

**CONSERVATION SECURITY PROGRAM (CSP)**

**PROPOSED RULES**

**CSP LISTENING SESSION**

**TUESDAY, FEBRUARY, 17, 2004**

**2:00 P.M., and 6:00 P.M.**

**LOCATION: Days Inn Conference Center  
2000 Days Drive  
Flatwoods, West Virginia**

**MODERATOR: Herb Andrick,  
NRCS Resource Conservationist**

**REPORTER: Janette Campbell, VRR/CVR/NP**

**PANEL: Lillian Woods,  
State Conservationist**

**Peg Reese, Public Affairs**

**Jim Piper**



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1                                   **CONSERVATION SECURITY PROGRAM (CSP)**

2

3                                   **PUBLIC HEARING**

4                   As authorized by the 2002 Farm Bill, CSP  
5                   is a voluntary conservation program that  
6                   supports ongoing conservation stewardship of  
7                   agricultural working lands and enhances the  
8                   condition of America's natural resources. The  
9                   program is designed to reward the best stewards  
10                  who are meeting the highest standards of  
11                  conservation and environmental management on  
12                  their operations.

13                 On February 17, 2004, the first of two  
14                 public comment sessions was held in the  
15                 conference room at the Days Inn in Sutton, West  
16                 Virginia. The following people were in  
17                 attendance as members of the panel:

18                                 **Lillian Woods, State Conservationist**

19                                 **Herb Andrick, Moderator**

20                                 **Peg Reese, Public Affairs**

21                                 **Jim Piper**

22                 After a brief presentation by Jim Piper,  
23                 the following is a verbatim record of the  
24                 comments and conversation between identified

1 people in attendance and the panel.

2           **TED BACIV:** I'm Ted Baciv, from the  
3 Capitol Conservation District. We had a  
4 designate go to the NACD meeting in Hawaii, and  
5 this program was discussed, and one item that  
6 he came out with was that other conservation  
7 programs reward the participant with sustained  
8 viability of the land and their operation on  
9 that land. This program shifts the reward to  
10 purely financial which is contrary to establish  
11 conservation incentives. That is one comment I  
12 have. The other comment that also came up was  
13 that allowing participation in priority  
14 watersheds makes it a top down program. Those  
15 are the two main comments. The other comment  
16 that I have, or question rather, is aquaculture  
17 or certain sustainable agricultural programs  
18 qualify also, or is it just strictly animal  
19 feed lot type situations? The other question I  
20 have is, again, selections of water sheds being  
21 for a three tier requirement, is it really  
22 necessary? The reason I'm saying that is that  
23 currently all farmers are operating under the  
24 QUIP Program, and usually those programs again,

1 are restricted to those who get high priority  
2 through major conservation work being done.  
3 Now, where work is completed these people have  
4 utilized financial resources to improve their  
5 land which now qualify for a third tier type  
6 situation. So, he's being rewarded twice, not  
7 only by government money for improving his  
8 property but being rewarded because he got  
9 money from the government. I'm saying this is  
10 double-dipping and I think something has to be  
11 looked at in evaluating who qualifies and what  
12 money they've received to obtained programs  
13 that they currently have in their practice.  
14 Someway that has to be taken into  
15 consideration. Those were just a few comments  
16 I had.

17 **MODERATOR:** Okay, thank you. There was a  
18 couple of questions in there, do you want to  
19 try and address those, Jim?

20 **JIM PIPER:** Well, I remember the one  
21 question, Ted, was whether aquaculture is  
22 included? In reading the rule I did not see  
23 that it was specifically included. I guess if  
24 it wasn't specifically included it might not

1 be, and maybe that's a comment that you want to  
2 address. Was there a second question, or did I  
3 get the question you had?

4 **TED BACIV:** I question the three-tier  
5 arrangement and the use of that. The other  
6 question I have is who selects the water shed  
7 because, again, it's a top down program, it  
8 does not come from the bottom-up. Somebody at  
9 the top is telling you what watersheds qualify.

10 **JIM PIPER:** Okay. That would be a comment  
11 then. Go ahead and make that comment, I think  
12 it is addressed in the questionnaire. If you  
13 look at the comment sheet there's one that's  
14 closely related to that and you may want to add  
15 a comment at that point.

16 **MODERATOR:** Is there somebody else at this  
17 time that would like to make a comment?

18 **GLENN RUSH:** I'm GLENN RUSH, from the  
19 Upper Valley Conservation, Box 140A, New  
20 Martinsville; I have a question, not a  
21 comment. You've got the one, two and three  
22 tiers. You know, most farmers in the State of  
23 West Virginia are part-time farmers. How much  
24 time are they really going to have? Do you have

1 to complete this program in a certain length of  
2 time? What's the timing on this in getting it  
3 done?

