

July 30, 2009

570

Dear USDA and Natural Resources Conservation Service,

The Natural Heritage Land Trust is pleased to have the opportunity to submit comments on the Farm and Ranch Lands Protection Program (FRPP) Interim Final Rule. Our land trust works to protect natural areas, working farms, healthy lakes and streams, and recreational land to provide a high quality of life in Dane County, Wisconsin. We are currently partnering with three towns and one county on farmland protection programs. We have participated in FRPP in the past and will continue to apply for funding for farmland protection projects in the future. Wisconsin's new Working Lands Initiative Purchase of Agricultural Easements program makes FRPP more important to our work.

To make the Farm and Ranch Lands Protection Program more effective and more accessible, we submit the following comments:

1. Please allow eligible entities to negotiate the terms and conditions of conservation easements acquired with FRPP funds, provided that the easements include basic protections to ensure that federal funding is expended wisely. The program's statutory language specifically authorizes eligible entities to use their own easement terms and conditions so long as such terms and conditions are consistent with the purposes of the program and permit effective enforcement of the conservation purposes of the easement, yet the program continues to require eligible entities to include a number of specific terms and conditions. These include provisions related to general indemnification, environmental warranty, and prohibited uses. Most of these provisions are standard in all of our easements, but we appreciate flexibility in drafting these terms and conditions to best suit the situation.
2. Please consider eliminating or significantly revising the requirement to have a forest management plan completed prior to closing for those landowners with more than 10 acres or 10% of the area in forest. While well-intentioned, there are insufficient resources at the federal and state levels to assist the number of landowners who would need to develop forest management plans in the time envisioned between application to the program and closing. We often require that a forest management plan needs to be created before the landowner intends to harvest or plant trees.
3. Lastly, we encourage you to make the process and criteria to become a "certified entity" as accessible to smaller programs as it would be to larger programs. It would be disheartening if smaller programs were disadvantaged in becoming certified because of their size, without consideration of other program qualities.

Thank you for the opportunity to provide comments.

Sincerely,

Kate Wipperman
Conservation Specialist
Natural Heritage Land Trust