



Saint Dominic Church & Priory
Order of Preachers

Dear Mr. McKay,

Please add this letter to those who are requesting that the Conservation Security Program:

1. be kept a nationwide one, available to all types of Producers in all regions of the country with all types of conservation objectives.
2. that it include farmers + ranchers willing + able to farm sustainably + to achieve high standards while in the program.
3. that the C.S.P. restore meaningful incentives - equivalent to the rates under the Environmental Quality Incentives Program + without the 90% reduction. Enhanced payments should reward as a real bonus for exceptional performance.
4. Lastly, please issue a supplemental or revised proposed rule without further delay.

Thank you very much,
Pascual Manelio Passarelli

CATHOLIC CHARITIES

Diocese of Sioux City

"Offering Hope, Healing & Understanding"

ATTN: DAVID McKAY

President
Most Reverend
Daniel N. DiMarzio, D.D.

TO: NRCS Conservation FAX NO. 202-720-4265
Operation Devotion

Executive Director
Jerry Eaton, L.M.S.W.

FR: Manor Principles FAX NO. 712-252-3785
Catholic Charities

DT: 2-13-04 NO OF PAGES _____
(Including this page)

Agency Clinical Director
Audra Cole, L.L.S.W.



Sioux City Office
Clinical Supervisor
Audra Cole, L.L.S.W.

Fort Dodge/Algona Offices
Catholic Social Services
Clinical Supervisor
Ariana Nicks, L.L.S.W.

Carroll/Storm Lake
Offices
Clinical Supervisor
Doreen Loeffelholz, L.L.S.W.

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A United Way
Member Agency


CATHOLIC CHARITIES
 Diocese of Sioux City
"Offering Hope, Healing & Understanding"

February 13, 2004

President
 Most Reverend
 Daniel N. DiNardo, D.D.

Executive Director
 Jerry Eaton, L.M.S.W.

Agency Clinical Director
 Audra Cole, L.I.S.W.

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Sioux City Office
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 Catholic Social Services
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 Ariana Woods, L.I.S.W.

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 Clinical Supervisor
 Doreen Loeffelholz, L.I.S.W.

NRCS Conservation Operations Division
 ATTN: David McKay
 Box 2890
 Washington, DC 20013

Dear Mr. McKay:

We are writing in reference to the proposed rules that will guide how the Conservation Security Program will be implemented.

Our agency serves 24 counties in northwest Iowa – all but one rural. We work with farmers in these counties who wish to farm sustainably and the rural communities which are dependent upon the farm system.

We offer three suggestions:

- 1) The CSP: should be open to all producers practicing effective conservation. There should be no geographic restrictions, no restrictions on conservation practices, and no restraints on which producers qualify.
- 2) High environmental standards should be retained, but allow farmers to achieve those standards while in the program.
- 3) Good payment rates are essential. The proposed rule adopts payment rates that are unacceptable. Adopt rates that are on a par with other USDA conservation programs.

Again, we urge the adoption of a revised rule and a full-scale program.

Sincerely,

Marilyn Murphy

Marilyn Murphy
 Social Concerns Facilitator/
 Rural Life Contact

MM/rr



A United Way
 Member Agency

*Carol J. [unclear]
Comments*

121

February 5, 2004

The Honorable Ann Veneman
Secretary, US Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Veneman:

The Wildlife Management Institute (WMI) appreciates the opportunity to comment on the Conservation Security Program (CSP) Draft Rule (RIN: 0578-AA36). The Wildlife Management Institute is a private, nonprofit, scientific and educational organization. It is committed to the conservation, enhancement and professional management of North America's wildlife and other natural resources.

Given the events of the past days with the Omnibus Appropriations bill, we suggest a revision to the proposal which removes the funding cap on CSP and returns the program to its full entitlement status. It is our opinion that a revised proposal needs to focus better on elements that are more in line with Congressional desires that also include wildlife and habitat enhancements along with soil and water objectives.