4 **JIM PIPER:** My understanding, Glenn, is  
5 that initially, for a person to qualify for one  
6 of the tiers, let's say it's "Tier 1" and a  
7 part-time farmer can qualify for any one of the  
8 tiers. That's why I think, Ted, "they added the  
9 "Tier 1" was there may be some good farmers out  
10 there that haven't got everything done on the  
11 whole farm, but maybe on part of the farm they  
12 have, so a person who is doing a really good  
13 job on the part of the farm, but he hasn't been  
14 able to do it on all the farm yet, can qualify  
15 for the "Tier 1".

16 **TED BACIV:** But if the money's not there,  
17 "Tier 3" gets the money first then it funnels  
18 down as I understand it.

19 **JIM PIPER:** That's a good comment, Ted, or  
20 a good question to get in. I don't know, from  
21 what I've read - and Lillian if you've got any  
22 corrections, feel free to jump in too. I don't  
23 know that I've seen anything that says what  
24 tier will be funded first or exactly how the

1 funding between the tiers will come, but it may  
2 or may not be part of the prioritization within  
3 the watershed, I don't know.

4

5 **GLENN RUSH:** This is what my question was  
6 getting at. I mean, I'm retired, it doesn't  
7 effect me. But some people are working and  
8 they may have a problem in getting up to this  
9 "Tier 3" to get that money, is what I was  
10 wondering. How are we going to select this and  
11 how are we going to do it?

12 **JIM PIPER:** That's a good comment

13 **GLENN RUSH:** It comes from the top down,  
14 see. This guy down here in "Tier 1", is he  
15 ever going to get a opportunity?

16 **JIM PIPER:** There is the intention that  
17 they will fund all three tier levels.

18 **GLENN RUSH:** Okay.

19 **JIM PIPER:** There had been some discussion  
20 early on that maybe they would start at "Tier  
21 3" and fund those, but they've made a decision  
22 that they want to fund all three tier levels.  
23 That allows a person who has, maybe like you  
24 said, Glenn, a part-time farmer that hasn't

1 been able to do everything he wants to do, but  
2 he's done a really god job on this part of the  
3 operation. That fella can get in just the same  
4 as the person that Ted was alluding to that  
5 maybe has got everything done and may or may  
6 not have received other government payments to  
7 get there and he's got everything done on the  
8 whole farm. But there is a feeling that they  
9 want to fund all three tier levels. So you  
10 would have a cross-section of good farmers.

11 **GLENN RUSH:** Okay, thank you.

12 **MODERATOR:** Is there anybody else that has  
13 some questions or comments?

14 **TED BACIV:** It did mention other  
15 enhancements examples of people who volunteer  
16 at various conservation programs. They spend  
17 time there; maybe there should be enhancements  
18 in that area.

19 **JIM PIPER:** Run that by me again, Ted.

20 **TED BACIV:** People volunteer for various  
21 conservation programs whether it be training or  
22 educational, should be part of the enhancements  
23 that you list here. Do you follow what I mean?

24 **JIM PIPER:** So some of their work may be

1 on other local committees that maybe have been  
2 on other conservation areas.

3 **TED BACIV:** Right, they're working with  
4 the, let's say the FAA, with regards to  
5 agriculture, or what have you, or environmental  
6 type things and they're doing the work  
7 voluntarily. These things could be part of the  
8 enhancement qualifications that's listed in  
9 this program here.

10 **JIM PIPER:** It does talk about  
11 demonstrations and those types of things and  
12 maybe that other kind of volunteer work or  
13 educational effort, you're saying maybe could  
14 be captured as something in an enhancement.

15 **TED BACIV:** Right. Just like the  
16 Envirothon that they have here, we've got a lot  
17 of people that participate in assisting the  
18 State Envirothon Program, which is again a  
19 conservation program.

20 **JIM PIPER:** Those are good comments of  
21 things that, you know, that's the kind of  
22 comments we're looking for. Anything that  
23 comes to your mind of how we can be made better  
24 or be made a more fair and equitable kind of

1 program. We won't pretend to have the answers  
2 here. We're trying to go through the  
3 legislation and read what the proposed rule is,  
4 too. Any of our comment we have to send up  
5 through internal channels. We're looking for  
6 comments from our customers, and clients and  
7 partners about how we can do better.

8 **MICHAEL WOLPERT:** I'm a supervisor in the  
9 Western Conservation District and I have some  
10 specific questions. For instance, on your  
11 management unit, your whole operation or parts  
12 of your operation, all agreed on such and such  
13 a date, and in my particular case, I deal with  
14 a lot of landlords. Things change in five  
15 years. I wish I could have five-year contracts  
16 with all of them. That doesn't happen. Is it  
17 in the rules to, let's say, that 20% of my  
18 operation has to drop out because I lose a  
19 lease or something of that nature, is there  
20 flexibility already in these proposed rules for  
21 situations because I'm sure something like that  
22 can occur.

23 Another question I had on one of the  
24 resource issues you mentioned, increasing

1 organic matter.

