

# Total Crop Management, LLC

Tom & Tracey Novak  
N3814 Jefferson Street  
Sullivan, WI 53178  
Phone & Fax (262) 593-2900  
E-mail: [tntfarm@execpc.com](mailto:tntfarm@execpc.com)

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2/27/04

Conservation Security Program Comments

Attn: David McKay

Conservation Operations Division

NRCS

PO Box 2890

Washington, DC 20013

Dear Sir:

I have worked as an Independent Crop Consultant with 25 growers on approximately 12,000 acres for the past 15 years. When the Conservation Security Program was announced a few years back I was impressed with the direction it was going to take our conservation initiative. However, after watching and participating in various conservation programs over the years I was extremely skeptical that the final rules would look anything like what was originally proposed. And to be blunt about it – I haven't been disappointed by the proposed rules as USDA has turned a potentially simple program into a muddled mess. The following are a few of my concerns with the proposed rules.

1- Fully fund the program:

With current national funding of only \$41 mil. for 2004 there are hardly enough dollars available to even call the accepted farms "pilot projects". Environmental benefits will be very difficult to show at less than 1 farm per county.

2- Limiting sign-up to the "best" producers is a poor choice:

These producers have already addressed the most pressing needs on their farms and they should be rewarded. However, it does not allow access to funds for other producers that are trying to attain the level of conservation that the "best" are at. The proposed rule will put these producers at a competitive disadvantage and that was not the intent of the 2002 Farm Bill. Too many producers will be left behind using this pick and choose method.

3- Sign-up process/periodic sign-ups:

It appears this will be a lengthy, time-consuming process that will discourage many from considering the program. Furthermore, due to the amount of material that must be put together to actually apply, if only periodic sign-ups are allowed a producer may miss the time frame allotted for the sign-up. I strongly encourage a continuous sign-up be allowed.

# *Total Crop Management, LLC*

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4- Limited sign-up to priority watersheds:

This discriminates against those outside of "priority" areas even if they have done an excellent conservation job so far or are in need of funding to address a pressing local need. Too many producers will be over-looked with this strategy.

5- Eligibility requirements:

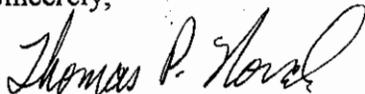
It is important that the money go to the person that is involved in the day to day conservation activities as stated in the proposed rules. My clients in SE Wisconsin cash rent 60-70% of the acres they farm. It is proposed that the producer have control of all land enrolled for the life of the contract (5 to 10 years). This is an unrealistic expectation as most producers have a difficult time obtaining a 3-year cash rent lease just to crop the land. Typically most producers have lengthy relationships with the people they rent from, but most land owners balk at a long-term written agreement. This control for the life of the contract will be a significant stumbling block in getting producers to sign up. A better approach may be to attach the conservation activities to the land base regardless of operator. If the land is signed up with certain conservation practices all future operators will have to follow what was started by the previous operator.

6- The CSP is non-trade distorting:

This program creates an opportunity to funnel more dollars to our producers for doing an excellent job protecting our natural resources without being looked upon as subsidizing commodity prices. This benefits all of society and I urge you not to overlook this important financial incentive for our producers.

Without adequate, meaningful funding and opening the application process to all producers as originally intended, this program will fail to meet its objectives. Unfortunately, failure has been the fate of most of the previous USDA programs and that has left most producers and crop consultants very wary and skeptical of new initiatives. You can only go back to the well so many times before it's dry.

Sincerely,



Thomas P. Novak  
NAICC Certified Professional Crop Consultant – Independent  
#0143

631

February 25, 2004

Conservation Operations Division  
Natural Resources Conservation Service  
ATTN: Conservation Security Program  
P.O. Box 2890  
Washington, DC 20013-2890

To Whom it May Concern:

Thank you for providing public comment on the USDA's proposed rules for the Conservation Security Program. However, the proposed rules for the CSP needs to eliminate the restrictions on participation in the CSP to a few "selected watersheds" and undefined "categories."

As a certified organic farmer, it is my view that the CSP should be a nationwide, accessible program, open to ALL farmers! CSP should allow farmers with USDA-approved organic certification plans under the National Organic Program to simultaneously certify under both the National Organic Program and CSP, if they meet the standards of both.

Also, the USDA's proposed rules fail to made adequate payments to farmers currently participating in effective conservation practices. It is my opinion that enhanced payments and NOT cost-share payments, should reward those farmers who participate in environmentally-beneficial systems. CSP payments should be set at the local rental rates based on land capability without the 90 % reduction proposed by the USDA!

