Montana Fish, Wildlife & Parks

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Financial Assistance Programs Division
U.S. Department of Agriculture, NRCS
1400 Independence Avenue, SW., Room 5237S
Washington, DC 20250–2890.

Dear Sir or Madam:

Thank you for the opportunity to comment on interim rules for the new USDA Farm Bill Programs. Our comments pertaining to the final rules for individual programs follows:

EQIP:

- We strongly support the ability to continue Ranking Pools or Special Initiatives (Section 1466.20 B). In the past in MT, these Initiatives have effectively been used to address specific timely needs. These have also served as a type of pilot project that eventually are incorporated as operational components of EQIP.
- In Section 1466.23 Payment Rates c (iv), at-risk species should be listed as a conservation need where the State Conservationist can give higher priority for income forgone. Specifically, declining species are an important focus of society and EQIP. However, there is little economic incentive for landowners to manage for these species because of costs, which they cannot afford. Cost share and incentive payments would help agricultural producers further the conservation of these species.
- The Interim Final Rule requests comments on the definition of at-risk species that USDA has been using for implementing EQIP. We recommend that at-risk species should be determined in consultation with the State Wildlife Agency that is responsible for fish and wildlife.

WRP

- The 2008 Farm Bill limits participation of WRP to landowners who have owned the land for 7 years or longer. Congress also provided for NRCS to allow waivers to this time period. We recommend that waivers be granted where landowners purchased land for *agricultural purposes* but later discover an opportunity for enrolling a portion of the land into WRP. Waivers should also be granted for areas that contain at-risk species or areas where restoration would benefit these species.
- The WRP Interim Rule has placed greater restriction on the enrollment of riparian areas that either the law or past NRCS policy required. 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. We therefore request that riparian habitats 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 waiver this requirement when special circumstances support doing otherwise.
- The statute and Interim Rule provides for the pilot of a Wetlands Reserve Enhancement Program that allows grazing rights to be reserved to the landowner with a reduction in easement payment. This will be a very important tool in Montana 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, which has significantly deterred many traditional ranching operations from participating in the program. The majority of opportunities for WRP enrollment in Montana are on traditional working lands. Reserved grazing rights has the potential to greatly expand opportunities for program enrollment. 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. We further recommend that, if there are un-spent funds from WRP, they be re-directed into WREP proposals.
- The statute added enhancement as a program purpose. We applaud this addition since many wetland systems have been dramatically altered by dams and large drainage systems. Wetland restoration, protection and enhancement projects therefore need to make up for many values lost within the greater landscape. In landscapes suitable for enhancement beyond minimal restoration, this will help to compensate for functions and values lost within the greater landscape.

WHIP

- We commend NRCS's identified national priorities for WHIP as identified in the Interim Final Rule (i.e., Promote the restoration of declining or important native fish and wildlife habitats; Protect, restore, develop, or enhance fish and wildlife habitat to benefit at-risk species).
- The Interim Rule allows for the NRCS State Conservationist, in consultation with the State Technical Committee, to give priority to WHIP practices that address

unique habitats, or special geographic areas identified in a State. This will help focus resources, both staffing and funding, to maximize benefits where most needed. Montana Fish, Wildlife and Parks is willing to work with NRCS to achieve this end result.

- In some States, the stream bottom is often under jurisdiction of the state or federal government and according to the rule is not eligible for WHIP funding. However, these streams are integral parts of farming and ranching operations and provide critical habitat for many at-risk species. Private landowners have taken responsibility for management of these stream systems, which are critical to their agricultural operations. Instream habitat practices can often both benefit at-risk fish and other aquatic species and help protect the viability of the land for food and fiber production. We recommend that NRCS allow these stream systems to be eligible for cost-share when the landowner who operates agricultural operations within these landscapes is willing to participate.

GRP

- We commend NRCS for continuing to recognize the value of ***native*** grasslands in the Interim Final Rule. We recommend that that NRCS give priority to native grasslands for program eligibility.
- We commend NRCS for limiting wind power development on GRP easements. Though wind power is a valuable alternative energy source its footprint and associated disturbances can have adverse effects on biological diversity, a purpose of the program.

Sincerely,

Ken McDonald
Wildlife Division Administrator