2           **JIM PIPER:** Yes, that is addressed in  
3 here, and it might take me just a little bit to  
4 find it, but I could show you afterwards, but  
5 it does say in there that it recognizes that  
6 farming operations are sometimes pretty complex  
7 and have to be flexible. There may not always  
8 be written leases and some of these things,  
9 like you may own land or renting land and those  
10 rentals may change from year to year and it  
11 does recognize that. One of the things in this  
12 proposed rule is that if a person goes into a  
13 conservation security contract that you would  
14 follow the same kind of management things on  
15 all of the land that you're farming, even  
16 though it may not be under contract, you're  
17 still trying to set that example on all the  
18 farms that you're farming. You're not just  
19 doing a good job on your farm, and well, you  
20 know, my neighbors, I'll just kind of abuse  
21 that one. It's intended that you would try and  
22 do the same level of operations on everything,  
23 even though it may not be under contract. Does  
24 that answer it?

1           **MICHAEL WOLPERT:** Yeah, I think so.

2           **JIM PIPER:** And I think I can show you in  
3 a little bit where that is maybe in one of the  
4 questions here.

5           **MICHAEL WOLPERT:** Another question I had.  
6 One of the resource issues you mention  
7 increasing organic matter. I have a question  
8 as far as sequestering carbon, has that been  
9 brought up as a possible enhancement or  
10 something. Because you're kind of hitting two  
11 resources there, both air quality and soil  
12 quality through increasing organic matter. And  
13 if I'm getting specific about using no-tillage  
14 methods and so on, then you're talking water  
15 quality there, also. So, could that be three  
16 different resource issues or would that be just  
17 one?

18           **JIM PIPER:** You could be hitting more than  
19 one resource issue with some of your  
20 management. My understanding of what will  
21 happen is if your watershed is selected as one  
22 of the priority watersheds and you would go in  
23 and apply, you would be placed in whichever  
24 category gave you the highest qualification.

1 If within that watershed the water quality  
2 issue was the most important issue and then  
3 soil erosion and maybe the sequestration came  
4 in, or maybe didn't, they would put you in  
5 whatever category is the highest level that you  
6 qualified for in what you're doing. Because  
7 one practice may benefit more than one  
8 resource. So they'll try and put you in the  
9 highest level, and then when your contract  
10 would be developed you're still doing that, and  
11 that would be captured in the contract that  
12 these other things are being done also, and  
13 that would be part of the contract.

14 Your question whether the carbon  
15 sequestration mentioned in the proposed rule, I  
16 do not recall seeing it specifically mentioned,  
17 but that is certainly something that I would  
18 assume we could handle as an enhancement or  
19 maybe you want to make a comment that it should  
20 be.

21 **MODERATOR:** Thank you, Mike. Any other  
22 questions?

23 **JIM PIPER:** There may be questions that we  
24 can send in that if these are the kind of

1 questions we get maybe they can clarify it in  
2 the proposed rule.

3 **STEVE NESTOR, FSA:** You mentioned you had  
4 to be in farming operation four out of the last  
5 six years, if I understood you correctly. How  
6 is that going to play a role in enrollment  
7 category with the beginning farmer? You have  
8 eliminated him if he has less than four years,  
9 it sounds like to me.

10 **JIM PIPER:** Yeah, in the rule it does say  
11 that the land in order to be eligible has to  
12 have been farmed or cropped four out of the six  
13 years prior to May 2002, but that doesn't mean  
14 you're out. I could be a beginning farmer and I  
15 could buy some land that maybe Rick is going  
16 out of business or retiring, and the farm comes  
17 up for sale, or he's renting it to me and I'm a  
18 beginning farmer, it doesn't say I'm not  
19 eligible. It just says that the land has to  
20 have been farmed for four out of the previous  
21 six years. So I could pick up a farm from a  
22 retiring farmer, and I would be eligible as a  
23 beginning farmer.

24 **STEVE NESTOR:** Is the 2002 Farm Bill

1 definition of a "beginning farmer" the same for  
2 this program as it was EQUIP?

3 **JIM PIPER:** Yes. They're trying to be  
4 consistent with the "beginning farmer" and the  
5 "limited resource farmer" across all programs.  
6 Lilly and Rick, if you see me make a mistake on  
7 that please holler and correct me.

8 **LILLIAN WOODS:** No, that's the correct  
9 definition.

10 **MODERATOR:** Just getting back to Mike's  
11 comment and I see in here in the Federal  
12 Register on page 203 they do talk about  
13 reducing atmospheric carbon dioxide levels that  
14 contribute to climate change. So I think that  
15 you have a comment in there that you may want  
16 to make in order to bring it to NRCS attention.

17 **PATRICK RICHARDSON, FSA:** My question is  
18 who determines the prioritization with the  
19 national identified watersheds to determine the  
20 funding levels? You talk about the funding  
21 being dispersed at the top level down until the  
22 funding is exhausted. Who determines those  
23 levels within that national ID'd water shed?

