

**Georgia Department of Natural Resources
Wildlife Resources Division
Comments on TSP Interim Final Rule (03 13 09)**

505

Page and Section Number categorize the Comments Below:

• **Page 2802, General Discussion of Program:**

NRCS should be allowed to exceed 50% in TSP Agreements. Many state agencies and other organizations do not have funding to allow a 50% match.

TSP contract agreements should be 3-year in length with additional funds encumbered and amended annually. This will reduce staff turnover and greatly enhance program delivery.

• **P. 2803, TSP Payment Rates**

We support allowing states to set TSP payment rates which capture local market conditions and maintain flexibility.

We oppose setting payment rates solely for hard deliverables, as this will impede conservation program delivery. Rates should be established and payment made for related technical services including education, outreach and other forms of landowner contacts that will facilitate and accelerate technical assistance. Payments per contact will facilitate and accelerate conservation whereas payment per "contract" will slow down the process.

• **P. 2804, Certification Requirements**

We support NRCS clarifying their policy regarding licensing and state law requirements for state-level certification. However, those agencies that administer state law/have authority to manage the resources should not have to be certified by NRCS, as this is duplicative, and this is already within the realm of state agency authority. State fish and wildlife agency personnel should not be required to go through certification for wildlife conservation practices. However, we do feel certification should be required for NGOs and other third-party consultants

• **Page 2804 & 2805, 652.6 Department Delivery of Technical Services**

There is more to "related technical assistance services" than the production of hard deliverables that may be tracked through NRCS software as described in the first paragraph of this section. In fact, there are many actions, activities and services that are involved in developing and implementing a conservation or forestry plan and working with landowners that "accelerate conservation program delivery" but are not hard deliverables such as implementation of a program contract and recording conservation planning decisions and specifications. It is important to make this distinction and broaden the concept and interpretation of related technical services in this rule in order to fulfill Congress's intent of "related technical assistance services that accelerate conservation program delivery."

- **Page 2805, 652.1 Applicability**

Revise wording for (b): Technical service providers may provide technical services to eligible participants in conservation **and forestry planning, education, outreach, participant training, and assistance with the planning, design, installation, implementation,** and check-out of conservation practices applied on private land, Indian land, or where allowed by conservation program rules on public land where there is a direct private land benefit.

- **652.2 Definitions**

Define “technical service” as the assistance provided by technical service providers, including conservation **and forestry planning; landowner and participant education, outreach, and training;** conservation practice **assistance,** design, layout, **implementation** and installation; and certification that the conservation practice meets NRCS standards and specifications.

Define “related technical service” as all other forms of assistance to NRCS and landowners that accelerates the delivery of technical assistance and may include landowner or participant contacts and relations; site visits; assistance with practice coordination and the implementation of plans; NRCS staff and landowner/participant training on initiatives or practices; as well as activities or services that facilitate the development, processing, or implementation of a program contract, including recording conservation planning decisions and specifications.

- **652.5 Eligible participant acquisition of technical services.**

We fully support maintaining flexibility in annually reviewing payment rates and maintaining flexibility to make adjustments to meet state and local market conditions.

- **Page 2806, Section 652.6 Department delivery of technical services**

(b) Expand to define related technical assistance services to **include all other forms of assistance to NRCS and the landowner or participant that accelerates the delivery of technical assistance such as landowner contacts and relations; site visits; assistance with practice coordination and the implementation of plans; NRCS staff and landowner training on initiatives or practices; as well as activities or services that facilitate the development, processing, or implementation of a program contract, including recording conservation planning decisions and specifications.**

(c) We fully support and encourage allowing NRCS to enter into agreements with state fish and wildlife agencies for technical service delivery. Considering that state fish and wildlife agencies are charged with the management of the state’s wildlife resources and have infrastructure in place, these agreements facilitate integration of NRCS conservation planning and programs into State Wildlife Action Plans in the most effective and cost efficient way.

(e) We strongly support and encourage the use of 3-year umbrella agreements, when appropriate, that can be amended annually to address fluctuations in annual appropriations, workload, staff capacity and natural resource concerns. This provides for

consistency and stability over time for NRCS staff, landowners and participants as well as technical service providers.