

COACHELLA VALLEY FARMERS EDUCATIONAL MEETING

IN THE MATTER OF: .
CONSERVATION SECURITY PROGRAM .
LISTENING SESSION .
PUBLIC COMMENTS ONLY .
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PARTIAL TRANSCRIPT OF PROCEEDINGS
TAKEN AT RESOURCE AGENCY AUDITORIUM
1416 NINTH STREET
SACRAMENTO, CALIFORNIA
TUESDAY, FEBRUARY 17, 2004

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1 SACRAMENTO, CALIFORNIA, TUESDAY, FEBRUARY 17, 2004

2 PROCEEDINGS IN PROGRESS, PUBLIC COMMENTS BEGIN

3 MR. BEEMAN: Before I start I want to honor my
4 friendship with Richard Rominger who is on the panel. Hello,
5 Richard. My name is Howard Beeman. My wife and I, Susan,
6 have farmed my mother's lineage family farm in Yolo County for
7 the last twenty-five years. The land has been in our family
8 since the 1890's, so we have quite deep roots.

9 I really have one point mostly that I want to make
10 sure everybody hears, so I'll start right off at the beginning
11 in that considered planting has not counted for history in this
12 present farm bill and I feel as I -- you'll hear below, has
13 really injured my ability to get government assistance in areas
14 which I wanted. So if nothing else comes out of my statement I
15 hope that, I hope that this law will include considered
16 planting as meeting the requirements.

17 Oops, I forgot something. All this time I've been
18 standing here. Passed out two maps. One's a 1939 ariel which
19 shows the land, and I have a little arrow pointing to our
20 parcel, three hundred and twenty acres. As you can see there's
21 great potential there in a restoration program to return some
22 of those ancient drainage and land forms back.

23 Our lands best use in most people's mind would be --
24 the best use is habitat. If you look at these pictures you
25 will see that. That audience, I'm sorry, can't share this

1 information that I've just given to you.

2 If you look at Page 2 you will find the results of
3 federal funds. In spite of thirty foot elevations I can and
4 have cropped and irrigated two hundred and fifteen of these
5 acres.

6 During the late 80's our family temporarily lived in
7 Grass Valley, one point five hours away from our land. My wife
8 continued to work in the woodland and I became the primary
9 parent for our daughter. During this time I took advantage of
10 the previous farm bill and used my farm payments to steward our
11 land for wildlife, and was quite successful in establishment of
12 water fowl, hawk foods for vols (phonetic), and we increased
13 our missing critters, doves, which were quite prevalent in my
14 grandmother's day. We had zero.

15 I used my payments to pay my property taxes and cover
16 as much of the work as I could. I also worked with California
17 Water Fowl Association for technical assistance. This
18 partnership helped me to gain a brood pond contract for five
19 years from the California Department of Fish and Game, which
20 incidently this pond was the largest in the state at thirty-
21 three acres.

22 We have reestablished doves and quail, and we harvest
23 three to four hundred doves a year. This is part of my
24 agreement with California Water Fowl Association that I would
25 allow hunting, which have found has not been injurious to

1 stocking the natural habitat.

2 I've been able to make great gains of returning our
3 land to be more like the 1935 ariel than the 1975 map that
4 actually Phil Hogan and his group in the woodland. It think
5 Phil actually did the farm plan for me.

6 I've also been certified by the Core of Engineers as
7 having twenty-four acres of certified hydric soils, which means
8 I have official wetlands. It's that part of the picture where
9 the -- close to the right hand side that goes straight up, is
10 where my twenty-four certified wetlands are.

11 Because of my use of considered planning I do not now
12 qualify for wildlife options and I have now been forced to
13 return to commercial production of rice. Last year I planted a
14 hundred and five acres and harvested approximately eighty,
15 leaving the balance for wildlife food.

16 My lessons learned last year are, number one, that I
17 now feel a mixture of production and cropping can be of higher
18 value than either by themselves. By allowing a generous amount
19 of land to be conserved and managed for wildlife I can almost
20 result in high quality wildlife areas while still in actual
21 production.

22 In conclusion, as my farm, as Secretary Rominger
23 knows, I have been quite a bit known as a person that's out of
24 the box. For example, I was one of the first organic farmers,
25 forty-five, certified in 1971 by Rodeo Press (phonetic). Even

1 today, because of my belief in poison free agriculture I grew
2 my last year's crops without any pesticide, not counting an
3 application of bacillus, which is actually an organic pesticide
4 for mosquito control.

5 I think that farmers like me should be able to
6 participate in federal programs that are for our farms where
7 USDA has farmers like me that are innovative and who, without
8 realizing, use considered planting to qualify for our payments.
9 I urge you to recommend that the new law be fixed so that to be
10 fair to us who have walked the entire mile to establish a
11 vibrant relationship between wildlife and agriculture. I hope
12 the other farms will be held to contribute my view on modern
13 agriculture and relationship to our production of wildlife.