24 **JIM PIPER:** My understanding is that NRCS

1 would make those determinations from natural  
2 resource inventory data or other existing data  
3 that's available, but that's one of the  
4 questions in your comment sheet, is how should  
5 those resources be developed. So if you have  
6 thoughts or ideas please provide them. Like we  
7 said, this is a proposed rule there's a lot of  
8 things to figure out how this is going to work.

9 **PATRICK RICHARDSON, FSA:** You talk about  
10 the four different types of payments,  
11 enhancement payments taking up the vast  
12 majority of the funding base on the graph. How  
13 would those enhancement payments for these  
14 enhanced activities other than direct  
15 conservation being calculated. And how would  
16 the farmer know the amount of those enhanced  
17 payment base on his activities?

18 **JIM PIPER:** First, let me say that we  
19 don't know exactly the percentage of the  
20 payments between the components, but the intent  
21 right now with the limited funding is that most  
22 of the payment would go towards the  
23 enhancements. In the proposed rule it talks  
24 about that the state conservationist would, in

1 consultation with the state technical committee  
2 and local work groups, would make decisions  
3 based on the kinds of enhancements and the  
4 payments rates within the state. So that would  
5 not be determined, necessarily at the national  
6 level. They may have a list of some thing that  
7 they want that we should consider and that we  
8 would take under advisement, but in the  
9 proposed rule it says the state conservationist  
10 in consultation with the state technical  
11 committee and local work groups will come up  
12 with enhancements. Just for your information,  
13 the State Technical Committee is a group of  
14 about 25 or 30 members that represent a cross-  
15 section of agriculture across West Virginia.  
16 You've got the Farm Bureau and you have  
17 different producers organizations, like the  
18 Shepard's organization, the poultry  
19 organization, the cattleman's organization, the  
20 FSA State Committee, the FSA State Director,  
21 the university, the Department of Natural  
22 Resources, the State Conservation Agency, and  
23 others. It's a pretty diverse group. So it  
24 tries to involve all of our partners and

1 producer organizations in what we're doing with  
2 the farm bill programs. These decisions are  
3 not made in a smoke filled room at the NRCS  
4 Office.

5 **MODERATOR:** Any other questions or  
6 comments?

7 **DAVID RAINES, WV CONSERVATION AGENCY:** Jim,  
8 the question I have, part one follows up a  
9 question that Patrick had. Assuming that the  
10 program becomes an open enrollment instead of a  
11 cap, the prioritization then will shift or will  
12 it maintain a water shed base hydrologic unit?

13 **JIM PIPER:** You're asking a tough question  
14 Dave. We'll get out the crystal ball and I'll  
15 ask Lillian to correct me a little bit if she  
16 has a different perspective, but when congress  
17 initially passed the legislation it was passed  
18 as an entitlement program, which means all  
19 farmers across the whole country would be  
20 eligible to participate and if they met  
21 whatever the eligibility criteria would be you  
22 would be automatically accepted. One of our  
23 biggest challenges right now is that we're  
24 looking at trying to implement an entitlement

1 program, which is available to all farmers  
2 across the country, and there's about 1.8  
3 million farmers, and in 2001 the IRS estimated  
4 that around 800,000 of those participated in or  
5 received USDA payments. So if it's an  
6 entitlement program and all 1.8 million farmers  
7 may be eligible, it just says it's a national  
8 program, you would set your criteria, you would  
9 run it as so anybody could get in if they met  
10 the criteria. The funding problem we have is  
11 that congress has capped it. For example, this  
12 year it's a \$41 million cap. There's no way we  
13 would encourage 800,000 to come in and apply.  
14 And we know that we only have enough money to  
15 fund maybe 300, 400, or 500 contracts at the  
16 most, we would have thousands of unsatisfied  
17 clients. So why put everybody through that  
18 agony so as an agency we know that we don't  
19 have enough money or staff to do that as a  
20 nationwide full program. So let's try to  
21 address it in a way that makes sense to do it  
22 and maybe try to develop a program that maybe  
23 can be the model for next year or the year  
24 after. I'm not sure I answered your original

1 question.

2 **DAVID RAINES:** That was part of it. Then  
3 the other would be, until we get the  
4 opportunity for all 1.8 million farmers to  
5 actively enroll that there will be some type of  
6 prioritization to whether it's a federal or  
7 state. And if it is state, if the state  
8 technical committee would be best to make that  
9 prioritization with my people.

