



CALIFORNIA FARM BUREAU FEDERATION

NATIONAL AFFAIRS & RESEARCH DIVISION

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August 15, 2006

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Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

RE: COMMENTS ON HEALTHY FOREST RESERVE PROGRAM

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation that’s purpose is to protect and promote agricultural interests throughout the State of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing over 88,000 farm families and individual members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

The California Farm Bureau Federation (CFBF) is pleased to offer these comments in support of the Healthy Forest Reserve Program (HFRP). CFBF concurs with the comments submitted by the American Farm Bureau Federation.

California is on the leading edge of regulatory requirements, species protection, and resource consciousness. California faces very different resource issues than the rest of the country. California’s large population combined with our agricultural land base creates a unique dynamic. Farm Bureau believes California foresters and other forest ecosystem landowners can effectively use this program to benefit the environment and species, as well as their agricultural operations.

The purpose of this program is to assist landowners in restoring and enhancing forest ecosystems to: promote the recovery of threatened and endangered species; improve biodiversity; and enhance carbon sequestration. Farm Bureau appreciates HFRP’s recognition of the role of utilizing common management practices on working lands. We also believe the incentive-based approach of providing financial support to landowners to restore and enhance forest ecosystems will be more successful than any prescriptive regulation.

The HFRP represents the kind of inter-agency integration of conservation programs that is essential to make efficient use of cost-share dollars and to implement conservation practices effectively on the ground. The HFRP embodies the principles of Executive Order 13352 with regard to “cooperative conservation” involving the collaboration of

federal agencies in conservation programs. We therefore believe this program has significance far beyond the purpose for which it was established.

Following are some specific comments on various aspects of the proposal:

1. Active Land Management.

Farm Bureau supports the recognition this program provides for active land management to restore forest health and sustain biodiversity and habitat, as well as increase carbon sequestration and improve air quality. Even the easement options provide for the active management of the land. In most cases, experience has shown that lands actively managed for species do better than lands set aside with little or no management. Forest restoration and species habitat enhancement require hands-on implementation of land use practices that achieve the goals of the program.

2. Landowner Involvement.

The notice, 70 FR 28547, acknowledges that “because many species occur primarily or exclusively on privately owned property, NRCS believes it is critical to involve the private sector in the conservation and recovery of these species.” Farm Bureau agrees completely with this statement, and can attest to the fact that foresters, farmers, and ranchers regularly engage in conservation and restoration efforts on their lands.

3. Landowner Protections.

The legislation requires NRCS to make available “safe harbor or similar assurances of protection” to participating landowners.

We support the use of all landowner protections available under the ESA to the maximum extent practicable in the implementation of this program. Safe Harbor Agreements, Candidate Conservation Agreements with Assurances, Incidental Take Statements, No Surprises—these and other protections should be fully available to participating landowners. The availability of these protections will provide attractive incentives for landowners to participate, and will allow landowners to conduct habitat enhancement projects without fear of unwittingly violating section nine take prohibitions.

It is particularly important that participating landowners not be required to undergo a section seven consultation with regard to every activity carried out in accordance with the terms of their agreements or easements. A single consultation between NRCS and the wildlife agencies should be sufficient to encompass activities that would be undertaken by individual landowners pursuant to their agreements.

4. Enrollment Criteria, Ranking and Selection.

NRCS indicates that enrollments may be given priorities on the basis of regional forest ecosystems, or other basis. The act provides some flexibility to NRCS in the selection of enrollments. With the limited acreage available in the reserve (up to two million total acres), the lands and ecosystems subject to enrollment must be carefully chosen.

“Forest ecosystems” include more than just lands with trees on them. They can include rangelands and other lands that are integral parts of a forest ecosystem and vital to the habitat of species or the enhancement of biodiversity and carbon sequestration. These lands should be eligible for inclusion in the HFRP to the same extent that areas covered with trees might be.

The rule requires that eligible property must have access from a public road. We are concerned about how this eligibility criterion will be uniformly applied, since everyone takes a public road at some point to get to their property. More importantly, we are concerned about this qualification itself. Secluded areas often provide some of the best habitat and other environmental benefits because of their distance from public roads and activities. We would encourage NRCS to remove this eligibility requirement.

Selection of regional forest ecosystems also requires, to some extent, the development of regional criteria and ranking procedures. Funds would be distributed on a regional basis and projects must be evaluated regionally instead of at the state level. Projects in a regional enrollment must be judged on the same criteria without state variations. In this regard, we suggest that affected state conservationists develop a uniform set of ranking criteria for a particular regional enrollment.

5. Technical Assistance Requirements Should be Coordinated Among Agencies.
Technical assistance provided by NRCS, FWS, or NOAA must be consistent with the methods and practices of the other agencies. Coordination between and among agencies is essential in order for technical assistance provided by the one to be accepted by the agency administering its program.
6. The Term “Consultation” As Used in the Rule is Confusing and Should be Changed.
The rule defines the term “consultation” or “consult with” to mean, “to talk things over for the purpose of providing information, to offer an opinion for consideration...” The term “consultation” under section seven of the ESA is a term of art that has a long-standing and defined meaning. It will be confusing for the rule to use one term with two different meanings.

In this case, the ESA definition of “consultation” is the more established and understood definition. It has been part of the ESA since its enactment in 1973. NRCS should consider using another term. We realize that the term is used in the statute, but suggest that another term, such as “confer,” be used in the rule.

7. There Should be No “Quotas” for Each of the Enrollment Options.
The HFRA provides three enrollment options for eligible lands in the Healthy Forest Reserve program: 10-year restoration agreements, 30-year easements and easements of up to 99 years. The act provides different payment and cost-share formulas for each option.

We are pleased that the program does not set any quotas for any of the options. Landowners and land use types within forest ecosystems may prefer one or other of the

options and they should have the latitude and flexibility to choose the option that best fits their operation. For example, forested lands may be more amenable to the 30- or 99-year easement options, while a working farm or ranch within the forest ecosystem may prefer the 10-year agreement (Farms and ranches are part of forest ecosystems and should be eligible for participation in the HFRP if they meet the eligibility criteria). Landowners should not be denied enrollment opportunity because of their choice of option.

We are pleased that the program is not so rigidly structured that it mandates a certain percentage of enrollment acres in each category, allowing the program to flow with the types of options chosen by the landowners. We hope that the agency will not internally adopt “informal quotas” that might limit the application of the program.

For 10-year contracts, the program properly allows land users who are not the owner to participate. Easements are different, since they involve transfer of a property right that can only be done by the owner of the land. Regarding the deed form to be used for easements, Farm Bureau recommends using the Grasslands Reserve Program (GRP) deed form, versus the Wetlands Reserve Program (WRP) form. The GRP model provides more flexibility for landowners to achieve environmental benefits on working lands.

We look forward to the implementation of this program because of its value and contributions to conservation in the present and its value as a template for future cooperative conservation programs among different federal agencies and programs. We look forward to assisting the agency in promulgating rules and working cooperatively with FWS and NOAA Fisheries to develop a program that will effectively incorporate the goals of the ESA, Healthy Forests, biodiversity and carbon sequestration.

California Farm Bureau appreciates the opportunity to provide comments on this proposed directive.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Elisa Noble".

Elisa Noble
Director
National Affairs