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Easement Programs Division
Room 6819-S
Natural Resources Conservation Service
U.S. Department of Agriculture
P.O. Box 2890
Washington, DC 20013-2890

3860 N. Long Lake, Suite D
Traverse City, MI 49684

Docket Number NRCS-IFR-08013

RE: Farm and Ranch Lands Program Comments

The Grand Traverse Regional Land Conservancy supports the comments submitted by American Farmland Trust and those of the Land Trust Alliance concerning the Farm and Ranch Lands Protection Program (FRPP) Interim Final Rule (Docket Number NRCS-IFR-08006) as published on January 16, 2009.

Congress made significant changes to the FRPP in 2008 to allow for greater flexibility by program partners at the state and local level. It was clear from a practitioner's perspective that Congress wanted to make the Program's processes easier and more efficient. One key change was to state that the federal government's role in the Program is to facilitate and provide funding for the purchase of conservation easements, not to purchase the easements directly. Unfortunately, in the Interim Final Rule, the U.S. Department of Agriculture essentially ignored this change and continued many of the program's cumbersome requirements that have made FRPP a difficult partner in state and local farmland protection efforts. This appears to be in direct conflict with the intent of Congress in this significant program change and a hope for a more streamlined program making grants for easement purchases to highly qualified partner organizations.

The Grand Traverse Regional Land Conservancy also takes issue with the certification process as proposed in Section 1491.20 of the rule. The rule states that the term for cooperative agreements shall be a minimum of five years for certified entities and three years for other eligible entities. The two-year difference in the length of cooperative agreement appears to be the only benefit afforded to certified entities. The rule does not reflect any further use or development of the certification process as laid out by Congress in the statute. During consideration of the 2008 Farm Bill, Congress established a certification system which could be used to streamline the procedures and reduce the requirements for those eligible entities with established farmland protection programs and a proven history of success. The certification criterion of completing "50 easement closings in the last Farm Bill period with a > 50% success rate", as voiced by NRCS in the 2/25/09 USDA NRCS conference call, seems arbitrary and does not consider past or overall success of programs or an entity's experience with FRPP. While acknowledging certification for an eligible entity in the statute, the rule provides no meaningful incentive for an entity to go through the certification process.

For example, the Grand Traverse Regional Land Conservancy, established in 1991, which holds 192 conservation easements, of which 32 are agricultural conservation easements, including one FRPP conservation easement - and 14 FRPP conservation easements since 1997 in collaboration with its partnership with Peninsula Township in Grand Traverse County - would not be eligible as a "certified entity" under the new program rules. For that matter, neither Peninsula Township nor the State of Michigan's Farmland Protection Program, both successful partners in FRPP *since the program's inception*, would be eligible as certified entities.

The Grand Traverse Regional Land Conservancy, which also owns and manages 32 nature preserves for public benefit, and which is voluntarily and enthusiastically currently engaged in the Land Trust Alliance's rigorous Accreditation Process for land trusts, has, together with its partners, including the NRCS, protected over 30,000 acres of natural, scenic and farmlands. Our five-county service area in Northwest Lower Michigan encompasses a vast portion of the West Michigan Fruit and Truck Belt, identified by the American Farmland Trust as one of the 20 most-threatened agricultural resources in the United States. Michigan's agricultural economy contributes over 73 billion dollars to the state (Michigan State University Product Center - 2008), is a growing industry and is second in diversity of products only to California. Further, Grand Traverse County, at the heart of our service area is home to two (2) of only four (4) locally-funded permanent farmland preservation programs in the entire state with ample monetary resources and program infrastructure ready to secure high-quality agricultural conservation easements under the FRPP program.

We believe USDA must thoughtfully address the following five issues to improve the Farm and Ranch Lands Protection Program's flexibility for state and local partners as intended by Congress:

- Requirements regarding easement terms and conditions should reflect new interpretation of "contingent right of enforcement"

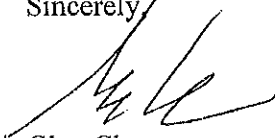
- Certification should be used to provide a meaningful way to reduce administrative burdens for experienced entities
- Forest management plan requirement should be eliminated or significantly revised to allow entities in the field to best protect forest resources
- Impervious surfaces policy should be revised
- National ranking factors should be reconsidered

Without addressing these issues, we believe the USDA NRCS will have been negligent in respecting the desire of Congress in developing the new program purpose and proposed structure in the 2008 Farm Bill.

We request that our support of American Farmland Trust's and Land Trust Alliance's comments be considered and adopted as NRCS revises the rule and implements the program.

We appreciate you allowing practitioners in the field, and those that represent us like American Farmland Trust and the Land Trust Alliance and Heart of the Lakes Center for Land Conservation Policy to provide comments on these Interim Final Rules.

Sincerely,



Glen Chown
Executive Director

cc Rachel Kuntzsch, Heart of the Lakes Center for Land Conservation Policy
Brian Price, Leelanau Conservancy
Russ Shay, Land Trust Alliance
Bob Wagner, American Farmland Trust