

Attn: LSP

Aitkin County Farmers Union

President: Markell Vogt, 927-2215
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Mr. David McKay
Conservation Operations, NRCS
PO Box 2890
Washington, DC 20013-2890

Mr. McKay:

The Conservation Security Program (CSP), if implemented in accordance with the intent of Congress, will reward good stewards of the land for their conservation efforts. It will give the taxpaying public good value for their farm support dollars by ensuring that soil, air, water, and wildlife resources are conserved.

The Farmers Union of Aitkin County, Minnesota, wishes to go on record in support of full implementation and uncapped funding for the Conservation Security Program (CSP), as was intended by Congress in the 2002 Farm Bill. We want to encourage you to issue a revised proposed rule soon, so that enrollment in the CSP can begin this year.

We hope to see nationwide implementation of the program, rather than a pilot program restricted to a few targeted areas or a few classes of producers. The current commodity programs for corn, wheat, and so on are open to all areas of the country where a given crop can be grown. Support for conservation should be alongside support for commodity production, nationwide.

We want to see the program open to any farmer willing to farm according to CSP rules, rather than just those who have already met a high standard of conservation. The more farmers that are encouraged to adopt conservation practices, the better off our natural resource base will be. We also hope to see stewardship incentives that make it financially worthwhile for farmers to enroll in the CSP.

The CSP has tremendous potential to both enhance stewardship of our nation's natural resources, and to help farm families remain in their communities, which in turn would help rural communities flourish. Please issue a revised proposed rule!

Regards,
Jane Grimsbo Jewett, on behalf of Aitkin County Farmers Union
54852 Great River Road
Palisade, MN 56469



DUCKS
UNLIMITED,
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NATIONAL HEADQUARTERS

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February 27, 2004

David McKay, Conservation Planning Team Leader
Conservation Operations Division
Natural Resources Conservation Service
P.O. Box 2890
Washington, DC 20013-2890

RE: Conservation Security Program

Dear Mr. McKay:

Ducks Unlimited, Inc. (DU) has been and continues to be a partner and Technical Service Provider for the various NRCS conservation programs that were authorized in the Farm Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002. As such, DU appreciates the opportunity to comment on the Proposed Rule for the Conservation Security Program (7 CFR Part 1469) that was listed in the Federal Register on January 2, 2004. The Conservation Security Program (CSP) looks to be a potentially valuable addition to the Natural Resources Conservation Service's (NRCS) conservation toolbox. While the CSP is important, it should not be implemented at the expense of the already proven conservation programs (i.e., CRP, WRP, GRP) that continue to provide great environment benefits.

DU is an international wildlife habitat conservation organization supported by over one million members and volunteers. DU is dedicated to conserving, restoring, and managing wetlands and associated habitats for North America's waterfowl; these habitats also benefit other wildlife and people. Since 1937, we have been working with federal, state, and private partners to achieve these shared natural resource goals. DU has a long and valued history of working with and providing conservation services for farmers, ranchers, and other private landowners in conjunction with NRCS and the Farm Service Agency (FSA).

DU delivers an abundance of wetland and wildlife habitat projects across North America. Our involvement with NRCS and FSA includes Wetlands Reserve Program (WRP), Wildlife Habitat Incentive Program (WHIP), Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP). The DU network of trained, experienced and dedicated

biologists, engineers, agronomists, hydrologists and other conservation specialists are working across the United States landscape to implement crucial Farm Bill conservation programs.

DU understands the difficulties of delivering a capped entitlement program and agrees with NRCS's approach to reward the agricultural operators who meet the highest standards of conservation and environmental management to achieve the greatest benefits for the limited funds of this program. DU provided comments last April relative to the Advanced Notice of Proposed Rulemaking (ANPR) for the CSP. Therefore, the comments that follow are issues that were not addressed in the Final Rule, or are issues that have surfaced because of the language contained in the Proposed Rule.

The comments in this letter are divided into two sections. The first section (Overall Comments) includes comments that relate to the entire Proposed Rule and are global in nature. The second section (Section Specific Comments) has comments that are specific to particular sections noted.

Overall Comments

Limit sign-ups: Conducting periodic sign ups seems to be a prudent approach to implementing CSP since limited staffing requires concentrating the workloads to designated periods.

Eligibility Criteria: By focusing eligibility for Tier I and II on addressing soil and water quality, the proposed rule is not following the intent of the Farm Bill in giving equal weight to soil, water, air, plant and wildlife resource concerns. To be consistent with the Farm Bill, NRCS should revise eligibility criteria to require that operators meet minimum criteria for one of these five resource concerns to be eligible for Tier I and II and not single out soil and water. In particular, wildlife resource issues, especially migratory bird populations are national resource concerns.