WMI believes that the Draft Rule took liberties beyond the original intent of CSP that was signed by the President in May, 2002. Our review indicates that the draft rule : 1) is not national in scope but has opted for a priority watershed process not intended by the legislation, 2) does not consider wildlife as a coequal objective of conservation enhancements but only focuses on water and soil), and 3) is not open to all private landowners but has limited it's eligibility standards). The process established by this Draft Rule has negated all public comment and it is difficult to understand how private landowners will react positively to a conservation program that has now been changed in function and intent. The educational effort alone to explain the differences between what was originally approved and what has been proposed will be immense and probably compromise the program before it gets off the ground.

Monitoring and evaluation efforts being proposed are based on a accountability system that currently seeks status of activities accomplished rather than results

contributing to desired goals/objectives. There is no established accountability process within NRCS that is governed by the philosophy of contributing to established goals and quantifiable objectives. We see no process to evaluate if the farmer meets the highest standards of conservation and environmental management when there is no program existing or proposed to monitor results from practices employed on the land currently.

In addition to the above issues we also want to give you some specific comments on Subsections of proposed rule.

Subsection 1470.3 Definitions--The proposal would authorize the State Technical Committees (STC) to determine which plant or animal species needs direct intervention to halt its population decline (at-risk species).

Concern--State fish and wildlife agencies and the US Fish and Wildlife Service (USFWS) share trust responsibilities for the management and protection of our fish and wildlife resources. Although personnel from these government agencies may serve as members of STC, there is no guarantee that the STC will seek or consider their advice.

Recommendation--Require concurrence with the USFWS and the respective state fish and wildlife agency for determination of at-risk species.

Subsection 1470.4 Significant Resource Concerns--As stated above wildlife is part of the coequal objectives of FB conservation programs.

Concern--Focusing only on soil and water quality is not consistent with the conservation purposes of the Farm Bill.

Recommendation--Include wildlife habitat protection, restoration and enhancement for at-risk species as a nationally significant resource concern.

Subsection 1470.5 (a) (4) (i)--Priority watersheds

Concern--Soil, water and wildlife are coequal objectives of the Farm Bill (focusing only on water and soil is inconsistent with the law). Requiring an applicant to address two significant resources of concern is not consistent with the law. In Tier 1 contracts they only have to address one significant resource of concern.

Recommendation--Require only one nationally significant resource concern to be addressed.

Subsection 1470.5 (a) (4) (ii)--Tier 2 requires CSP applicants to address soil and water quality concerns on their entire operation.

Concern--Focusing only on soil and water is not consistent with the conservation purposes of the Farm Bill, should also include wildlife..

Recommendation--Require applicants for a Tier 2 conservation contract to address one significant (soil, water or wildlife) concern on their entire agricultural operation.

Subsection 1470.5(b) and(c) (4)-- proposes that public land not be eligible for enrollment in CSP.

Concern--Federal and other public lands (such as those administered by the Fish and Wildlife Service, Forest Service, Bureau of Land Management and the States) that are part of a private agricultural operation are not eligible for enrollment in the CSP. Many of the private agricultural operations include leased or permitted use of federal or other public land, and these operations would not be viable without the resources available through those leases or permits. The leased or permitted use of those federal or public resources are integral to the agricultural operation and must be considered as part of the entire agricultural operation.

Recommendation-- For 1470.5 (b) authorize a sixth category of land that is CSP eligible. This category should include federal or other public land that is leased or under permit by the operator and is considered integral to the entire agricultural operation of the applicant.

Modify Subsection 1470.5 (c) (4) to make public land ineligible for enrollment into CSP, except when it is determined to be considered integral to the entire agricultural operation of the applicant.

Subsection 1470 (e) (1)--National Prioritized Watersheds

Concern--Inequities across the nation will result. Thus the distribution of payments (geography of payment) will create real and perceived inequities among private landowners, and reflect poorly on the program.