14 I think the really point of this is things that my
15 family has carried for years now is becoming mainstream which
16 is wonderful, and I feel great about that. I am hearing -- I
17 just said that again.

18 Anyway, I really hope that this considered planting
19 can be fixed. And I hope that I'll be able to participate in
20 this program at a great extent because our land, you can't tell
21 it by this map, but is between two larger watersheds, the Cache
22 Creek Watershed and the Putah Creek Watershed. If our land,
23 and we actually have a vision of five thousand acres that
24 really are more suitable for this, if that vision could become
25 true then the smaller individual ecosystems would then be

1 connected and we would have one huge ecosystem for our County
2 of Yolo County if we could have the Willow Slough Watershed as
3 a large recipient of funds. Thank you very much. If there are
4 any -- no question I'll finish.

5 UNIDENTIFIED SPEAKER: (inaudible).

6 MR. BEEMAN: Considered planting means as far as the
7 government's concerned I planted the acres that I have basis
8 for. And when you don't plant those and you are forgiven not
9 having to grow the crop you're considered planting to qualify
10 for the programs. Well, now considered planting is not an
11 option. You have to plant, which just means I have gone back
12 into production.

13 (Off the Record)

14 MS. FLACH: Thank you for that brief intermission.
15 Hello? They were suppose to say, we another speaker. Paul
16 Butner.

17 MR. BUTNER: Yes, my name is Paul Butner with the
18 California Rice Commission. And first of all, I want to thank
19 you for the opportunity to comment here today. Actually, I
20 just want to follow up on, on the previous comments regarding
21 considered planted, because this is a very complicated issue,
22 and it's probably one of the most significant issues in the
23 recent farm bill that has created a deterrent to certain
24 conservation practices, especially here in California.

25 Unfortunately, the issue is actually bigger than this

1 program. It has to do with the commodity title of the, of the,
2 of the farm bill, and that is that each time a farm bill is re-
3 authorized growers have an opportunity to update their, their
4 yield and their base acreage.

5 And so it used to be that within that portion of the
6 farm bill we had two definitions. One of them was preventive
7 planted, and then in combination with that you considered
8 planted. And considered planting was defined as setting your
9 ground aside for any conservation purpose. And now within,
10 within the commodity title of the farm bill the considered
11 planted language did not get inserted back into the farm bill.

12 The U.S. Rice Industry commented on this
13 significantly while the farm bill was, was being re-authorized.
14 At the end of the day we did not get considered planted back in
15 as it was before.

16 So the gentleman that spoke first was, was really
17 talking about a conundrum that's, that's now before
18 conservation minded farmers and that -- because most farmers
19 can not be viable in their businesses without the participation
20 in the commodity title. And so if they actually set their
21 ground aside, that is not produce a crop on a, on a portion of
22 acreage, what that means is they are putting that base acreage
23 at risk for, for in perpetuity for the future of their farm.

24 And our comments within CSP have been please find a
25 way within the Conservation Security Program at least to

1 provide for this, because we know that in California we could
2 provide living rice, we could provide significant habitat
3 benefits with a rotation vetch type of program that would
4 create astounding opportunity for nesting ducks along the
5 Pacific flyway.

6 I just want to, I just want to provide some
7 specificity to the comments. Specifically, on Page 85 there is
8 a definition within this program for considered planted. And
9 what it says is,

10 "Considered to be planted means a long term
11 rotational -- a rotation of alfalfa or multi-grasses
12 and, and legumes, summer fallow typically cropped,
13 wet acres rotated to wildlife habitats such as rice
14 fields or crops planted to provide an adequate seed
15 bed for re-seeding.

16 And it's, it's really great that that definition is
17 in the program. However, if a producer does this their base
18 acreage will be at risk when the, when the farm bill is re-
19 authorized. And I would just point out that there's a similar
20 definition on Page 91 that says,

21 "Resource conserving crop rotation means a crop
22 rotation that includes at least one resource
23 conserving crop and that reduces erosion, maintains
24 and improves soil fertility, and in tilth interrupts
25 pest cycles or conserves soil moisture and water."

1 So there's, there's two definitions of activities
2 that would appear to be allowed within the Conservation
3 Security Program in which there's, there's a significant
4 deterrent within another part of the farm bill to encourage
5 growers to do that.

6 I was just sitting here thinking about what an
7 appropriate fix might be, and I would just suggest this and,
8 and allow further discussion of it. Maybe within both of those
9 definitions that I just read on Page 85 and Page 91 an
10 additional sentence could be used there, something like land
11 used for this purpose shall be eligible for future updates of
12 crop yield and base acreage in accordance with the commodity
13 title of the farm bill, or future farm bills. I, I understand
14 the challenge of that because you basically within the
15 structure of this program you would be dictating the operation
16 of a separate title of the farm bill, and I know that would
17 require some, some coordination. But we would certainly
18 appreciate if, if NRCS and USDA could, could pursue that, that
19 resolution on that. Thank you.