While watersheds may offer a useful planning and implementation framework, designation of priority watersheds should not be limited to soil and water resource concerns. Plant and wildlife priority areas identified through national partnerships such as the North American Waterfowl Management Plan, the U.S. Shorebird Plan, Partners in Flight, etc. should be overlaid with soil and water quality priorities to identify watersheds that contain the greatest collection of priority resource issues stated in the law.

Contract requirements: Wildlife concerns are as nationally significant as water and soil quality and consistent with the law. Wildlife resource concern should carry equal weight in qualifying producers for Tier I and Tier II.

Ducks Unlimited agrees with giving funding priority to producers who are willing to undertake enhancement activities in order to receive maximal resource benefits from the program. States should have the flexibility to determine regional resource concerns including wildlife and native plant species priorities.

Prioritize funding: In the case that an enrollment category can not be fully funded, Ducks Unlimited favors not funding that category at all and reserving funds for a future sign-up to avoid problems with arbitrary assignment and pro-rating payments.

We favor a method where the local land rental rates only account for a small portion of the base payment to producers. This method would prevent any bias towards states with high land values. Also, by directing more payments towards environmental practices, the cost of which vary much less across state and county lines, payments would be more consistent with the level of conservation achieved.

CSP in relation to other NRCS programs: While Ducks Unlimited is very interested in the potential for CSP to create another opportunity to enhance conservation on agricultural lands, we are steadfast in our belief that implementation of CSP should not occur at the expense of other proven conservation programs such as CRP, WRP, and Grassland Reserve Program (GRP). The focus of CRP, WRP, and GRP on solving critical resource concerns and providing additional products to producers and the American public through clean water, improved soil quality, clean air and healthy and robust wildlife populations is vital to our nation. The addition of CSP to supplement the resource gains through these other programs adds value to these resource gains, but it should in no way be seen as a potential replacement for the high levels of resource conservation achieved through these proven programs.

We encourage NRCS to explore the use of TSPs to certify Conservation Security Plans, especially in resource fields like wildlife and fisheries and native plant community management. NRCS should not be expected to build staff expertise in these resource areas, but instead to make use of the well-qualified professionals in cooperating agencies and non-governmental organizations.

In order to increase the contribution of CSP in addressing wildlife habitat management and development, we encourage NRCS to use existing wildlife conservation plans such as the North American Waterfowl Management Plan, the U.S. Shorebird Plan, Partners and Flight, etc. to help prioritize watersheds. By seeking this overlap, these conservation plans and partnerships can help bring additional resources to producers to address resource concerns on their lands and achieve higher levels of stewardship within CSP.

Ducks Unlimited applauds the efforts of NRCS to study the effectiveness of conservation practices implemented under CSP. This expenditure of funds is important to verify that perceived conservation benefits are indeed being achieved. In measuring wildlife responses, we encourage NRCS to gather data on population vital rates as opposed to just species presence or absence. Wildlife species can be found in specific cover types that do not provide the resources to maintain or grow populations. For example, predation rates can be very high in small blocks of habitat and just because species are found there, it does not necessarily mean they are achieving weight gain, threshold nest success, or increased survival.

In accordance with the comments on the ANPR for CSP, NRCS should place special emphasis on management actions that preserve or restore native prairie habitats. These habitats are

declining across many parts of the country and grassland-nesting birds have experienced steeper and more sustained declines than any other species group. Producers should be rewarded for not plowing native prairie and for placing permanent conservation easements on remaining native prairie within their operations.

Section Specific Comments

Section 1469.4 Significant Resource Concerns: As previously stated, Ducks Unlimited does not believe significant resource concerns should be limited to water and soil quality. Wildlife populations, especially migratory birds, are a significant resource concern to many Americans. NRCS should use existing national wildlife management plans such as the North American Waterfowl Management Plan, the U.S. Shorebird Plan, and Partners in Flight among others to help identify priority watersheds and management practices to increase the leveraging and resource benefits of CSP.

Section 1469.5 Eligibility Requirements and Selection of Funding Priority Watersheds: As previously stated, watersheds may be useful as a planning implementation tool, but they should not be prioritized solely based on water and soil quality. Wildlife and native plant conservation priorities should be used to help identify priority watersheds.

We recommend that 50% of the applicable enhancement practices be adopted in order to qualify producers for Tier III payments, and that enhancement payments are elevated when higher percentages of enhancement practices are implemented.

Also, “noncropped areas, wetlands, and riparian areas” should be included when they are part of an operators eligible land area for the payment purposes for cropland, grassland, prairie land, and rangeland as well as forestland that are an incidental part of the agricultural operation. Land with wildlife values should not be at a disadvantage.

