



**Kona**  
**Soil and Water Conservation District**

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March 13, 2009

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Mr. Greg Johnson  
Financial Assistance Programs Division,  
U.S. Department of Agriculture, NRCS  
1400 Independence Avenue, SW. Room 5237S  
Washington, DC 20250-2890

**Re: NRCS-IFR-08005, Environmental Quality Incentives Program**

Dear Mr. Johnson,

The Kona Soil and Water Conservation District is writing to express concern for a portion of the Farm Bill pertaining to funding EQIP on public lands. Below is the language from the published CFR from section 1466.8:

- (c) Eligible land includes agricultural land and nonindustrial private forest land, and other land on which agricultural products, livestock, or forest-related products are produced and resource concerns may be addressed. Other agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for production of livestock. However, land may be considered for enrollment in EQIP only if NRCS determines that the land is:
- (1) Privately owned land;
  - (2) Publicly owned land where:
    - (i) The land is a working component of the participant's agricultural and forestry operation, and
    - (ii) The participant has control of the land for the term of the contract, and
    - (iii) The conservation practices to be implemented on the public land are necessary and will contribute to an improvement in the identified resource concern that is on private land; or
  - (3) Indian land

The current interpretation of the above wording is that state lands are not eligible unless the state lands are part of a bigger operation that includes private land. Consequently if farmers or ranchers operate only state lands, they are not eligible for EQIP funding.

Hawaii is unique, in that the State holds a large number of agricultural acres for lease to producers. On the island of Hawaii, where the Kona Soil and Water Conservation District is located, the Department of Land and Natural Resources alone has over 150,000 acres

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available to lease for agricultural production and they have lease land available on the other islands as well. The Departments of Agriculture and Hawaiian Homelands also have land available to lease for agricultural production. These agricultural lands are leased (many with long-term leases) to Hawaii's farmers and ranchers that do not have a private land component. It is these farmers and rancher that keep Hawaii's agricultural industry alive. Many of them have used EQIP funds to implement needed conservation practices that were

Thank you for your valuable time and for your consideration.

Sincerely yours,



Rick Robinson  
Chairman, Kona Soil and Water Conservation District

Fred Cowell

William "Skip" Cowell

Board of Directors

Greg Hendrickson

Virginia Isbell

Rick Robinson