



RECEIVED MAR 13 2009

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.state.mt.us

March 16, 2009

97

Financial Assistance Programs Division
USDA Natural Resources Conservation Service
Wildlife Habitat Incentives Program Comments
P.O. Box 2890, Room 5237-S
Washington, DC 20013
Fax: (202) 720-4265

Dear USDA NRCS:

RE: Comments on the Wildlife Habitat Incentives Program

Thank you for the opportunity to comment the Wildlife Habitat Incentives Program. The Montana Department of Environmental Quality's Wetland Program (MDEQ-WP) supports NRCS's identified national priorities for WHIP as identified in the Interim Final Rule (i.e., Promote the restoration of declining or important native fish and wildlife habitats; Protect, restore, develop, or enhance fish and wildlife habitat to benefit at-risk species).

Native Pollinators.

The Interim Final Rule emphasizes the need to use the Wildlife Habitat Incentives Program for the conservation of pollinators. We support this emphasis but stress that the focus should be on "native" pollinators and not "managed" pollinators which are non-native (thus do not meet the rules correct definition of wildlife) and often require non-native habitats to sustain them. Other programs such as EQIP could be used to further managed pollinators. In addition, WHIP should continue its emphasis on native habitats which will support pollinators.

Broaden Agricultural Lands Definition.

The Interim Rule's definition of agricultural lands should be broadened to include areas other than just those "on which agricultural and forest related produced or livestock are produced." Many critical landscapes such as wetlands, riparian areas, streams, and aspen groves should also be eligible for cost share payments. These important landscapes are often within lands that are agriculturally used.

Cost Share Waiver.

Section 636.7 Cost-share Payments states that "The cost-share payment to a participant shall be reduced proportionately below 75 percent to the extent that direct Federal financial assistance is provided to the participant from sources other than NRCS, except for certain cases that merit additional cost-share assistance to achieve the intended goals of the program..." We recommend that NRCS readily grant this waiver, particularly as it relates to declining or at-risk species because there is often little financial incentive for an agricultural producer to participate in these activities. If NRCS and other partners can eliminate the cost of this type of habitat work the landowner may be willing to allow the habitat to be restored or enhance and thus move these species away from listing under the Endangered Species Act.

State Identified Special Areas.

The Interim Rule allows for the NRCS State Conservationist, in consultation with the State Technical Committee, to give priority to WHIP practices that address unique habitats, or special geographic areas identified in a State. This will help focus resources, both staffing and funding, to maximize benefits where most needed. MDEQ-WP participates on the State Technical Committee and is willing to work with the State Conservationist to achieve this end result.

Stream Channels.

In some States, the stream bottom is under jurisdiction of the state or federal government and according to the rule is not eligible for WHIP funding. In Montana, the State manages the stream channel below the low water mark for approximately 6,000 miles of state navigable waterways in Montana. However, some of these streams may be integral parts of farming and ranching operations and provide critical habitat for many at-risk species. Private landowners have taken responsibility for management of these stream systems which are critical to their agricultural operations. Instream habitat practices can often both benefit at-risk fish and other aquatic species and help protect the viability of the land for food and fiber production. MDEQ-WP recommends that NRCS allow these stream systems to be eligible for cost-share when the landowner who operates agricultural operations within these landscapes is willing to participate.

Thank you for the opportunity to comment.

Lynda Saul
Lynda A. Saul
Wetland Program Coordinator

by *Carol Gil*