

WRP-Easements Programs Division
NRCS
Wetlands Reserve Program Comments
P.O. 2890, Room 6819-S
Washington, DC 20013

3/13/09

Dear WRP Program Manager:

As an avid supporter of the Farm Bill experienced in WRP, I am writing to provide input regarding the new provisions which negatively impact the riparian protection opportunities available in past farm bills. As a conservationist w/ over 40 years of conservation experience, I have worked for and supported the long term benefits WRP provides our natural resources including endangered wildlife. More recently as an Executive Conservation Lobbyist, I worked on the state and national level with conservation consortiums to assure and strengthen WRP in the past and most recent farm bills. I am thoroughly dismayed to see the riparian opportunity essentially gutted for Ohio and other states.

As a member of the STC including the WRP and State Wildlife Subcommittees, I share considerable disappointment that the many years of structuring scoring criteria and applications to facilitate permanent riparian protection in conjunction with wetlands has virtually been eliminated, particularly since Oh has had considerable success in leveraging NGO and state funding to make WRP protection more cost effective and possible on a much larger scale. We were one of only 5 states chosen for the WREP program several years ago and have put in place an impressive conservation partnership active in using the riparian components on several State and Nationally Designated Scenic Rivers in OH particularly on the Grand River watershed, which also harbor some of the most significant biodiversity and rare species. To essentially dismantle the OH program through these most recent rules would be deplorable.

In general, please reinstate the opportunity to do riparian protection and specifically modify the proposed rules as follows;

Insert the riparian eligibility component back to page 2331 of the Rules in the Federal Register under Section 1467.4 (e) Land eligibility (3) to allow "riparian areas along streams or other waterways" to qualify as a primary eligibility criteria for WRP. This was moved to page 2332 where riparian areas are now listed as eligible only as a contingency of land being eligible using other criteria. This change will prevent most streamside landowners from qualifying for the program any longer.

- 1) Change the wording of the riparian eligibility criteria to allow more flexibility in establishing WRP easements along riparian areas. The previous rules demanded a sometimes cumbersome process of having the landowner establish a separate easement (known as an "anchor easement" here in Ohio) along the ends of the federal WRP easement. This was done to satisfy the rule requirement of *"is a riparian area along streams or other waterways that links or, after restoring the riparian area will link wetlands which are protected by an easement or other device or circumstance that*

achieves the same objectives as an easement." We understand the intent of this rule but we also know that states are interpreting this rule using inconsistent policies. A suggestion to allow consistency of interpretation and a common sense methodology in working with private landowners while maintaining the intent of the WRP rule in protecting wetlands would be to clarify the rule. This can be done by inserting the following wording in **bold** in the rules statement concerning riparian eligibility which is being recommended for insertion on page 2331 of the rules to: *is a riparian area along streams or other waterways that links or, after restoring the riparian area will link wetlands which are protected by **the WRP easement itself and/or an easement or other device or circumstance that achieves the same objectives as an easement.*** This would provide a simpler mechanism which serves the same purpose that is likely already being used by some states anyways.

- 2) The following change on Page 2331 concerns rule 1467.4 under (c) Landowner Eligibility (2) concerning the requirement of the 7-year ownership rule. Although we feel the 7- years rule is excessive, we understand that this is a new statute requiring such a rule to be in place. However, clarification of the rule is recommended to give State Conservationists more flexibility when it is known that the landowner had no intent of purchasing property to place it in WRP. A recommendation to give State Conservationists more flexibility would be to add on page 2331 under section 1467.4 (c) (2) (iii) the following words in **bold**: *the Land was acquired under circumstances that give adequate assurances, as determined by NRCS **from receiving a statement from the landowner,** that such land was not acquired for the purposes of placing it in the program.* Eliminate the wording on the end of the statement where it says "*such as demonstration of status as a beginning farmer or rancher.*" That last statement confuses the issue and appears to constrain the State Conservationist from making any other exceptions on the 7-year rule under this paragraph unless it specifically deals with beginning farmer or rancher.

Thank you for giving me the opportunity to comment on the WRP rules. I feel the above changes would streamline the efforts of USDA and partnering organizations in implementing the program while encouraging landowners to take the necessary steps to protect riparian areas and wetlands resulting in both water quality and wildlife habitat benefits for citizens throughout our country. We feel WRP is an excellent program and would like to continue to assist landowners in our region with new applications utilizing our many Partners if they meet eligibility requirements.

Sincerely,



Gary R. Moore
Conservation Consultant

Cc; Terry Cosby, State Conservationist