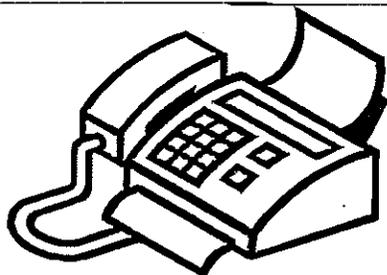


134



Arkansas Game & Fish Commission

To: USDA Natural Resources
Fax number: 1-202-720-9679

Conservation Service
Wetlands Reserve Program
Comments

Date: 3-16-09

Regarding:

Comments:

Freddie Black
Chairman
Lake Village

Brett Morgan
Vice Chairman
Scott

Craig Campbell
Little Rock

George Dunklin Jr.
DeWitt



Keeping the Natural State natural.

Arkansas Game and Fish Commission

Scott Henderson
Director

March 16, 2009

Ron Pierce
Mountain Home

Rick Watkins
Little Rock

Ron Duncan
Springdale

Fred Spiegel, Ph.D., Ex-Officio
University of Arkansas
Fayetteville

Easements Program Division
USDA Natural Resources Conservation Service
Wetlands Reserve Program Comments
P.O. Box 2890, Room 6819-S
Washington, DC 20013

To Whom It May Concern:

On behalf of the Arkansas Game and Fish Commission, we would like to provide the following comments regarding the Wetland Reserve Program Interim Final Rules published in the Federal Register - January 15, 2009:

- The Wetlands Reserve Program is a very important program for the conservation of fish and wildlife resources. The 200,000 acres enrolled in Arkansas and two million acres enrolled nationwide provide significant environmental benefits and have positively affected populations of wetland-dependent wildlife. The program's reauthorization in the 2008 Farm Bill will continue to serve fish and wildlife resources in our state and throughout the nation. Therefore, flexibility in implementation should be stressed to ensure that opportunities to further wetland conservation are not missed.
- We would like to commend USDA-NRCS on successfully reverting the easement valuation methodology to the Uniform Standards of Professional Appraisal Practice as was used prior to FY2007. Arkansas had experienced as much as a 50% decline in acceptance by landowners who made offers in WRP from the Yellow Book method.
- Reference Section 1467.3, Definitions. We recommend adding the following definitions to this Section:

At-Risk Species - any plant or wildlife species as determined by the State Conservationist, based on status as determined by state and federal wildlife agencies.

2 Natural Resources Drive • Little Rock, AR 72205 • www.agfc.com
Phone (800) 364-4263 • (501) 223-6300 • Fax (501) 223-6448

The mission of the Arkansas Game and Fish Commission is to wisely manage all the fish and wildlife resources of Arkansas while providing maximum enjoyment for the people

Printed on paper containing 100% post-consumer content.

Wildlife - non-domesticated birds, fishes, reptiles, amphibians, invertebrates and mammals. (This is the same definition used in the EQIP rule.)

- Under Section 1467.4 (c) (2) the 2008 Farm Bill limits participation to landowners who have owned the land for 7 years or longer. This can significantly reduce important opportunities to enroll critical wetlands into the program. In Arkansas, over 50% of the landowners on the WRP register would now be ineligible. However, Congress provided the ability for NRCS to allow waivers to this time period. Therefore, we recommend that waivers be granted where landowners purchased the land for other purposes and be eligible for enrollment into WRP. For example, if a landowner purchases a large tract of land and learns that a portion of it is eligible for WRP, then there should be no waiting period. NRCS has already issued draft policy indicating a 4-year wait would be required. We do not believe this is in the best interests of wildlife and wetland resources and will reduce program enrollment to a low level in Arkansas. In addition, waivers should be granted for areas that contain threatened, endangered, candidate or species of greatest conservation concern since restoration would benefit these species. Declining species need special attention to ensure they are not listed through the Endangered Species Act and are removed from protection when possible. We believe every opportunity to meet this goal should be actively sought.
- The 2008 Farm Bill statute continues to allow riparian areas to be included within the Wetlands Reserve Program when they link protected wetlands. This is an important tool since riparian areas are vital to many species of wildlife. These areas serve as corridors that link habitat together to provide safe movement routes through often otherwise uninhabitable landscapes. Connecting habitats can provide for species' range adjustment as global climate change affects them. However, the WRP Interim Rule has placed greater restrictions on the enrollment of riparian areas that were not in the rules previously. Specifically, Section 1467.4 relegates riparian area enrollment to only be included when other lands as specified in Section 1467.4 are included (e.g., farmed wetland or converted wetlands, farmed under natural conditions). This discretionary change by NRCS will make it difficult to enroll important riparian areas into WRP and will not address the highly fragmented habitat currently existing in much of Arkansas and around the nation. Therefore, we request that riparian areas be eligible for enrollment as a stand alone land eligibility that only has to meet the statutory criteria of linking protected areas. In addition, latitude should be provided to the State Conservationist to waive this requirement when special circumstances warrant doing otherwise.
- The Interim Final Rules indicate that if a new landowner acquires property and if he/she does not meet eligibility criteria for cost share or if it is transferred to a public agency or other ineligible person/entity prior to restoration completion then funds can no longer be directed towards the easement. This is counter productive to the public's interest and does not ensure the restoration or maintenance of the

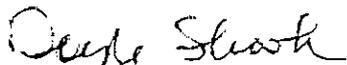
2 Natural Resources Drive • Little Rock, AR 72205 • www.agfc.com
Phone (800) 364-4263 • (501) 223-6300 • Fax (501) 223-6448

wetland functions and values that the easement was originally acquired for. We understand NRCS must use eligibility requirements as identified in Statute but once the easement is perfected it becomes the responsibility of the federal government to ensure the original investment is secured and maintained. Therefore, landowner eligibility should no longer be a consideration. We recommend that Section 1467.10 e (1, 2, 3, and 4) should be eliminated.

- The Wetland Reserve Plan of Operation (WRPO) is a living document and NRCS and partners need to constantly work with landowners and other conservation professionals to make sure that efforts completed are functioning correctly and that needed conservation improvements missed should be identified in routine monitoring effort and should be added to revised and updated WRPO over time.
- The statute added enhancement as a program purpose. We commend this addition since many wetland systems have been dramatically altered by dams and large drainage systems. Therefore, the wetland restoration, protection and enhancement projects need to make up for values lost within the greater landscape. Where landscapes suitable for enhancement beyond minimal restoration will help to compensate for wetland functions and values lost, we strongly support this habitat improvement opportunity.

We appreciate the opportunity to comment on the Wetlands Reserve Program. Docket Number NRCS-IFR-08013.

Sincerely,



Doyle Shook, Chief
Wildlife Management Division