDER'S PHONE NUMBER: <i>615-781-6610</i>
SUBJECT: <i>WHTP Rule</i>	SENDER'S FAX NO.: <i>615-781-6654</i>

URGENT  FOR REVIEW  PLEASE REPLY

MESSAGE:

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## TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER  
P. O. BOX 40747  
NASHVILLE, TENNESSEE 37204

April 14, 2009

Director, Financial Assistance Programs Division  
Natural Resources Conservation Service  
P.O. Box 2890  
Washington, D.C. 20013-2890

**RE: Federal Register 7 CFR Part 636 RIN 0578-AA49, Interim Final Rule with request for comments on the Wildlife Habitat Incentives Program**

Dear Sir/Madam:

The Tennessee Wildlife Resources Agency appreciates the opportunity to comment on the interim final rule for the Wildlife Habitat Incentives Program (WHIP) as provided by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill).

We commend the USDA and the Natural Resources Conservation Service (NRCS) for continuing to offer the WHIP and for striving to improve the cost-effectiveness and wildlife benefits of this program. WHIP has been a successful and popular program in Tennessee, providing a mechanism for interested landowners in our state to get assistance on improving habitat to recover populations of declining wildlife and benefiting many other wildlife as well. The program is important to helping us achieve the goals of the Northern Bobwhite Conservation Initiative and our State Wildlife Action Plan.

TWRA fully supports the specific recommendations offered by the Association of Fish and Wildlife Agencies (AFWA) on the behalf of the entire group of state fish and wildlife agencies.

We support the definition of wildlife as stated in the rule, focusing on native (non-domesticated species), although we recommend adding "mollusks" to the definition. Mollusks comprise many of the T&E species in Tennessee. We strongly support the #1 WHIP National Priority, to promote the restoration of declining or important *native* fish and wildlife habitats.

We were somewhat concerned with the definition of eligible lands as worded in the interim final rule, but agree with subsequently revised wording that (then Acting) Chief

**The State of Tennessee**

IN ALL EQUAL OPPORTUNITIES, EQUAL ACCESS, ALTERNATIVE ACTION EMPLOYMENT

White made per our understanding for the National NRCS WHIP Policy Manual NetMeeting, which read as:

Eligible Land

1. Agricultural land on which agricultural and forest related products or livestock are produced, and nonindustrial private forestland that has existing tree cover,
2. Private land that has the potential or is suitable for agriculture and tree production, and
3. Is suitable for fish and wildlife habitat development.

Persons that own land formerly in agricultural production that is still suitable for production, but whom are not necessarily operating an active agricultural operation comprise a significant portion of our WHIP participants. These people are very interested in wildlife and are desire to fully implement and maintain recommended habitat practices. Excluding these landowners simply because their land is not supporting an active agricultural operation would severely hamper WHIP's potential in our State.

We are somewhat confused by NRCS's intent to implement shorter-term WHIP (and EQIP) contracts to encourage the quicker implementation of cost-shared practices resulting in less unspent funds annually, but seemingly encouraging or allowing up to 25% of WHIP funds to carry out cost-share agreements that last 15 years or more (Section 636.7 (k)). We support the assessment of liquidated damages to influence a higher practice implementation rate by participants.

TWRA is committed to assisting NRCS to help advertise and deliver this program. In fact, we have a current agreement with NRCS for 4 cooperative biologist (TWRA biologist that works out of an NRCS office) positions that develop and help landowners implement most of the WHIP plans in Tennessee. We believe (and also believe our state NRCS would agree) that these cooperative positions are and will continue to be an effective means to realize the full benefits of the program here.

Thank you for your consideration of our Agency's comments. Please feel free to contact me or TWRA Private Lands Liaison Mark Gudlin ( [Mark.Gudlin@state.tn.us](mailto:Mark.Gudlin@state.tn.us) , 615-781-6614) with any questions about our comments, or if we can further assist with this provision.

Sincerely,



Ed Carter  
Executive Director

Cc: Mr. Kevin Brown, NRCS State Conservationist for Tennessee