Finally, your proposed rules should address managed rotational grazing and resource conserving crop rotations. Please be reminded that managed rotational grazing is recognized by scientists and farmers as an excellent way to protect our soil and water. Also, it has been scientifically proven that diversified crop rotations effectively build and improve soil while managing pests and reducing erosion.

Again, thank you for allowing public comment on the proposed rules. With genuine concern, I ask that the CSP be offered to ALL of America's farmers, especially certified organic farmers, to preserve our nation's natural resources for future generations.

Sincerely,

*Caroline Sullivan*

The Bridge Between  
4471 Flaherty Drive  
Denmark, WI 54208



Mr. Richard L. Kroger  
2067 530th St.  
Wood Lake, MN 56297

628

February 27, 2004  
507-768-3608

Bruce Knight, Chief  
Natural Resources Conservation Service  
Conservation Operations Division  
P.O. Box 2890  
Washington, D.C. 20013-2890

Dear Mr. Knight:

I am submitting the following comments for you to consider during finalization of the Rule for implementation of the Conservation Security Program (CSP). Your utilization of these comments will ensure your meeting both the letter and spirit of the originating legislation. Before preparing these comments, I studied the enabling legislation to gain an appreciation for the law as passed by Congress and signed by the President. My general observation is that NRCS not only ignored the spirit of the law but also the letter of the law during preparation of the Proposed Rule.

The Final Rule must be written to specifically address at least the "letter" of the law. The CSP language is as straight forward and clear as a law can possibly be. There is no need for major interpretation of the language or what Congress wanted. This makes writing the Rule very easy for NRCS. Just write the Rule to fit the law.

Writing the Proposed Rule to only fit fiscal year 2004's funding cap was a major blunder on the part of NRCS. It wasted not only your valuable time but that of everyone, like me who now

If NRCS had written the rule to fit the law, all you would have had to do to address the 2004 funding cap would be to add a short supplement at the end of the document about how the money would be fairly distributed to all the states.

The Final Rule must make the CSP available to all farmers and ranchers in all states. How prioritization is handled within each state should be left up to ~~the~~ <sup>your</sup> State Conservationists. The "priority watershed" method just effectively makes the CSP unavailable to over 95 percent of the farmers. If this is your intent, job well done.

The Final Rule must make CSP available to farmers who do not currently meet national standards for soil and water quality. Reward those who already meet standards first. After this group is signed up, then sign those farmers up who will begin meeting standards by participating in CSP. This is within the letter of the law and it certainly the entire basis for the spirit of the law.

The Final Rule must be written to address CSP for what Congress intended it to be, a conservation entitlement program. If Congress chooses in the future to put annual funding caps on CSP, NRCS can adjust just like it now does for all other national farm conservation programs. The basic Final Rule must always be written to fit the law. When this is done, modifications to fit annual variations are easily addressed.

The Final Rule must address a fair and equitable system which provides money to each state each year. This could be based on the total number of farmers <sup>and ranches</sup> in each state, the total acreage of agricultural land in each state, a combination of both parameters, or some other system. Regardless what system is used, each state must receive some money each year so the CSP becomes available, at least for observation and evaluation, as a potentially valuable process for encouraging farmers/ranchers to achieve national quality criteria for soil and water.

The Final Rule must be made as "farmer friendly" as possible and yet allow meeting of soil and water standards. Punitive language about requiring refund of past payments with interest should be restricted to blatant violators of the program, not those, through no fault of their own, lose some rental land. For those who rent land, near 100 percent of active farmers in my area, a simple handwritten lease agreement should be adequate for CSP payments on these lands.

The Final Rule must replace the Base Payment formula of the Proposed Rule with that of the law. Your current rationale may sound good on paper but will be a total failure when evaluated in terms of societal benefits achieved as a result of CSP implementation. Also, pasture land which was converted from cropland during the last 20 years or so should be paid for at the same rate as if it were still cropland. NRCS cannot allow itself to continue penalizing the "best."

The Final Rule must be written in such a manner that <sup>Best</sup> ~~the~~ slightly larger than averaged sized operations <sup>in each state and/or region</sup> can be expected to reach the maximums Tier II and III payment levels. This will not only reward the "Best" but it will serve as an achievable goal for others to ~~achieve~~ pursue and supply society with the benefits associated with meeting national quality criteria for soil and water.

In summary, NRCS has the "opportunity" to provide the American People, the taxpayers, with the best ever farm/ranch land conservation program which will not only provide unlimited societal benefits but will result in perpetual improvement in future farm/ranch conservation practices on working lands. The proposed rule was a dismal failure in even addressing this "opportunity." Hopefully, NRCS can rise up out of its partisan political quagmire and write the Final Rule to achieve this first ever "opportunity" and to allow CSP to become the future cornerstone of subsequent Farm Bills. NRCS has the choice of enhancing something good, the CSP law, or destroying it.

