

**Decker, Denise - Washington, DC**

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**From:** Patricia Matteson [pmatteson@cdpr.ca.gov]  
**Sent:** Monday, January 26, 2009 8:25 PM  
**To:** RA.dcwashing2.stc  
**Cc:** Forkey, Alan - Davis, CA  
**Subject:** CDPR comments on interim final STC rule

**Attachments:** DPR comments on draft STAC rule.doc

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DPR comments on  
draft STAC rul...

To:  
Director of Conservation Technical Assistance Programs Division  
USDA-NRCS  
Washington, D. C.

Dear Director,

Attached please find comments on the interim final rule for State Technical Committees by the California Environmental Protection Agency, Department of Pesticide Regulation.

Thank you for giving us the opportunity to comment on this rule.

Sincerely, Patricia Matteson

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**Comments on USDA-NRCS interim final rule for State Technical Committees**  
by the  
California Department of Pesticide Regulation (DPR), California Environmental  
Protection Agency

We at DPR appreciate this opportunity to comment on the draft interim final rule for State Technical Committees, part of the rulemaking process pursuant to passage of the 2008 Farm Bill. On the whole, we think the changes in this draft are helpful. Two are particularly welcome from our perspective. There is one change, however, that NRCS may wish to reconsider.

**U.S. Fish and Wildlife Service participation**

NRCS should reconsider the portion of Section 610.22 that discontinues statutory identification of the U.S. Fish and Wildlife Service (USFWS) as a member of the committee. In our view, this proposed change is puzzling and would be counterproductive.

- No reason is given to justify this odd singling-out of one partner agency.
- The proposed rule change would work against smooth implementation of NRCS programs. The federal Endangered Species Act requires USFWS concurrence for all federal actions that may affect listed species or their habitat. Concurrence is most efficiently obtained at state office level. That close coordination is necessary to avoid working at cross-purposes at field level and to strengthen staff support for the Endangered Species Act, which is also a priority for DPR.
- The DPR Endangered Species program works closely with USFWS. We have collaborated with USFWS at the state and local office level for over 20 years to protect listed species from pesticide exposure. Harmonization between our three agencies at the policy level is so important that anything lessening the likelihood that USFWS will also be at the State Technical Committee meeting table seems inappropriate.

For these reasons, the U.S. Fish and Wildlife Service should remain a statutory member of NRCS State Technical Committees.

**Increased oversight of Local Working Groups**

Paragraph 1262(c)(2) expands the committees' role to provide advice on whether Local Working Groups are addressing state priorities adopted by the state conservationist. This is a constructive change.

- We believe that this change could speed county-level NRCS implementation of management-type conservation practices such as irrigation management, nutrient management, and pest management. Although these management practices are a California NRCS priority and key to achieving conservation goals in our state, some county NRCS programs have been slow to offer them to clients. One reason

may be that management is more unfamiliar and challenging than installing infrastructure, such as irrigation systems.

- Our agency offers education and technical support to local NRCS staff and clients for implementing pest management-related conservation practices. Strengthening the consistency of NRCS programs at county level would make that sort of interagency partnership easier to manage and more productive.

#### Public attendance at meetings

Section 610.23(c) stipulates that the State Conservationist shall provide public notice of, and allow public attendance at, State Technical Committee and Local Working Group meetings. California NRCS has welcomed our agency's participation in the State Technical Committee. The new policy as it applies to Local Working Groups brings welcome clarity to the notice and access issue at county level. We think that it will improve DPR's ability to coordinate with, and support, NRCS programs in the field.

Thank you very much for your consideration of these comments.