Recommendations--Rethink this concept and establish equity within the process. Hopefully with a supplemental program implementation can go back to the original program objectives established by Congress.

Thank you for your consideration of the comments and recommendations submitted. We welcome the opportunity to further discuss all or any part of those comments made with you and or your staff.

Sincerely,



Rollin D. Sparrowe
President

cc: Bruce Knight, NRCS Chief
David McKay, NRCS Conservation Planning Team Leader



STATE OF NEVADA
STATE CONSERVATION COMMISSION

333 W. Nye Lane, Room 126
Carson City, Nevada 89706-0857
Phone (775) 687-6977 - Fax (775) 687-3783

March 1, 2004

Mr. David McKay
Attention: Conservation Security Program
Conservation Planning Team Leader
Conservation Operations Division
USDA NRCS
P.O. Box 2890
Washington, DC 20013-2890

Dear Mr. McKay,

The Nevada State Conservation Commission, at its February 25, 2004 meeting, took action on how they believe the Conservation Security Program could best serve Nevada conservation efforts by landowners. We understand that the program and the funding for the program have changed significantly since its conception. Listed below is the input from the Commission outlining several comments we would like considered.

- Each state should receive funding for the program. If the program were to expand in the future, there is not an equitable way to determine the programs success by judging how it is utilized in any one region of the country or for that matter, in neighboring states.
- The program should be guided by locally led input if funds are allocated to the State of Nevada.
- If it is determined that a watershed be designated for utilization of any appropriations, the State Technical Committee should determine the watershed of use from input received from local working groups.
- Base rates for practices applied per acre should not be set as a national rate, but be determined by the locally led process with all of the varying factors taken into consideration.

- We question who would receive the payment for conservation practices that are being implemented on private land by a lessee. We would like to see some guidelines within the rules that would allow the lessee to receive the payment for the conservation practices he has implemented.

We view this program as having the potential of enhancing the conservation efforts here in Nevada. We strongly encourage funding for our state. We believe that locally led input should be utilized in guiding the program for maximum beneficial use. We thank you for your time and look forward to assisting you and your agency in implementing this program if called upon.

Sincerely,

James Settelmeyer /sg

James Settelmeyer, Chairman
Nevada State Conservation Commission

Cc: Ms. Livia Marquez, Nevada NRCS State Conservationist
Ms. Pam Wilcox, Administrator, Nevada Division of Conservation Districts
Nevada Conservation Districts
Nevada Division of Conservation Districts Staff

Minnesota Department
of Agriculture

Minnesota Department
of Natural Resources

For Your Files:

*This is a follow-up ~~copy~~ original
copy of the comments submitted
by fax on 3-2-04 at
approximately 10:45 Eastern Standard
time.*

March 2, 2004

Conservation Security Program
Attention: David McKay
NRCS Conservation Operations
P.O. Box 2890, Washington, D.C. 20015

Dear Mr. McKay,

We are writing to respond to the proposed rule for the Conservation Security Program (CSP). As a top agricultural state, Minnesota has a strong interest in CSP because it is an innovative program that promises to offer agricultural producers meaningful financial incentives and rewards for environmental stewardship on working farms. CSP will "keep working lands working" while benefiting soil, water, and wildlife in Minnesota and across the nation. Our comments reflect a unified perspective on the CSP proposed rule by the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and the Minnesota Board of Water and Soil Resources.

Most of our comments concern features of the proposed rule that are designed to limit the size and scope of CSP in response to a temporary cap on funding, which Congress has since removed. We urge USDA to issue a revised rule as soon as possible to reflect this change in funding status, which allows CSP to be implemented without these restrictive features starting in federal fiscal year (FY) 2005.

CSP Implementation in FY2004

The following comments apply only to CSP implementation in FY2004, funded at \$41 million nationwide.

