

**Decker, Denise - Washington, DC**

---

**From:** RRobinson@ifbf.org  
**Sent:** Monday, March 23, 2009 5:16 PM  
**To:** RA.dcwashing2.grp  
**Cc:** Fed\_Government\_Relations@ifbf.net; Fed\_Commodity\_Services@ifbf.net;  
DSteimel@ifbf.org; TBlock@ifbf.org  
**Subject:** GRP Comments  
**Importance:** High  
**Attachments:** GRP Comments.doc

287

Please accept the attached comments from the Iowa Farm Bureau Federation on the proposed final rule for the Grassland Reserve Program. Thank you.

Rick Robinson  
Environmental Policy Advisor  
Iowa Farm Bureau Federation  
5400 University Ave.  
West Des Moines, IA 50266  
515-225-5432 (office)  
515-225-5419 (fax)  
rrobinson@ifbf.org  
iowafarmbureau.com

People. Progress. Pride.



June 17, 2009

Robin Heard, Director  
Easements Programs Division  
Natural Resources Conservation Service  
Healthy Forests Reserve Program  
Comments, P.O. 2890, Room 6819-S  
Washington, DC 20013

RE: Grassland Reserve Program Final Rule Request for Comments

Our forests constitute one of our most valuable renewable resources. The Iowa Farm Bureau Federation (IFBF), the state's largest general farm organization with more than 153,000 member families, supports federal farm program grassland protection programs. Following are some comments on proposed changes to the 2006 rule, subsequent to the statutory 2008 farm bill changes made by Congress.

The Grassland Reserve Program is a voluntary program to assist landowners and agricultural operators in restoring and protecting eligible grassland for which grazing is the predominant use. The IFBF supports the change in the program's focus to assisting owners and operators of private and tribal land in protecting grazing uses and related conservation values.

#### **Rental Agreements & Easements**

The final rule removes the 30-year rental agreements as a program option. While this change was a result of amendments made by Congress, Farm Bureau policy favors shorter-term easements and cost share agreements over permanent easements. The removal of this rental agreement option is generally inconsistent with Farm Bureau policy advocating that conservation programs be implemented in a manner that achieves adequate program participation while minimizing the undue loss of productive farmland that may artificially inflate local farmland and/or rental values. The use of such long-term agreements also maximizes the effectiveness of program benefits for existing programs.

#### **Compensation For Easements And Rental Contracts**

Subsection 1415.10, paragraph (c) of the final rule provides for 10-, 15-, and 20-year rental contracts, but limits the participant to not more than 75 percent of the "grazing value" in an

annual payment for the length of the contract, as determined by a Farm Service Agency “administrative process.” In addition, paragraph (d) recognizes that in order to provide for better uniformity among states, the FSA administrator and the NRCS chief may review and adjust, as appropriate, state or other geographically based payment rates for rental contracts.

It is not clear in the final rule how the FSA will determine grazing value for rental contracts. If Iowa pasture rents for \$50 per acre, which may be slightly lower than average in some areas of southwest Iowa where topography and soils are consistent with cattle and grass use, 75 percent of the current competing pasture rental would be about \$37.50 per acre. An Iowa landowner that could get at least \$50 per, plus be able to graze it, will be more likely to participate in the GRP. Therefore, the final rule should clarify that the FSA administrator and the NRCS chief may allow states flexibility to adjust rental rates to be competitive with other uses, such as pasture rental, to attract program participants.

### **Eliminating Base Acres**

Paragraphs (l) was added to subsection 1415.4 to require the suspension of cropland for the land under another program administered by the Secretary. However, this change was unfortunately required by the 2008 farm bill.

Farm Bureau policy supports allowing producers to maintain their crop base history as long as the producer has met all contract obligations. We recommend that if program payments are reduced or delayed for 90 days or longer, the producer should have the option to withdraw from the contract without penalty and program crop bases would be restored to their prior level.