Sincerely,

Richard L. Kroger

Conservation Security Program Comments  
ATTN: David McKay  
NRCS Conservation Operations Division  
P.O. Box 2890  
Washington, DC 20013

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Matthew Vrah  
ES866 Weber Rd  
Viroqua, WI  
54665

To whom it may concern:

I am writing about the Conservation Security Program (CSP). I am a part-time farmer and would like to see the CSP implemented as a nationwide program. All farmers who are willing should be able to participate in conservation programs, not just those in designated areas.

I also believe that the current payment schedule is not adequate to motivate enough producers to participate in the program. Additionally, pastureland should receive equal payments to cropland.

As a small producer who does not raise commodity crops, I am tired of seeing the land degradation caused by my neighbors who are not practicing good land stewardship and are being propped up by government payments to raise corn and soybeans in an area where different crop rotations are needed to decrease soil erosion.

Full implementation of the original CSP as passed by Congress would benefit small, responsible farmers like myself instead of funneling more money into commodity programs.

Conservation Security Program Comments  
ATTN: David McKay  
NRCS Conservation Operations Division  
P.O. Box 2890  
Washington, DC 20013

I am writing to suggest important changes to the USDA's proposed rules for the operation of the Conservation Security Program (CSP). I support the CSP as a nationwide conservation program focused on working farmlands and which would reward the best, and motivate the rest. As intended by Congress, the CSP should be open to all farmers in the U.S. practicing effective conservation.

First, USDA should issue a supplement to the rule, which would be open for public comment for 30 days. This should be done immediately to fix major problems with the proposed rules issued on January 2, 2004, which are not consistent with the law authorizing the CSP nor with the funding allocated by Congress making CSP an uncapped national entitlement program.

In addition,

1. USDA's preferred approach in the proposed rule would severely and unnecessarily prevent most farmers from gaining access to the CSP. USDA must adhere to the law, and to the recently appropriated full funding of CSP by Congress, and make CSP available nationwide to all farmers practicing effective conservation. The USDA needs to get rid of the idea of restricting sign-up for CSP to a few selected watersheds and undefined categories.
2. The USDA's proposed rules fail to make anywhere close to adequate payments for environmental benefits being produced by farmers currently practicing effective conservation. The best way to secure the vital conservation of our soil and other resources is to recognize and reward it when and where it is being done. Paying the best practitioners for results is sound economics and smart policy, providing both reward and motivation. CSP base payments should be set at the local rental rates based on land capability without the 90% reduction proposed by USDA. Enhanced payments should reward the most environmentally-beneficial systems and to the maximum extent possible pay for results. The enhanced payments should not be treated as cost-share but rather as real bonuses to reward exceptional performance.
3. CSP needs to recognize and reward resource-conserving crop rotations and managed rotational grazing as proven conservation farming systems that deliver environmental benefits to society. Both are specifically mentioned for enhanced payments in the CSP statute. The final rule should highlight substantial enhancement payments for these systems, as well as payments for management of existing practices.
4. USDA should not penalize farmers for shifting former cropland to pasture as part of a managed grazing system. Former or potential cropland that is pastured and put into a managed rotational grazing system must receive equal payment rates to other cropland, and not the lower rate of pastureland. The rules should establish base payments based on NRCS land capability classes, not current land use.
5. CSP should allow farmers with USDA-approved organic certification plans under the National Organic Program to simultaneously certify under both the National Organic Program and CSP, if they meet the standards of both. No need to tie farmers up in red tape.

Sincerely,

 (Sara E. Martinez)  
E5866 Weber Road  
Viroqua, WI 54665

(Additional comments on back)

## Additional Comments:

1. NRCS is seeking comments on the idea of a one-producer, one-contract approach to CSP contracts, as a way to provide the fairest treatment of all producers and to guard against program fraud and abuse. Do you agree with this approach? Do you agree that all CSP payments should also be attributed to real persons (not various corporate or business entities)? And do you agree that the payment limits set in the law (\$20,000 per year for Tier 1, \$35,000 per year for Tier 2, and \$45,000 per year for Tier 3) should be maintained?
2. NRCS is proposing that CSP contracts in general not be renewable, except in special circumstances. The law, on the other hand, leaves it up to the farmer to decide if he or she wants to renew the contract, and USDA would renew unless the farmer was not fulfilling the contract. Do you agree that CSP contracts should be renewable, as part of an ongoing program, and not limited to one-time contracts?
3. Your additional comments on CSP and the USDA s proposed rules:

Name (if not signed on front): \_\_\_\_\_