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Washington, DC 20013

VIA Fax: (202) 720-4265

**Agricultural Management Assistance Program Comments  
Docket Number NRCS-IFR-08002**

The National Wildlife Federation is America's largest member-supported conservation organization. Through our national organization and in partnership with our state affiliates, the National Wildlife Federation works to actively educate, inspire, and promote achievable solutions to everyday Americans in communities from coast-to-coast.

In 2008, NWF and many of our affiliates were actively engaged in promoting strong conservation programs in the 2008 Farm Bill.

The Agricultural Management Assistance program allows the Natural Resources conservation Service to provide technical and financial assistance to help participants adopt better farm and ranch conservation practices in states that historically have had low participation in the Federal Crop Insurance Program.

The 2008 Farm Bill (Section 2801) added Hawaii to the program's list of eligible states, which also includes Connecticut, Delaware, Maryland, Massachusetts, Maine, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming. The new law provides for \$15 million per year in funding from Commodity Credit Corporation funds, and allocates that funding between conservation, organic certification, and other activities.

**1. NRCS Should Keep AMA Within the Purview of the State Technical Committees**

The new NRCS rule removes references to "State Technical Committees," the advisory committees authorized by Congress and used by USDA to provide advice to USDA on Farm Bill conservation programs.

USDA's rule states that "State Technical Committees are permitted *only* to provide advice on conservation programs, authorized by Title XII of the Food Security Act of 1985" (emphasis ours). We believe this is a mis-reading of the law and of Congressional intent. While the new law (and the old law) provide specific authorization for State Technical Committees to provide advice on conservation title programs, we can find no language in statute that prohibits a State Technical Committee from providing advice to USDA on conservation issues that arise outside the purview of Title XII (the conservation title).

In fact, a careful reading of the 2008 Farm Bill reveals that the old statutory language authorizing State Technical Committees referred to providing advice concerning "conservation programs under this *chapter*," and that language was changed to refer to providing advice concerning "conservation programs under this *title*." Clearly the intent of Congress was to expand, not to contract, the work of the State Technical Committees.

***We urge USDA to retain the references to "State Technical Committees" in the Agricultural Management Assistance rules, and the language identifying those committees as the appropriate body to provide advice on the conservation aspects of the program.*** At a minimum, the rules and USDA directives should retain the option for the State Conservationist to use the existing State Technical Committee to provide advice on the program.

## **2. Cost Share for Costs and Lost Income Should be Consistent**

The new rule replaces the flat 75% cost-share payment provision with one that allows up to 75% of the out-of-pocket cost of putting a practice in place, and up to 100% of the foregone income.

We understand the reasoning behind allowing cost-share to be provided at less than 75%. We support efforts by USDA to extend current funding to as many recipients as possible, to provide the most conservation for the overall program dollars.

However, we do not understand why USDA would establish a different cost-share rate for out-of-pocket costs than for estimated foregone income. In both cases, the net result impacts the bottom line of the producer. But while out-of-pocket costs are based on actual documented costs, or at least a cost derived from regional averages concerning actual costs of the practice, the estimate of foregone income is an estimate based on a set of assumptions about yield, gross and net revenue, and the projected impact of a practice. Therefore, an estimate of foregone income is a much more speculative number.

***We urge USDA to establish a consistent cost-share rate standard that applies to both out-of-pocket costs of installing a practice, and foregone income.***

Thank you for the opportunity to provide the comments of the National Wildlife Federation on the Agricultural Management Assistance rules.

Yours in Conservation,

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