Also, if there are no changes in the final rule to grazing value issue discussed previously, allowing continued direct payments for base acres associated with the contract may be a way to account for the competitive disadvantage that may result.

### **Nesting Season**

The definition of “nesting season” is added in subsection 1415.4, Program Requirements, to denote a specific time of year for species whose habitat is being protected on enrolled lands. Paragraph (h) (2) allows haying, mowing, or harvesting for seed production subject to appropriate restrictions, as determined by the state conservationist, during the nesting season for birds in the local area that are in significant decline, or are conserved in accordance with federal or state law.

The language “...subject to appropriate restrictions, as determined by the State Conservationist...,” should be removed or clarified in the final rule. There should not be any restrictions of GRP land due to nesting season. The GRP is a voluntary program to assist landowners and agricultural operators in restoring and protecting eligible grassland, for which grazing is the predominant use. Wildlife habitat is not the predominant use. Such a restriction may be a part of the grazing management plan, however, if it is an interest of the landowner.

### **Wind Power Generation**

Wind power generation was not specifically addressed in the 2006 rule because the secretary was prohibited by statute from authorizing activities that would disturb the surface of the land. The 2008 farm bill removed this prohibition. A new paragraph (h)(5) was then added to subsection 1415.4 of the final rule to allow for the inclusion of wind power facilities for on farm use as a potential permitted use for the GRP participant's farming or ranching operation.

The siting of such facilities for on-farm or other energy generation must only be consistent with the voluntary program's goal of assisting landowners and agricultural operators in restoring and protecting eligible grassland, for which grazing is the predominant use. Clearly, wind power generation for any end-user is consistent with a voluntary grazing program. The final rule should acknowledge this. Requirements for an on-site evaluation to determine potential impacts from wind generation on threatened, endangered or at-risk species, migratory wildlife, or related natural resources, cultural resources or the human environment should be removed.

In addition, subsection 1415.4, paragraph (i) (3) also prohibits wind power generation. This paragraph should also be removed in the final rule.

Also, it should make no difference to USDA if the wind power is being generated for on-farm use or for sale to electrical generators.

### **Market-Based Conservation Initiatives**

Subsection 1415.10 (h) is a new section that establishes that the USDA makes no claim to environmental credits, regardless of the federal funds invested. The final rule says that activities performed to obtain environmental credits must align with GRP requirements, the easement deed or rental contract terms, the grazing management plan, and any associated conservation or restoration plan.

The Wetland Reserve Program and the Healthy Forest Reserve Program added similar language. However, the GRP language appears to be more restrictive. We ask that the USDA omit the language in subsection 1415.10 (h) and replace it with language to clarify that the NRCS does not assert any interest in the generation of environmental credits such as carbon, water quality, biodiversity, or wetlands preservation on land enrolled in the program other than to ensure that activities performed by the participant to obtain these credits are not contradictory to the purposes of the program.

Farm Bureau supports the USDA's consistent program recognition that these credits are the property of the farmer, landowner, or the person who applied the conservation practices on the land, regardless of the federal funds invested. This is a critical issue for the success of this program and any future private or government carbon credit programs. The IFBF supports inclusion of this language in the final rule.

**Conservation, Grazing Management Plans & Restoration Agreements**

The USDA proposes a number of changes and clarifications to definitions of and requirements for conservation plans, grazing management plans, and restoration agreements. The IFBF supports the use of the grazing management plan as the primary plan for GRP participants. No matter which of these are used, landowners operating under these plans or agreements should have assurance that they will not be found in violation of the Endangered Species Act or other federal or state environmental laws by implementing their requirements.

Also, controlling wildlife damage is a critical factor in maintaining the success of American agriculture. The final rule should include language that recognizes the lawful ability of landowners in these plans and agreements to remove trees, brush and wildlife that may be jeopardizing other agricultural or livestock enterprises.

On behalf of the more than 153,000 member families of the IFBF, thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Rick Robinson". The signature is written in a cursive, flowing style.

Rick Robinson  
Environmental Policy Advisor