- **State Pilot Projects.** In FY2004, instead of restricting the program to a handful of nationally selected watersheds, consider allocating funds to the states to conduct pilot projects that address national and state resource concerns. Funds could be allocated among the states equally or based on factors such as the number of farmers or acres of farmland in each state. Give State Conservationists ample flexibility to implement the pilot projects and require states to report on lessons learned, as input for developing CSP revised, supplemental, and/or final rules.
- **Watershed Prioritization.** If USDA does restrict the program to selected watersheds in FY2004 due to severely limited funding, then State Conservationists should be allowed to play a role in ranking the watersheds, with input from State Technical Committees.

CSP Implementation in FY2005 and Beyond

The comments below concern key features of the proposed rule that we recommend be changed when USDA writes the revised, supplemental, and/or final rules that will guide CSP implementation in FY2005 and future years.

- **Priority Watersheds.** CSP should be available to producers nationwide as of FY2005, when the funding cap is effectively lifted. We recognize that USDA may restrict the program to selected watersheds in FY2004, but strongly oppose continuing this approach in future years.
- **Enrollment Categories.** CSP should be available to all types of working farms, not just those that fit certain, as yet undefined "enrollment categories."
- **Sign-Up Periods.** The opportunity to enroll in CSP should be ongoing year-round (as for the Conservation Reserve Program Continuous Sign-Up).
- **Resource Concerns.** We support designating soil quality and water quality as nationally significant resource concerns, but also encourage allowing each State Conservationist to designate a limited number of additional state-level priority resource concerns, in consultation with the State Technical Committee.
- **Minimum Eligibility Requirements.** Requiring producers to have already met all soil and water resource quality criteria standards before enrolling in CSP would set the bar for eligibility too high. CSP should promote high environmental standards yet give producers who apply new practices a chance to achieve those high standards while enrolled—for example, by the end of the third year of the contract.
- **Conservation Practices.** Limiting the number of practices eligible for CSP cost-share runs counter to the program's goal of encouraging whole-farm conservation planning. Any NRCS-approved practice should be eligible (except animal waste transport and storage, as stated in the law), as long as it is appropriate to meet standards or enhance performance for designated resource concerns in a site-specific conservation plan.
- **Payments.** The proposed payment formulas are inadequate to provide meaningful rewards and incentives for good stewardship. We suggest: 1) Eliminating the part of the formula that reduces base payment rates by 90 percent, since the law already provides an effective reduction factor for each tier; 2) Increasing the cost-share rate to at least 50 percent, on par with other farm bill conservation programs; and, 3) Ensuring that enhancement payments to reward producers for additional effort and exceptional performance are substantial enough to constitute a bonus.

The remaining comments address a few of the specific questions distributed by NRCS at CSP listening sessions. Additional questions are being addressed in comments submitted by other Minnesota stakeholders.

- **Tenant Eligibility.** Most agricultural land in Minnesota is rented in short-term leases. The proposed rule would unfairly disqualify or limit participation in CSP by many conservation-minded producers based solely on their inability to show control of a parcel for the life of the contract. Rather than making such producers or parts of the land they rent ineligible for CSP payments, the rule should permit them to modify a CSP contract if a lease is lost through no fault of their own.

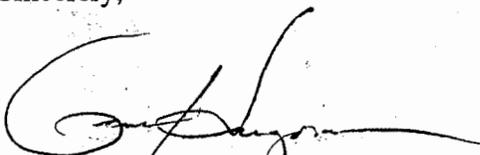
- **Changes in Land Use.** CSP participants should not be penalized by a reduction in the base payment if they convert cropland to pasture or other perennial cover to adopt a less intensive production system, such as prescribed rotational grazing—nor for maintaining such an existing system on land suitable for crops. A potential solution may be to value such land as “pastured cropland” at cropland rates.
- **Incidental Forest Land.** We suggest the following definition: “Incidental forest lands are the wooded or forested portions of a farm that do not regularly contribute a significant portion of the annual income of the agricultural operation but meet the proposed rule’s definition of forestland and contribute to the overall stewardship of its soil, water and biological resources, including but not limited to timber and wildlife.” Appropriate levels of treatment for incidental forest land should be determined by State Conservationists, in consultation with State Technical Committees.

