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March 16, 2009

VIA email

Team Leader
Program Allocations and Management Support Team
United States Department of Agriculture
Natural Resources Conservation Service
P.O. Box 2890
Room 5212-S
1400 Independence Avenue SW
Washington, DC 20013-2890

Dear Team Leader:

Re: Comments on Interim Final Rule for Regional Equity, 74 Fed. Reg. 1,587 (January 13, 2009)

The Farm and Food Policy Diversity Initiative, the Rural Coalition and the undersigned partners and allies, submits these comments, prepared with the assistance of the Farmers' Legal Action Group, Inc. (FLAG) on our behalf concerning the interim final rules for Regional Equity as published at 74 Fed. Reg. 1,587 (January 13, 2009).

The **Farm and Food Policy Diversity Initiative (FFPDI)** includes diverse partner organizations with deep roots in the civil rights and rural and urban movements to secure land and justice. They work to ensure that organizations serving people of color in the food system have the opportunity to develop and support their own initiatives to improve equity in food and farm policy. The DI has successfully advocated for policies to increase USDA transparency and accountability, halt land and farm loss by eliminating the factors that cause it, and to increase prosperity in the food system by expanding opportunities and access to agriculture programs for the nation's diverse farmers and farmworkers.

The Rural Coalition is an alliance of more than 80 regionally and culturally diverse organizations working to build a more just and sustainable food system. Its programs include advocating for national policies which support these goals, as well as economic development efforts such as bridging the digital divide, and helping our diverse members market the products of their farms.

The Farmers' Legal Action Group (FLAG) is a nonprofit, public interest law center dedicated to the preservation of family farms. For two decades, FLAG has provided legal services to thousands of small and mid-sized family farmers throughout the nation in class action lawsuits,

administrative proceedings, public education initiatives, and legislative technical assistance involving agricultural issues.

NRCS Should Consider a Broader Range of Information to Determine the Respective Demand for Conservation Programs in Each State

Section 2703 of the 2008 Farm Bill directed NRCS to promote regional equity by giving priority for funding under certain conservation programs to approved applications in any state that has not yet received at least \$15 million for those conservation programs in that fiscal year. The specific funding allocation for each eligible state is to be based upon consideration of the respective demand in each state for each program.

Section 652.4(c) of the interim final rule carries out this directive by establishing three criteria to determine the “respective demand” for conservation programs in a state. The criteria established are:

- Program applications and how they address national program priorities.
- Historic trends in program interest.
- State priority natural resource concerns.

Under the interim final rule, State Conservationists in regional equity states will consult with the State Technical Committee in order to evaluate and determine demand for conservation programs based upon the above criteria.

The undersigned organizations agree with the three criteria contained in the interim final rule, but urge the agency, including State Technical Committees, to consider additional criteria in determining demand for conservation programs.

Such criteria to assess the level of demand for conservation programs should consider not just completed applications and historic trends, but the unmet needs of historically underserved populations, including socially disadvantaged farmers and ranchers, beginning farmers and ranchers, and limited resource farmers and ranchers.

We therefore recommend that the agency consider including the following additional criteria:

1. The need in each state to address gaps in participation in specific programs by Federally Recognized Indian Tribes and by Socially Disadvantaged and other historically underserved producer groups by race, gender and ethnicity.

The State Technical Committees, in determining the respective demand for conservation programs, should first be required to conduct a review of all internal program data, and data collected to meet the requirements under section 14006 of the Farm Bill with respect to the participation of Socially Disadvantaged and other historically underserved populations in NRCS programs in each county and state, as compared to the number of farms and ranchers counted by the most recent Census of Agriculture

The Committee in determining unmet need should also review the needs demonstrated in expressions of interest in conservation programs made to NRCS staff by farmers and ranchers (particularly socially disadvantaged, beginning, and limited resource farmers and ranchers) who do not then complete an application. To the extent possible, the reason the farmer or rancher did not complete an application should be documented in the farmer's running record and in a receipt for service provided to the farmer or rancher.

The State Technical Committees should further be required to consider participation in outreach about the various conservation programs offered by the agency and by nongovernmental and community-based organizations and participation in NRCS training about particular conservation programs by approved and potential technical service providers.

2. The degree to which a state has implemented and demonstrated results in initiatives to enhance the participation of Socially Disadvantaged and Small Farmers and Ranchers in NRCS Programs.

The Small Farms Initiative implemented by NRCS in selected states has demonstrated significant achievements in increasing the participation of small farmers and ranchers, and especially, socially disadvantaged farmers and ranchers, in NRCS programs and services. The wide scale adoption of irrigation systems in the Mississippi Delta region, for example, has fostered the improvement of conservation outcomes. In addition, the program has fostered the development of an emerging local food system that sustains a network of producers who are selling food in a network of local farmers markets that serve low-income communities in need of fresh products.

In a similar program in South Carolina, the application of plasticulture and irrigation has helped small producers increase yields of high value products such as watermelons while enhancing the protection of the resource base.

These initiatives and results should be considered under section 662.4(c)(2) of the interim final rule in determining the respective demand for conservation programs within a state at the beginning of the fiscal year, and also under section 662.4(f) of the interim final rule as the Chief exercises discretion to reallocate funds remaining after April 1 of each fiscal year either from program to program within a state or from state to state. It is critical that NRCS produce a final rule that at the same time serves to assure that the reallocated funds serve to increase equity within states and assure they are meeting the set-aside goals established in Section 2704 of the 2008 farm Bill and to provide priority to the states that have demonstrated progress in expanding the participation of historically underserved producers in NRCS programs and services.

Thank you for your consideration of these comments.

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Sincerely,

FARM AND FOOD POLICY DIVERSITY INITIATIVE

Land Loss Prevention Project, Durham, NC

Rural Coalition/Coalición Rural, Washington, DC

Federation of Southern Cooperatives/Land Assistance Fund, Atlanta, GA

National Latino Farmers and Ranchers Trade Association,

Farmworker Association of Florida

Arkansas Land and Farm Development Corporation

National Immigrant Farming Initiative, DC

Rural Advancement Fund, NC/SC

Markham Center, Montpelier, VT

National Family Farm Coalition, Washington, DC