10 **JIM PIPER:** If there would be enough  
11 funding that the gave appropriations or  
12 allocations to each state conservationist it  
13 would be done in consultation with the state  
14 technical committees. Right now they're  
15 looking, with the limited funding, that it's  
16 run as a national program. The proposed rule,  
17 they struggled with it from the standpoint that  
18 how do you write a rule to implement a capped  
19 entitlement program. So what they've done is  
20 they tried to write this proposed rule in a  
21 manner that they can run the program regardless  
22 of the funding levels. In other words, if they  
23 would only have enough to do one watershed they  
24 could still do a prioritization and pick one

1 watershed. If they received enough to fund all  
2 watersheds they could still do that. If they  
3 end up with that kind of appropriation they  
4 would probably give allocations to the state  
5 conservationists and it would run through the  
6 states, making consultations with the state  
7 technical committees and the local work groups.  
8 Even with limited funding, when you read  
9 through the proposed rule and the comments in  
10 there, the intent is that they would still like  
11 to fund all watersheds in all fifty states and  
12 they're all eligible. Depending on how much  
13 funding they have they would still like to get  
14 to watersheds in every state. They would still  
15 like to consider all watersheds. It's just  
16 that they don't have enough money to do it.  
17 Then they have to have some way to try and say  
18 where the money would go first.

19 **MODERATOR:** I think we've captured your  
20 concern Dave, and we need to make sure that we  
21 direct his comment up to national headquarters.  
22 So that they understand what you've said.

23 **DAVID RAINES:** Working with all the  
24 different programs with "ECLIP" and "319", and

1 the Forestry Incentive Program, all these  
2 different agencies and groups can bring to the  
3 table what their doing. And if we're  
4 prioritizing that might be an option. But the  
5 state technical committee would be aware of  
6 what other folks are doing and focus in on,  
7 really impact water sheds. Thank you.

8 **MODERATOR:** Thank you.

9 **JAMEY DARLINGTON, NRSC:** I kind of have a  
10 question more than a comment. You were talking  
11 about funding the water sheds, like one water  
12 shed each year or in the state. If the money  
13 for a water shed doesn't pay all those  
14 contracts, will that water shed be funded the  
15 next year until it's all completed before you'd  
16 fund another water shed?

17 **JIM PIPER:** That's a good question or  
18 comment that they would like to have addressed.  
19 If you look at these questions that they  
20 highlight. It wasn't worded in that same exact  
21 manner, but one of the questions in here that  
22 they would like some feedback from the public  
23 on is if a watershed is selected for the  
24 funding, but we don't have enough money to go

1 through all the enrollment, number one, they  
2 would try to fund all the enrollment  
3 categories. But if they don't have enough  
4 money to fund one should they prorate the  
5 payments or should they not fund any of them?  
6 And it kind of gets back to your question, and  
7 that would be a good comment for somebody to  
8 ask.

9 **JAMIE DARLINGTON:** After you have the  
10 sign-up period and that watershed - like next  
11 year we have another sign-up in the same  
12 watershed to get more applications in that  
13 watershed?

14 **JIM PIPER:** I don't know, Jamie.

15 **JAMIE DARLINGTON:** Once the word gets out  
16 then the neighbors will be coming in, if it's a  
17 good program.

18 **JIM PIPER:** And I can't answer that,  
19 particularly.

20 **MODERATOR:** Are there some other thoughts  
21 or comments? \*\*\*\*

22 **TED BACIV:** The notes of our  
23 representative at the NAC meeting said that  
24 presenter Allyson Fox, who works for the

1 Federal Ag Committee. She addressed us via  
2 phone. Her opinion was that CST is farm  
3 friendly, locally led, flexible, friendly for  
4 international trade, voluntary, open to all  
5 producers who qualify to participate,  
6 encourages a reward to comprehensive approach  
7 to conservation. I disagree with her about  
8 locally led because this is not being local  
9 led. It's being led from the top down.

10 **MODERATOR:** Thank you for your comment.  
11 Any other comments?

12 **JIM PIPER:** I would like to take a moment  
13 and walk through the comment sheet briefly that  
14 you have in your packet and just make sure you  
15 understand the comment sheet and the proposed  
16 rules that have been published in the Federal  
17 Rules. They tried to make it easy for us to  
18 ask the public for some comments and for you to  
19 feed it back to us in a manner that will be  
20 manageable. There may be some other things.  
21 If you read through the rules there may be some  
22 other questions that aren't on this sheet. If  
23 you go through this sheet and at least answer  
24 or make comments on the issues that you think

1 are important to you, or that you want to  
2 address. You may end up with other comments  
3 too. Let me just walk through the comment  
4 sheet. You see question; number one, "The  
5 Preferred Approach," page 197. So if you'll  
6 just flip open to the proposed rule to 197 and  
7 you can see in the center column about three  
8 quarters of the way down, it's italicized. It  
9 says "NRCS Preferred Approach." If you read  
10 that section through page 199, it's a pretty  
11 extensive section, but if you read that section  
12 - and I would think this one that you would  
13 want to read - it's a pretty critical issue of  
14 how we plan to implement it. But on the  
15 summary sheet here you can see there are five  
16 bullet items and it gives a real brief synopsis  
17 of what's in the final rule, but it says that  
18 we would use limited sign-ups. We would do CSP  
19 sign-ups similar to the way that FSA runs a CRP  
20 sign-up. You announce a sign-up, people would  
21 come in and they would sign up in that  
22 watershed. And, Jamie, if the secretary  
23 announces a sign up in that watershed one time  
24 the they may just have one shot to get in. It