CSP Funding

We are pleased that the Administration has recommended significantly more funding for CSP in FY2005 than in FY2004. This is an important step in the right direction. The amount recommended, however, still amounts to a cap on CSP funding, which would limit the program’s effectiveness. As in the past, Minnesota will again join other states in urging Congress to leave CSP funding uncapped, in keeping with the program’s entitlement status.

We thank you and NRCS for the opportunity to comment on the CSP proposed rule. If you have any questions about our comments, please feel free to contact any of the following agency staff: Perry Aasness, Assistant Commissioner, Minnesota Department of Agriculture, (651) 296-4435; Wayne Anderson, Agricultural Policy Director, Minnesota Pollution Control Agency, (651) 296-7323; Wayne Edgerton, Agricultural Policy Director, Minnesota Department of Natural Resources, (651) 297-8341; or Doug Thomas, Assistant Director, Minnesota Board of Water and Soil Resources, (651) 297-5617.

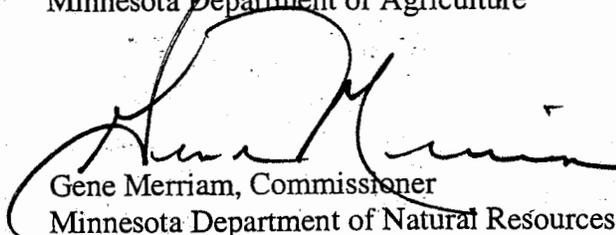
Sincerely,



Gene Hugoson, Commissioner
Minnesota Department of Agriculture



Sheryl Corrigan, Commissioner
Minnesota Pollution Control Agency



Gene Merriam, Commissioner
Minnesota Department of Natural Resources



Ron Harnack, Executive Director
Minnesota Board of Water and Soil Resources

cc: NRCS State Conservationist Bill Hunt and Assistant State Conservationist Paul Flynn
U.S. Senators Norm Coleman and Mark Dayton
U.S. Representatives Gil Gutknecht, Mark Kennedy, John Kline, Betty McCollum, James Oberstar,
Collin Peterson, Jim Ramstad, and Martin Olav Sabo

P.O. Box 280
Morganza, La. 70759
United States of America

ENG Farm Partners 757

February 26, 2004

Conservation Security Program Comments
Attn: Mr. David McKay
Conservation Operations Division
Natural Resource Conservation Service
P.O. Box 2890
Washington, DC 20013

Dear Mr. McKay:

I appreciate the opportunity to submit comments on the proposed rules for the implementation of the Conservation Security Program (CSP), as provided for in the Food Security and Rural Investment Act of 2002. I would like to initially make some broad comments about the proposal and then address some specific concerns

The Natural Resources and Conservation Service (NRCS) has had a difficult task in developing rules for this new, complicated and broad-scale conservation program. This task was made more difficult by the continuing budgetary issues surrounding the program. Throughout the process, NRCS has been very open to input and has provided a lot of information concerning the proposals. I would like to thank you for making this information available and also for holding a series of public information sessions across the U.S. This information has greatly aided my understanding of the proposed program, although I still do not fully understand how the program may operate or applications may be judged.

Because of the complexity of the proposed regulations and the limited opportunity for participation due to budgetary restrictions, I am very concerned that the initial reaction to the CSP by producers in my area will be negative. In spite of reading the proposed regulations and summary information, I still have no idea whether my farm may qualify. This is a shame because the program, as proposed in the farm bill, seemed so promising. I believe that many producers will determine that the potential benefits that could be derived from the CSP will be offset by the complex application procedure and the uncertainty of approval.

