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499

U.S. Department of Agriculture  
Natural Resources Conservation Service  
Financial Assistance Programs Division  
Wildlife Habitat Incentive Program Comments  
P.O. Box 2890, Room 5237S  
Washington, D.C. 20013

The National Association of State Conservation Agencies (NASCA) appreciates the opportunity to comment on the Wildlife Habitat Incentive Program (WHIP) interim final rule that was published in the Federal Register on January 16, 2009. This program is a valuable asset for many states by providing tools to apply conservation practices in venues where other programs may not be applicable or of lesser value. While NASCA cannot comment with the level of detail that individual states might propose, we believe these comments represent a general consensus on the part of our membership.

NASCA would like to offer the following comments which we believe will eliminate some ambiguity in the WHIP Program final rule:

#### Section 636.3 Definitions

- Change the definition of *applicant*. As the definition now stands, the applicant must have an interest in an agricultural operation. Traditionally many WHIP contracts have been written on non-agricultural land. Thus, this definition could in essence negate possible WHIP projects based on this definition.
- Change the definition of agricultural lands by removing the word *marshes* and replacing it with *wetlands*. This will allow the program to operate over a wider spectrum of habitat types.

#### Section 636.4 Program Requirements

- Subsection (b) discusses eligibility of lands. The rule should specifically include riparian areas in this section.

#### Agricultural Land

- Add the qualifying “*may*” to read “*other agricultural lands may include*”.
- Replace “*marshes*” with “*wetlands*”. Wetlands include marshes but also capture other types of sites that the term “*marshes*” would not. Additionally, “*riparian areas*” should be included in this definition.



Section 636.11 Transfer of interest in a cost-share agreement

- In subsection (b) change the word *producer* to *participant*. This change will reflect greater consistency in the final rule.

WHIP is a very popular program in many of our states. NASCA appreciates the opportunity to comment on this rule and would be happy to address any questions or concerns regarding this matter.

Sincerely,



Michael K. Brown  
President

