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February 11, 2004

Bruce I. Knight, Chief
Conservation Operations Division
Natural Resources Conservation Services
PO Box 2890
Washington, DC 20013-2890

Dear Chief Bruce I. Knight:

Clean Up the River Environment (CURE) prepared the following comments for your consideration in finalizing the Proposed Rule for the Conservation Security Program (CSP) (7CFR Part 1459).

CURE has been actively working for over 5 years to help implement a working-land farm conservation program that would reduce agricultural associated water pollution in the Upper Minnesota River Watershed. We held Minnesota River Watershed farmer input meetings during 1999 and 2000 to gather their recommendations about what practices they could implement to keep more soil, fertilizers/farm chemicals and fecal coliform bacteria on their working lands and out of our rivers, lakes and wetlands and how large of incentive payments it would take to get them and 50 percent of their neighbors to implement those practices.

CURE compiled the farmer's recommendations from these meetings and submitted them to Congressman David Minge for consideration in creating/supporting legislation for rewarding farmers who protect their soils and help clean up our polluted rivers and lakes. Congressman Minge met three times with CURE, other interested groups, and the public and formulated a coordinated plan which culminated in his introducing the Conservation Security Act (CSA) in the House during October, 2000. Senator Harkins did the same in the Senate.

As you know, that original CSA survived verbatim to become the CSP part of the 2002 Farm Bill. CURE and many other like-minded groups worked long and hard to ensure passage of the CSP, and we expect the Natural Resources Conservation Service (NRCS) to promulgate a Final Rule which fully meets the intent and letter of that law.

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Farmers and ranchers who are not currently achieving minimum quality criteria for soil and water must be allowed to participate in CSP after all those, who are currently meeting soil and water goals and wish to sign up, have had a chance to do so. The rule should be stringent but sufficiently helpful to ensure that the second group can achieve the soil and water minimum quality criteria in a timely manner. As currently written, the Rule is so restrictive that only a very small percentage of farmers and ranchers will qualify, and the program will die from apparent lack of interest. This was not the intent of Congress or the Law.

Another glaring disincentive is NRCS's proposal to only fund CSP in specific small watersheds selected in Washington, DC. The CSP law was passed to allow all farmers equal opportunities to participate in the program. This cannot be achieved unless every state is provided its fair share of CSP funding each year. State conservationists must be given full responsibility for making the determinations on how to best distribute the money in their states to achieve maximum soil and water benefits. This is the only way to move the selections process out of the political arena of Washington, D.C. and into that of an objective, local, science-based process.

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Page 220, Column 2, Paragraph 1 (c) (2): See previous comments on Page 212, Column 2, Paragraphs 3, 4 & 6 about the addition of another significant resource concern during the contract period for Tier II qualification.

Page 221, Column 1, Paragraph 1, (f): The law says contracts for Tier II and III are renewable. There needs to be strong justification to make the Rule more restrictive than the law. Non-renewability of Tier I and Tier II contracts could be useful to provide an incentive for participants to pursue automatic renewal at the next higher Tier and/or to give other new CSP applicants a better chance if funding caps occur. Cooperative Tier III participants should be given the automatic chance to go through at least two contract periods. The lack of a renewability clause could serve as another disincentive for farmers and ranchers to expend significant funds to initially apply for CSP Tier II and III participation, especially if only 5-year contracts are allowed.

Page 221, Column 2, Paragraph 7, (a) (2) (v) and (3): See Previous comment (Page 213, Column 1, Paragraph 3) about the calculation of base rates relative to enhancement payments and above average sized cohesive units being reasonably able to achieve full Tier II and III payment limits through implementation of enhancement activities.

Page 222, Column 3, Paragraph 6, (d): See previous comments, (Page 213, Column 3, Paragraphs 1 & 6) about the Rule exceeding the law relative to repayment when operators lose control of CSP contract land through no fault of their own.

In summary, the Final Rule must be written to (1) specifically address the CSP law as an entitlement program without funding caps, (2) allow producers, who are not currently meeting minimum soil and water performance standards, to sign-up for CSP as a mechanism to achieve those standards in a timely manner (3) allocate CSP funding to all states in a fair manner and allow State Conservationists to prioritize distribution of those funds, (4) make it as farmer friendly and environmentally beneficial as practical for each state, and (5) allow the CSP to succeed in all states and become the working-land cornerstone of future farm bills.

Thank you for the opportunity to comment on the Proposed Rule for the CSP. Please call or write me if you need additional clarification on our comment or have other questions.

Sincerely,

Dick Kroger

Brian Wojtalewicz

Dick Kroger
CURE Conservation Ag Advisor

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CURE Board Chairman

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Page 218, Column 2, Paragraph 1, (e) (1): The enabling legislation made CSP a national program that is to be available to all farmers. Limiting CSP to only watersheds selected in Washington, DC will effectively kill the program because most farmers will be automatically excluded from participation. Every state and territory should be given its fair share of the 2004 CSP funding to implement the program as the State Conservationists determine priorities, be it by watershed, counties, or regions under their jurisdiction. In subsequent years, without funding caps, every farmer who qualifies should be given the opportunity to sign up for CSP.

Page 220, Column 2, Paragraph 1 (c) (2): See previous comments on Page 212, Column 2, Paragraphs 3, 4 & 6 about the addition of another significant resource concern during the contract period for Tier II qualification.

Page 221, Column 1, Paragraph 1, (f): The law says contracts for Tier II and III are renewable. There needs to be strong justification to make the Rule more restrictive than the law. Non-renewability of Tier I and Tier II contracts could be useful to provide an incentive for participants to pursue automatic renewal at the next higher Tier and/or to give other new CSP applicants a better chance if funding caps occur. Cooperative Tier III participants should be given the automatic chance to go through at least two contract periods. The lack of a renewability clause could serve as another disincentive for farmers and ranchers to expend significant funds to initially apply for CSP Tier II and III participation, especially if only 5-year contracts are allowed.

Page 221, Column 2, Paragraph 7, (a) (2) (v) and (3): See Previous comment (Page 213, Column 1, Paragraph 3) about the calculation of base rates relative to enhancement payments and above average sized cohesive units being reasonably able to achieve full Tier II and III payment limits through implementation of enhancement activities.

Page 222, Column 3, Paragraph 6, (d): See previous comments, (Page 213, Column 3, Paragraphs 1 & 6) about the Rule exceeding the law relative to repayment when operators lose control of CSP contract land through no fault of their own.

In summary, the Final Rule must be written to (1) specifically address the CSP law as an entitlement program without funding caps, (2) allow producers, who are not currently meeting minimum soil and water performance standards, to sign-up for CSP as a mechanism to achieve those standards in a timely manner (3) allocate CSP funding to all states in a fair manner and allow State Conservationists to prioritize distribution of those funds, (4) make it as farmer friendly and environmentally beneficial as practical for each state, and (5) allow the CSP to succeed in all states and become the working-land cornerstone of future farm bills.

Thank you for the opportunity to comment on the Proposed Rule for the CSP. Please call or write me if you need additional clarification on our comment or have other questions.

Sincerely,

Dick Kroger

Brian Wojtalewicz

Dick Kroger
CURE Conservation Ag Advisor

Brian Wojtalewicz
CURE Board Chairman