



CALIFORNIA
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ALLIANCE

"...promoting conservation and protecting our hunting and shooting heritage"

1600 Sacramento Inn Way - Suite 232 - Sacramento, CA 95815
916.643.4607 phone - 916.643.4682 fax - www.outdoorheritage.org

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March 16, 2009

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

Via Fax: (202) 720-9689

RE: COMMENTS ON WETLANDS RESERVE PROGRAM
(Docket Number NRCS-IFR-08013)

The California Outdoor Heritage Alliance (COHA) appreciates the opportunity to provide comment on the Interim Final Rule for the Wetlands Reserve Program (WRP)

WRP is a very important program for the conservation of fish and wildlife resources. The approximately 2 million acres presently enrolled in the program are providing significant environmental benefits and have positively affected populations of waterfowl and other wetland-dependent wildlife. In California, WRP has done more to protect and restore waterfowl habitat than any other than any other program, with private landowners having already enrolled over 100,000 acres. The program's reauthorization in the 2008 Farm Bill will allow our nation's landowners to continue to provide benefits to our fish and wildlife resources. But, to maximize these benefits, flexibility in implementation and working with private landowners should be stressed to ensure that opportunities to further wetland conservation are not missed.

To begin, we are pleased that the program will increase the acreage cap to 3,041,200 acres through the year 2012. In addition, the increased flexibility in easement acquisition valuations that allow for appraisals, market analyses, geographic caps, or landowner offers should provide greater program efficiency and address a key bottleneck to program implementation.

We do, however, have some serious concerns with the proposed rule. First, the new Farm Bill limits participation to landowners who have owned the land for seven years or longer. In California, the increase in the land ownership requirement from 12 months to seven years will have a substantial impact on the acreage of land eligible for the program. To address this concern, we strongly recommend that State Conservationists be encouraged to take maximum advantage of the waiver provided for this provision and that waivers be appropriately granted whenever it can be determined that the land was not acquired specifically for enrollment in WRP

We also have concerns regarding the provision which limits restoration payments to \$50,000/year on 10-year restoration cost-share agreements. In California, the average 10-year restoration agreement costs \$160,000. A \$50,000/year payment cap will result in fewer acres of

wetlands restored and an increase in both time and expense for restoration on larger acreages. To address this concern, we recommend that the State Conservationist be given the authority to grant a waiver to projects with high biological value in areas where restoration is expensive and exceeds the average national restoration costs, or to those that can demonstrate cost efficiency through the implementation of a large scale project.

We must also take issue with the new proposed rule that states that when a parcel of land has been accepted for enrollment - but changes ownership before the easement is perfected - that the purchase be canceled and the acres removed from enrollment. To address this concern, we strongly recommend that the rule allow for the new landowner to be checked for eligibility, and if the new landowner is eligible and wishes to continue the enrollment process, the application should be transferred and not canceled.

The Interim Final Rule also indicates that if a new landowner acquires the property and does not meet eligibility criteria for cost-share, or if it is transferred to a public agency or other ineligible person/entity prior to the completion of the restoration, then funds can no longer be directed towards the easement. This proposal will discourage potential new applicants, is counter productive to the public's interest, and does not ensure the restoration or maintenance of the wetland functions and values for which the easement was originally acquired. We understand NRCS must use eligibility requirements as identified in the 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. To address this concern, we recommend that NRCS be allowed the flexibility and right to "perform" restoration and maintenance activities on WRP lands as necessary (note the need to reinstate the language "perform" in rule section 1467.11(a)(2) rather than "ensure").

Two-thirds of the wetlands in California's Central valley are privately owned, and most are managed as waterfowl habitat to provide hunting opportunities. To ensure the continued success of the program in California and to encourage continued landowner participation, it is critical that NRCS protect these hunting opportunities by maintaining hunting as a reserved right. On a related note, we also strongly support the establishment of the Voluntary Public Access and Incentive Program which seeks to provide additional hunting opportunity to the general public. Given the high percentage of privately owned wetlands in the Central Valley, WRP lands may be ideal for such use and the program should be encouraged on WRP enrollments.

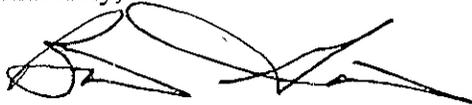
We also have serious concerns regarding the provision which calls for NRCS to provide compensation in at least five, but not more than 30 annual payments for easement values in excess of \$500,000. In critical wetland areas of the California's Central Valley, WRP easement payments commonly exceed \$500,000. To address this concern, we recommend that the State Conservationist - not the NRCS Chief - be given the authority to determine when easement payments of more than \$500,000 can be paid in lump sums, rather than annual payments.

Finally, the statute and Interim Rule provide for the pilot of a Wetlands Reserve Enhancement Program (WREP) that allows grazing rights to be reserved to the landowner with a reduction in easement payment. This will be an important tool in the West to protect and restore areas critical to wetland-dependent wildlife. The existing program only allows for grazing to be provided as a

compatible use at the discretion of NRCS. This has deterred many traditional ranching operations from participating in the program because they would not give up their right to graze and meet their economic goals for the lands – leaving many important wetland landscapes are unprotected. Reserved grazing rights have the potential to greatly extend the opportunities for program enrollment in the West. We recommend that NRCS issue a Request for Proposal in the near future and work to make this a successful tool for the conservation of wetlands and important wildlife habitat in the western United States. The WREP pilot program with reserved grazing rights is a long needed tool to further the conservation of wetlands in the western U.S.

The California Outdoor Heritage Alliance appreciates the opportunity to provide these comments. If you would like to discuss any of our comments at greater length, please do not hesitate to contact me at (916) 643-4607.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Gaines', with a stylized flourish extending to the right.

Bill Gaines
President