



American Rivers
Thriving By Nature

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American Rivers
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March 17, 2009

Financial Assistance Programs Division
Natural Resources Conservation Service
PO Box 2890, Room 5237-S
Washington, DC 20013

RE: Wildlife Habitat Incentives Program Comments on Interim Final Rules

To Whom It May Concern:

American Rivers would like to submit the following comments on the Wildlife Habitat Incentives Program (WHIP) Interim Final Rules found in 7 CFR Part 636. The Natural Resources Conservation Service WHIP Program has been a highly effective program dedicated to assisting public and private landowners with protecting and restoring native wildlife species and reducing the impacts of invasive species. In 2008 alone, WHIP enrolled more than 3,000 new cost-share agreements, demonstrating tremendous landowner interest in what is a purely voluntary program. American Rivers particularly applauds the WHIP Program for its notable assistance in restoring rivers and floodplains, and improving public safety, throughout the country through culvert replacements, dam removals, riparian buffer establishment, and runoff system improvements.

The new rule changes for WHIP will unnecessarily restrict the program's ability to maintain the same level of effectiveness. American Rivers recommends eliminating changes to both the cost-share dollar limit and the types of eligible applicants:

- The new \$50,000 annual limit for a WHIP cost-share is the most restrictive of the new rule changes. Most meaningful habitat restoration projects have costs that far exceed this limit and it has been one of the strengths of WHIP that, together with a landowner's cost-share, the program can fully fund a habitat restoration project. As a cost-share program, if landowners can produce their portion of the cost-share, then WHIP should not preemptively limit its portion of the share. Instead, projects and associated costs should be judged based on the merit of the project.
- The new rules additionally restrict the program by enforcing the \$50,000 limit by landowner rather than by project. This restriction makes it impossible, for example, for a large land trust to cost-share with WHIP on more than one large-scale project per year, even if the projects are on separate properties in separate states utilizing completely different approaches to habitat restoration. If a cost-share dollar limit is truly necessary, then American Rivers suggests that it be limited by project rather than by landowner.
- The new rules limit WHIP to work only on private lands, preventing public entities such as towns and states from cost-sharing with the program. Such a restriction would eliminate some extremely effective projects accomplished by WHIP in past years. For example, WHIP recently cost-shared

with the Town of Becket, Massachusetts to remove the town-owned Ballou Dam from Yokum Brook to restore habitat and fish passage for Atlantic salmon, Eastern brook trout, and other aquatic wildlife. The Yokum Brook Restoration Project was the recipient of a 2007 Coastal America Partnership Award in recognition of the effective restoration and partnership.

- Finally, the new rules restrict WHIP projects to only private agricultural lands, nonindustrial private forestry lands, and Tribal lands. The need to protect and restore wildlife habitat extends well beyond the limited boundaries covered by this new restriction. Part of the effectiveness and popularity of WHIP has been that the program supports the efforts of conservation-minded landowners throughout the country regardless of the use of their property.

American Rivers is the leading national organization standing up for healthy rivers so communities can thrive. American Rivers protects and restores America's rivers for the benefit of people, wildlife and nature. Founded in 1973, American Rivers has more than 65,000 members and supporters nationwide. Our River Restoration Program is staffed by engineers, scientists, and planners with cumulatively decades of experience completing successful river restoration projects.

American Rivers urges that the new restrictions to the Natural Resources Conservation Service Wildlife Habitat Incentive Program be eliminated and the program restored to its previous effectiveness. Please feel free to contact me with any questions at 518-482-2631 or at the address provided above. Thank you for your consideration of our comments.

Sincerely,



Stephanie Lindloff
Senior Director, River Restoration Program
American Rivers