20 MS. FLACH: Who else would like to speak?

21 MR. SWENSON: My name is Leland Swenson and I am the
22 Executive Director of the Community Alliance with Family
23 Farmers. Again, Leland, L-E-L-A-N-D, Swenson is
24 S-W-E-N-S-O-N. I was very pleased that the Conservation
25 Security Program was included as part of the 2002 Farm Bill.

1 My previous life, prior to coming to CAF, I had the opportunity
2 to participate in that dialogue and that discussion in
3 Washington. And I guess the most disappointing thing is the
4 time and the process of which we have seen the program unfold,
5 and now trying to deal with the proposed rules and regulations.

6 So I want to preference my comments to saying that
7 first and foremost we must have a supplemental or a revised
8 rule that must be issued by the Secretary, and I would urge
9 that the Secretary do it expediently and that it be offered
10 then for public comment for a fifteen to thirty day period so
11 that we can then move forward with its implementation. And
12 that would enable a pilot program, if such could be
13 established, that could be set in each state to deal with the
14 funds available within this fiscal year, but that the rules
15 really apply as we look at a Conservation Security Program into
16 the future. And I emphasize that because of the budget action
17 taken by Congress which really established it as a full fledged
18 on cap entitlement program, and I want to emphasize that. It's
19 a full fledged on capped entitlement program beginning in
20 October of 2004. I emphasize that because that has a direct
21 effect on the rules that are now before us. And I would
22 emphasize that I think a couple of steps have to be taken.

23 One is they should drop the watershed limitation, get
24 rid of it, eliminate it from the law.

25 They should also drop the enrollment category

1 limit -- categories limitation. They should make stewardship,
2 farmers who agree to resolve resource of concerns during the
3 contract period eligible to participate. They should
4 dramatically increase payments to farmers and offer continuous
5 rather than limited sign-ups and allow states to select their
6 most pressing resource concerns to which farmers respond. I
7 want to emphasize that because if we put limited sign-up
8 periods you task then an already task staff. If you have
9 ongoing sign-up you enable the staff to work with producers
10 throughout the different seasonal periods that exist within
11 this country. It will make the staff more functional with
12 farmers.

13 I also believe that it can then deal with the fact of
14 if we do have budgetary constraints that lie in the future you
15 can take applications for when they come in and fund
16 accordingly, not have to categorize and say Farmer B is more
17 eligible than Farmer A. We shouldn't discriminate in the
18 nature of applications if they meet the standards, be it in
19 Tier I, Tier II and/or Tier III. If we're really going to
20 reward the best and create an incentive for the rest, rather
21 than just reward the best and forget creating any incentive in
22 the program for the rest. And I don't think that achieves the
23 goals that was set out in the statute, in the law of the
24 Conservation Security Program, nor the goal and objective of
25 the Natural Resource Conservation Service.

1 So -- and I want to also emphasize, as was already
2 pointed out, but again that our position is, is that we should
3 increase, if we're gonna have a cost effective program, no less
4 than what other programs provide as a cost/share ratio. It is
5 ridiculous to think that you're going to implement a new
6 program that has an incentive to implement a program to move
7 from Tier I to Tier II or to enhance you base in Tier I and
8 then not provide the resource to do it. The cost ratio must be
9 equal to -- and/or if you're worried about limited resource
10 farmers, provide a greater percentage to limited resource
11 and/or limited resource beginning farmers. Probably to
12 seventy-five/ninety percent would be the appropriate cost/share
13 ratio for limited resource or limited resource beginning
14 farmers. And that decision could be made within the local
15 areas.

16 We want to talk about leveraging the Conservation
17 Security Program. There is a provision within the farm bill
18 that says the partnership and cooperative provision --
19 cooperation provision which calls on the NRCS to work with
20 state and local agencies, Indian tribes, and non-governmental
21 organizations to encourage -- yes, multiplying conservation
22 benefits through cooperation of producers spanning a lot of
23 agricultural operation. We think that needs to be implemented.
24 That's one section of the farm bill that they have not yet
25 implemented. And we could have that implemented to leverage a

1 lot of benefits within the Conservation Security Program.

2 I also want to emphasize that if we took and looked
3 at the significant resource concerns the conservation resource
4 concern priorities should be set at least in part at the, at
5 the state level so that programs can be responsive as possible
6 to the major resource issues in each region of the country.