Section 1469.6 Enrollment Categories: We recommend wildlife habitat condition be included in the determination of enrollment categories. This can include the presence and protection of wetland areas as well as adjacent grassland areas such as nesting and cover areas for wildlife. It should also include adoption of a fall-seeded winter cereal into a no-till crop rotation to provide habitat for grassland nesting birds.

Section 1469.7 Benchmark Condition Inventory and Conservation Security Plan: We encourage NRCS to use qualified TSPs to verify resource concerns being addressed that are beyond the scope of NRCS staff expertise. This should include qualified wildlife biologists to certify wildlife enhancement practices.

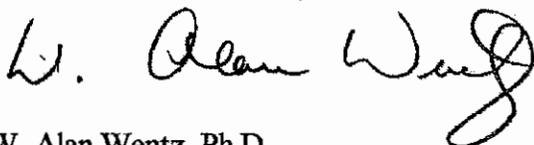
Section 1469.23 Program Payments: We support the discounting of base payments determined by rental rates. This will reduce the impact of regional differences in land values on overall program funding and focus funds on adoption of practices, which tend to be less variable across

state boundaries. It will also help ensure that maximum conservation benefits are achieved for program funds.

On behalf of Ducks Unlimited, Inc. and its staff and volunteers, we look forward to working with NRCS in the implementation of the Conservation Security Program. Please contact Mr. Vaughn Collins at 202-347-1530 if you have any questions regarding these comments and recommendations.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "W. Alan Wentz". The signature is written in black ink and is positioned above the typed name.

W. Alan Wentz, Ph.D.
Group Manager of Conservation Programs

681



March 1, 2004

To: Mr. David McKay

From: Mr. Jeffrey Case

**Subject: Syngenta Crop Protection Comments on Conservation Security Program
Proposed Rule Federal Register Notice (Volume 69, Number 1): 194-224
(January 2, 2004) 7 CFR Part 1469**

Syngenta Crop Protection, Inc., is an international producer of crop protection products that are used by growers on a wide variety of crops grown in the United States. It is part of our company's stewardship policy to promote practices that are beneficial to the environment. The Conservation Security Program rewards growers that have invested in farm improvements that have been determined to provide the most significant environmental benefits. We strongly support this and other USDA programs that compensate growers for these proactive efforts to provide additional safeguards against off-site movement of agricultural inputs. Therefore, we encourage the agency to enact the proposed rule and offer the following comments of support and suggested modifications.

We commend the agency for having the foresight to create a long-term program that rewards growers for voluntary stewardship activities already undertaken, as well as practices committed to for the future. The following are some general comments on various aspects of the proposed rule:

- Section 1470.4 & 5 - The idea of targeting the program at selected priority watersheds nationwide puts limited resources where they will result in the greatest benefit to our nation's water supply. Although the process outlined in the proposed rule for prioritizing and identifying these priority watersheds is a good first cut, we would encourage the NRCS to work closely with the State Technical Committees to insure those watersheds that are eligible are based not only on vulnerability criteria but also actual monitoring results.
- Section 1470.6 - We are in favor of the concept of including all applicants that qualify within a given watershed, as opposed to a bid or selection process. We also feel that Tiers I through III should be funded at the prescribed levels, as opposed to giving preferential inclusion to Tier III.

- Sections 1470.7 & 8 - The water quality practices that are part of the contract requirements, including conservation tillage, filter strips, terraces, grassed waterways, pesticide management practices, etc. have all been proven to contribute to improved water quality. There should be enough flexibility in the required practices to allow for selecting the most desirable practices based on specific local conditions.
- Section 1470.9 – Syngenta supports the use of Technical Service Providers (TSP) as an entity in implementing CSP.
- Section 1470.21 - Syngenta supports the tiered levels of eligibility and agrees that certain practices should be in place, or committed to in order for a grower to participate in the program. The concept of making this commitment over a long period of time (5 to 10 years) is also positive.

The CSP is a new and innovative program that has the potential of being an effective tool in achieving desirable water quality standards in agricultural areas. As producers are rewarded for putting practices into place, it will potentially help them reduce regulatory burdens, while keeping a wide variety of production tools available. In addition to providing growers with immediate incentives for implementing positive practices, it preserves valuable land in the most productive parts of states. We applaud the Administration and Congress' actions in dramatically increasing the funding for producers through this and other conservation programs. We encourage the NRCS to finalize this rule so the appropriations can be put to immediate use. We also encourage identifying administrative aspects of the program that can be streamlined, so that implementation does not become a deterrent and is less cumbersome to producers.

Sincerely,



Jeffrey L. Case
Corporate State Affairs Lead