1 would be whatever the secretary announces.  
2 Then it goes on and talks about eligibility,  
3 and it says "The eligibility criteria should be  
4 sufficiently rigorous to insure that the most  
5 pressing concerns are met." Then it talks  
6 about the contracts, the enrollment categories  
7 and the payments. So if you're interested in  
8 making comments I would read through that  
9 section and make comments. And if you want to  
10 attach some additional pages you can just say  
11 this is from question number so and so, I  
12 didn't have enough room; here is, here is the  
13 rest of my comments. If you go to question  
14 number 2. It talks about the funding  
15 enrollment and there's a reference there behind  
16 question number 2. It says "page 198, 3rd  
17 column." So just flip back to 198 and the 3rd  
18 column, and it says number four, "Prioritized  
19 Funding." That's the area that that's talking  
20 about. So if you just read that section and  
21 you can make your comment.

22 **JAMIE DARLINGTON:** Who will be making the  
23 payments? Will it come out of the state  
24 office?

1           **JIM PIPER:** I don't know who will be  
2 cutting the checks at this point. I assume  
3 that's still to be determined, if it would be  
4 NRCS or an agreement though the way that FSA  
5 writes checks for EQUIP. Every question gives  
6 you a reference back to the rule and, also, to  
7 point out that when a rule is published there's  
8 generally three different sections. The first  
9 section deals with the regulatory requirements  
10 and the environmental assessments, and the  
11 economic benefits. That's the first section of  
12 the rule. Then the middle section is called  
13 the preamble. It gets into more of a  
14 presentation of the issues. Then the last  
15 section of this is the proposed rule itself.  
16 So all of this is not the proposed rule. If  
17 you go back to page 214 and you see in the  
18 center column about two thirds of the way down  
19 it says "Part 1469, Conservation Security  
20 Program." That's where the proposed rule  
21 actually starts.

22           **GLENN RUSH:** On this question number 11,  
23 "Incidental Forest Land", will that include  
24 tree farms? What will this involve? I was on

1 farm judging last summer and we had one that  
2 was a tree farm and then we had agriculture  
3 farms and that was a tough decision to make  
4 there.

5 **JIM PIPER:** And question number 11 is  
6 probably a good one for West Virginia to  
7 provide some feed back on. If we go back to  
8 that section, page 206. It says "Forest land  
9 offered for inclusion in a CSP contract as an  
10 incidental part of an operation must meet the  
11 guidelines on page 206, column one." It  
12 basically says it can only have so much canopy  
13 cover and it has to have so many stems per acre  
14 of a tree that will exceed four meters in  
15 height.

16 **GLENN RUSH:** In order for it to be a tree  
17 farm, looks to me like you would have to have  
18 all forest in order for it to be classified as  
19 a tree farm.

20 **JIM PIPER:** When it talks about the  
21 eligible land it talks about producing crops;  
22 it could be range land, pastureland, cropland,  
23 vineyards, orchards, all that. And it says in  
24 there forest land was not eligible land. So

1 they're really not looking at tree farms or  
2 forest operations. It has to be part of what  
3 meets that definition of an ag operation.  
4 Maybe you would like to make a comment on that.  
5 The way the rule is written now is that it is  
6 probably not eligible.

7 **MODERATOR:** Any other comments or  
8 questions? There are extra copies of the  
9 register if you need them. If there are no  
10 more questions or comments we will end this  
11 session on that note.

12

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1 this is going to reward those who have been  
2 doing good stewardship for many years, their  
3 whole farming career. I'm really excited about  
4 this. Now, understand there is - we have, kind  
5 of a box. You know, we understand Congress;  
6 this year we're in a war situation. They were  
7 only able to put 41 million towards to program  
8 and we realize there's going to be a  
9 limitation. But the agency is really excited  
10 about at least getting it out there. And so  
11 that we can test how the program goes and  
12 continue to build on it, we'd like your  
13 comments on this. The NRCS is the way we like  
14 to operate the program. You know, they're  
15 looking nationwide. And I wanted to make sure,  
16 here in West Virginia, that West Virginia  
17 farmers had a chance to comment on this. So, I  
18 do look forward to people to talk about West  
19 Virginia situations and make sure nationally  
20 we're putting together this program that will  
21 fit West Virginia. That's why I'm really  
22 excited because I think it has possibilities.  
23 It's going to grow, It's going to start small  
24 this year and then you know, the president and

1 his budget that he's put out for 2005 is  
2 already increasing at almost four-fold. So,  
3 I'm really excited about that.