For example, I have no idea what constitutes a priority watershed or if my watershed will qualify, either this year or in future years. The selection of priority watersheds appears to be determined at the national level without input from the State Conservationist. Another approach may be to distribute the funds across all states to ensure that each state gets some funding and allow the State Conservationist to help distribute the funds based on

more local conservation concerns and demonstrated environmental stewardship. This may expose more producers across the U.S. to the program and its benefits.

Due to the complex eligibility requirements, I am also concerned about the availability of NRCS staff to provide assistance in completing the application, verifying the conservation measures on the farm and determining the enrollment category. The proposed rule requires that NRCS make a much wider range of eligibility and evaluation decisions than any other conservation program that I know about. To the extent possible, common eligibility provisions and definitions should be used to minimize the complexity of the CSP. NRCS may also need to utilize third party technical providers to help with the CSP application process and program implementation.

Now for some more specific concerns. I am particularly disturbed that the program proposes eligibility criteria that do not reflect the structure of actual farm operations. For instance, an agricultural operation is defined as "all agricultural land and other lands determined by the Chief, NRCS, whether contiguous or noncontiguous, under the control of the participant and constituting a cohesive management unit, where the participant provides active personal management of the operation". This definition is too broad in scope and subject to various interpretations. This definition is also inconsistent with any description of an agricultural operation in any other conservation or farm program.

I am also concerned about the proposed eligibility criteria that requires the applicant to have control of the land for the life of the CSP contract. In my area, most commercial-size farms are comprised of both owned and leased property. Leases usually run on an annual basis and farmers do not necessarily operate the same land year-after-year. The combination of defining a farm as all land under the control of an operator and requiring an operator to demonstrate control of all the property for the length of the contract automatically excludes many farming operations. This combination of restrictions effectively limits eligibility to farms consisting solely of owned land or forces applicants into long-term lease arrangement. I do not think that this was the intention of the CSP.

A more realistic option would be to follow the farm operation definitions already used by the Farm Service Agency (FSA). Farm operations within a county are defined by common operators who must meet specific eligibility requirements, including definitions of active management. Using the FSA farm operation definition would greatly facilitate eligibility determinations for the agency and the producer.

Using the FSA farm operation definition would also potentially allow a farm operator to have multiple CSP contracts and allow for a better continuation and/or alteration of these contracts. For example, the FAIR Act of 1995 required farming operations to enter into a 7-year contract. However, the contract did not require the same operator for the entire contract period. Instead, FSA used succession in interest provisions that allowed a new operator to qualify for benefits on the contract farm if he abided by the eligibility requirements applicable to the previous tenant. Such a provision could be applicable to

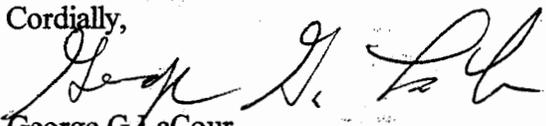
the CSP program and provide much better continuity. Any new operator could be required to continue the same program requirements as the initial participant in order to continue to remain eligible for benefits.

Another concern is that the proposed regulation places a disproportionate amount of the rental payment on enhancement activities rather than base or maintenance payments. It was my understanding that one of the stated purposes of the CSP was to reward producers who were good conservation stewards based on practices already in place. While I can see the desire to hinge program selection on the willingness of participants to implement further conservation measures, I do not believe that this was the purpose or intent of the program. The proposed regulation provides that only 5-15% of the respective tier payments be spent for base payments. I do not agree with this proposal. The maximum percentage allowed in statute should be directed to the base and maintenance payments. The enhancement payments should be made from the residual.

Because of my belief that the base payments represent too small a percentage of the total payment, I would also oppose any across-the-board scale down of the base payments as a means to allocate limited funds. Some other selection criteria should be used to allocate limited funding.

Once again, I commend the efforts of NRCS to provide information on the Conservation Security Program. I appreciate the opportunity to submit these comments and hope that a program emerges that will reward commercial farming operations for their environmental stewardship while encouraging others to become environmental stewards.

Cordially,



George G. LaCour
General Manager
GNG Farm Partnership