7 A good solution would be to have each state include
8 soil quality, water quality among the top five resource
9 concerns. 'Cause when you take a look in California we have
10 more than just soil and water and we need to incorporate that.
11 As we take a look at the conservation needs across the country
12 they're greater than soil and water, and they best can be
13 applied as to even what needs within those exist at the state
14 level. And so that element, we need to broaden it and we need
15 to allow more decisions at the state level.

16 When we talk about the monitoring issue or the
17 evaluation issue, if we could have more of that begin by having
18 the benchmark inventory of resource concerns and then begin to
19 do an incentive for on-farm monitoring and evaluation
20 activities. As was mentioned, we are ready, our implementing
21 within the State of California, some requirements that deal
22 with water quality. Why not make them compliment one another
23 so that as we address those concerns by whichever program we
24 don't have to have farmers participating in a monitoring
25 structure over here and a different potential monitoring

1 structure over here, that we can have that cooperation and the
2 collaboration and yet look at the results that are obtained.
3 And so I, I want to emphasize that those are some of the things
4 that, that we can -- they need to be done.

5 The other thing I want to emphasize is that the
6 enhancement payments should be available for high levels of
7 management intensity leading to demonstrative results, resource
8 and environmental enhancement. That's really what the intent
9 is, is to achieve that ultimate. And we want to emphasize that
10 the state technical committees should be authorized to improve
11 those -- approve enhancement payments for additional practices
12 or systems that address local priority resource concerns, and
13 for reaching participation targets in targeted areas within
14 that state and within that region.

15 So those are some of the comments that, that we would
16 make. We will be providing in greater detail, per your sheet,
17 additional comments on all the different sections, but wanted
18 to raise a few of those today and emphasize a supplemental or
19 revised rule is a must. We can not move forward and have a
20 successful Conservation Security Program under the, the
21 proposed rules without, without a revision.

22 MS. FLACH: Thank you very much. Others? We must be
23 getting hungry. Okay. One more time, I'd like to extend to
24 our Listening Panel the opportunity to say anything you wish to
25 say. Either --

1 MR. AHLEM: (inaudible).

2 MS. FLACH: For the stenographer that speaker was
3 Chuck Ahlem, A-H-L-E-M.

4 UNIDENTIFIED MALE SPEAKER: -- (inaudible) taken the
5 time to provide written comments, e-mail and other. I think
6 it's critically important that you do so. And, of course, we
7 want this, this program to work as well and we want it to work
8 with a minimum amount of effort for all folks involved, our
9 staffs included. So I've heard some really good, well thought
10 out comments and some good questions. And again, we'll do our
11 best to make sure they get forwarded through the appropriate
12 channels.

13 We are going to have a couple more, actually, of
14 these listening sessions in California. And you know, we're
15 running out of time is the problem, but we'll try to have
16 another one further north if at all possible.

17 But I wanted to thank you for coming. Yes?

18 MR. SWENSON: I just (inaudible). The big concern of
19 air quality raises I guess and reemphasizes the importance of
20 broadening them -- broadening it passed water and just soil.

21 The other thing I wanted to mention is because what
22 we find in California, as well as many other states, a large
23 percentage of farm operations today include owned and leased or
24 rented land. One of the concerns that I have in the proposed
25 rule is that it's all put together. And if something may

1 change within your program how are you penalized.

2 I would hope that in the revised or supplemental rule
3 it would allow the local office to work with a farmer if a
4 operational structure occurs so that you modify the contract,
5 rather than just saying that there's penalty and everything
6 must be repaid, so that they can revise contracts as you move
7 to a three to five year process of implementing the contract,
8 especially with the volume of rental or leased land today.

9 MS. FLACH: The speaker who just spoke was Leland
10 Swenson. Our -- okay. Phil?

11 UNIDENTIFIED SPEAKER: (inaudible).

12 MS. FLACH: We will indeed. Hank, did you want to
13 close with comments?

14 UNIDENTIFIED SPEAKER: Just on behalf of the
15 California Association of Resource Conversation Districts I
16 wanted to add that a number of the comments that you folks
17 brought out will be in our organization's report to NRCS as
18 well. And I appreciate all of you coming to make these
19 comments, They'll all be combined with one of two more
20 sessions. And I think California's going to be well
21 represented and I thank you for taking part in it. And thank
22 you, for the Listening Panel for coming out.

23 PUBLIC COMMENTS CONCLUDED

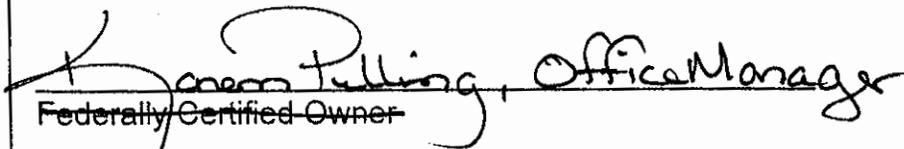
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