4 **JOE GUMM:** Okay, there's another part of  
5 this question. Lets take a good farmer which  
6 is a good stewards of the land, he's done all  
7 these projects. I noticed there to qualify  
8 you'd have to have the crops in the last two of  
9 six years or somewhere in that ballpark. Now,  
10 what about the farmer that just, say, raises  
11 yearlings, raises just grassland? There's not  
12 too many crop farmers in the State of West  
13 Virginia. I know there's not too many in my  
14 county. Most of mine is just mountain pasture  
15 land.

16 **LILLIAN WOODS:** If you look at the  
17 definition of Agriculture Operation - and it  
18 includes crop land - it also includes  
19 grassland, livestock. So all of those are  
20 included. So they would potentially be one of  
21 those eligible for that type of ag operation.

22 **JOE GUMM:** Okay, moving on to the  
23 landowner that has, let's just say, three -  
24 just pick a number out of the sky - programs

1 that he has on his farm plan as of now. I know  
2 it's there in Jim's presentation that some of  
3 those would not qualify for just, you know, for  
4 the CSP. Most farmers - I'm just going to  
5 speak for my county - are involved with some  
6 conservation programs. Now, if they're  
7 involved with a conservation program and also  
8 come out of a watershed that is not really  
9 polluted, most of them you know - and there  
10 again I'm going back to Randolph County - most  
11 of that water is pretty good. So, here we are,  
12 we're in the watershed that is pretty high  
13 quality water and the landowner has got a  
14 pretty good conservation plan. What's the  
15 chances of him or that farm getting involved  
16 with CSP?

17 **LILLIAN WOODS:** Okay. I got several  
18 sections of your question. First is, is if  
19 somebody's existing program - and the one's I  
20 remember are Conservation Reserve Program - if  
21 they're under Grassland Reserve Program,  
22 Wetland Reserve Program, these are like  
23 easement programs that are already getting a  
24 payment on that land for stewardship. Some of

1       them are retirement programs. The GRP is  
2       actually a program where it's existing land and  
3       it maintains an operation. So they're getting  
4       a payment on that. So they're not trying to do  
5       double payment on these programs. So I got  
6       that one portion. So they would be eligible  
7       for another program.

8               The other part you're saying, you talked  
9       about the watershed. Now, the proposal is that  
10       they're going to prioritize watershed  
11       nationwide that will be selected. So that they  
12       will be picking these watersheds, looking at  
13       those applicants and select contracts. So it  
14       would have to be in the nationwide prioritized  
15       watersheds. And that's where we're looking for  
16       comments on, you know, how should we select  
17       these prioritized watersheds? You know, if  
18       there's a preferred method that NRSC has there,  
19       that they will look for comments on that.  
20       Once, if they're in that prioritized watershed  
21       then they would be eligible based on the  
22       stewardship they had done in the past and also  
23       if they look at doing additional.

24               **JIM PIPER:** I have a comment just to

1 follow up on Lillian's a little bit. The  
2 original legislation, landowners anywhere and  
3 any watershed are eligible. And if the funding  
4 were provided nationally that was originally  
5 intended we would be able to operate on a  
6 broader scope and more people would be able to  
7 participate. But if they squeeze those dollars  
8 down to where we're not able to have very much  
9 participation, then nationally they're thinking  
10 we would try and identify some priority  
11 watersheds to try and utilize them efficiently.

12 **JOE GUMM:** Okay. Thanks for that comment  
13 but that raises my concern. What are we  
14 calling a priority? Are we calling a watershed  
15 that needs attention, that's got some  
16 pollution, some problems, or are we wanting to  
17 protect the watershed, say, real good and we  
18 want to keep it that way? See, we're talking  
19 about two different issues here.

20 **JIM PIPER:** Do you remember on that one  
21 screen I had in the Power Points, it said that  
22 we would select those watersheds where there's  
23 the most opportunity for environmental  
24 improvement or enhancement, and looking at the

1 soil quality, the water quality and grazing  
2 land condition? So, Joe, I think that they're  
3 looking at trying to address the problems where  
4 they can show an environmental improvement.  
5 And that's one of the issues that Lillian said  
6 that we would like some comment back from the  
7 public on what's the most appropriate way to  
8 prioritize those watersheds. And if that's not  
9 the right way, what is the right way?

10 **JOE GUMM:** Well, I think we may be getting  
11 off track here a little bit, but the way, in my  
12 opinion, is take these watershed roofs and try  
13 to find someone, some way to keep the  
14 watersheds as they are. What I mean by that is  
15 20 years down the road - can I give an example?  
16 The example would be, we're talking about a  
17 Phillipi flood wall in Phillipi, to keep the  
18 flooding out of Phillipi. Well, if we don't do  
19 something, I'm talking about 20, 30, 40, 50  
20 years from now we're going to spend 40-some  
21 million dollars on this project. Then if we  
22 don't correct the watershed somewhere in  
23 Randolph or Pocahontas County then all that  
24 sediment and stuff is going to come down to

1 Phillipi and it's going to fill it in. And  
2 what are we going to do then, build another  
3 flood wall or are we going to correct the  
4 problem now, and then build another flood wall?  
5 And what I'm saying there see, if we don't  
6 correct the problem, keep these watersheds  
7 somewhat in check, then we're just wasting our  
8 time and money, aren't we, on programs that are  
9 addressing the needs today, but are not really  
10 correcting the problems that's going to created  
11 tomorrow? I don't know if I'm making sense or  
12 not.

13 **JIM PIPER:** And I think that's a comment  
14 that's going to be collected and sent on in,  
15 Joe.

16 **JOE GUMM:** I've been wanting to say that.  
17 I'm glad I took the opportunity to say that  
18 right now. You know, and that's one of the  
19 concerns that came out. And who cares if you  
20 live along a stream that's - you live down  
21 along the Kanawha River? I happen to live  
22 along -- the watershed starts on my land, and  
23 I'm probably not going to qualify. That's all  
24 I had.

1           **LILLIAN WOODS:** Do you want me to read  
2           from the proposed rule how the NRCS has plans  
3           to prioritize?

4           **JOE GUMM:** Yes.

5           **LILLIAN WOODS:** "NRCS will nationally  
6           prioritize watersheds based on score derived  
7           from a composite index of existing natural  
8           resource, environmental quality and agriculture  
9           activity data. The watershed prioritization  
10          and identification process will consider  
11          several factors, including but not limited  
12          to..." - and Jim had this up on the board -  
13          "(i) Vulnerability to surface and ground water  
14          quality; (ii) Potential for excessive soil  
15          quality degradation; (iii) Condition of grazing  
16          land." And if those type things are not, you  
17          know, what we'll address here in West Virginia,  
18          those are the areas that you need to comment  
19          on. How are we going to prioritize the  
20          watersheds, because I don't know how this  
21          index, how it's going to come out. But if you  
22          can kind of figure out is West Virginia going  
23          fair well versus other places in the United  
24          States. That's what they're proposing.

1           **JOE GUMM:** Okay. Thank you.

2           **ROBERTA MEADOWS:** Well, I feel like the  
3 new kid on the block. But I'm a farmer. I  
4 have been all my life. And I get flustered  
5 being a farmer about how some of my other  
6 friends or farmers think. And I get flustered  
7 about the way they do things. And I know they  
8 have farm plans. But, for instance, I know  
9 people in my area who will build a pond and  
10 they won't get help through NRCS. And of  
11 course the pond leaks and they don't understand  
12 why or the first torrential rainfall the pond  
13 washes out. And I've asked this question  
14 before, just how do we get our message out and  
15 order these people that are still doing things  
16 that are not beneficial to the environment when  
17 it comes to, for instance, water quality. I  
18 know farmers who do not pay attention to their  
19 soil tests and they think fertilizer is a magic  
20 potion and maybe they need lime. And they go  
21 and buy four or five fertilizers, for example,  
22 and think this is the magic potion but it's  
23 just a quick fix. Yes, the grass is going to  
24 be green. But they don't think what they are

1 doing to the environment. I mean if they were  
2 liming and leaking nutrients into the soil, you  
3 now they would have to be doing so much  
4 fertilizing. And the lime is beneficial to the  
5 water quality. We have a lot of acid rain here  
6 in our area. But, like I say, I get flustered  
7 with some of the farmers that's here in Braxton  
8 County. Of course we don't have that many  
9 farmers; a lot of farmers have quit. And we  
10 really - I probably know ten serious farmers  
11 here in Braxton County, I mean when it comes  
12 down to really taking care of the land. And  
13 just how do you get the message more across to  
14 people? I mean, I guess they don't care. I've  
15 had this conversation with \*Don Cox several  
16 times. You know, and he says - and of course  
17 my theory is, well, the Lord is saying, "You  
18 can lead a horse to water but you can't make  
19 him drink." But I do know the importance of  
20 what you're doing and what's being done. And  
21 I've seen the results. And stewardship will  
22 make it better.

23 **JIM PIPER:** If I might just take a moment  
24 here to kind of walk you through a little bit

1 on this comment sheet that we have that's in  
2 the packet.

3 **MODERATOR:** If there are no more comments  
4 or questions that will end our session. Thank  
5 you for attending.

6

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STATE OF WEST VIRGINIA,  
COUNTY OF BRAXTON, to-wit:

I, JANETTE M. CAMPBELL, a certified court reporter and notary public for the state and county aforesaid, hereby certify that the foregoing is a true and accurate transcript of the proceedings reported by me, or under my supervision, and herein translated into the English language. When spellings are in question the words are spelled phonetically and marked with an asterisk (\*).

I certify further that I am neither, nor is anyone under my supervision, counsel to nor attorney for any of the parties herein and have no pecuniary interest in the outcome of same.

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*Certified Court  
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