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STATE OF WASHINGTON

**Department of Fish and Wildlife**

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USDA Natural Resources Conservation Service  
Financial Assistance Programs Division  
Wildlife Habitat Incentives Program Comments  
Post Office Box 2890 Room 5237-S  
Washington, DC 20013

**SUBJECT: Docket Number NRCS-IFR-08011; Wildlife Habitat Incentives Program  
(WHIP) Interim Final Rule Comments**

Dear Sir or Madam:

Thank you for the opportunity to comment on the Interim Final Rule for WHIP. The Washington Department of Fish and Wildlife (Department) considers WHIP an important program for fish and wildlife resources and appreciates the partnership opportunities the program has provided for fish and wildlife conservation in Washington State.

We commend the Natural Resources Conservation Service's (NRCS) identified national priorities for WHIP as identified in the Interim Final Rule (i.e., Promote the restoration of declining or important native fish and wildlife habitats; protect, restore, develop, or enhance fish and wildlife habitat to benefit at-risk species). We also appreciate the states having flexibility to use WHIP funds to benefit species of cultural and economic significance, such as important game species.

The Interim Final Rule emphasizes the need to use WHIP for the conservation of pollinators. We commend this emphasis but stress that the focus should be on "native" pollinators and not "managed" pollinators which are non-native (thus do not meet the rules' correct definition of wildlife) and often require non-native habitats to sustain them. Other programs such as the Environmental Quality Incentives Program (EQIP) could be used to further manage pollinators. In addition, WHIP should continue its emphasis on native habitats which will support pollinators.

The Interim Rule's definition of agricultural lands should be broadened to include areas associated with land "on which agricultural and forest related products or livestock are produced." It should be clarified that in-stream habitat projects are eligible as at-risk fish species are a top priority in the Pacific Northwest. Many critical landscapes such as wetlands, riparian areas, and aspen groves should also be eligible for cost share payments. These important habitats are often within lands that are agricultural lands.



April 9, 2009

Page 2

Section 636.6(c)(8) suggests giving priority to applicants who are willing to complete all conservation practices within two years. While we appreciate the need for timely implementation of planned practices, we feel this also inadvertently discriminates against more complex habitat projects that may require over two years to fully implement. For example, in some cases site preparation may require one full growing season and diverse habitat establishment may require another two growing seasons with grasses established in year-2 and forbs/shrubs established in year-3. Resource concerns should drive project design rather than programmatic or contractual requirements.

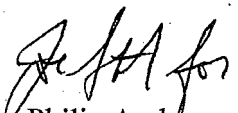
Section 636.7 Cost-share Payments states that: "The cost-share payment to a participant shall be reduced proportionately below 75 percent to the extent that direct Federal financial assistance is provided to the participant from sources other than NRCS, except for certain cases that merit additional cost-share assistance to achieve the intended goals of the program...." We recommend that NRCS readily grant this waiver, particularly as it relates to declining or at-risk species because there is often little financial incentive for an agricultural producer to participate in these activities. If NRCS and other partners can eliminate the cost of this type of habitat work the landowner may be willing to allow the habitat to be restored or enhanced and thus move these species away from listing under the Endangered Species Act.

Section 636.17 – Add language directing NRCS to consult with state permitting agencies on project design before work begins. In Washington, this is particularly important regarding in-stream projects requiring Department-issued Hydraulic Project Approvals where the potential exists for NRCS to design and fund projects that do not meet state regulations. Further, confidentiality laws prevent NRCS from informing the Department if federal funds were involved when illegal activities are discovered. At minimum, language should be included in Section 636.9 or 6.36.17 directing NRCS to withhold cost share payments until proof is provided that all applicable local, state, and federal permits have been obtained by the applicant.

The Interim Rule allows for the NRCS State Conservationist, in consultation with the State Technical Committee, to give priority to WHIP practices that address unique habitats, or special geographic areas identified within a state. We believe this will help focus resources (both staffing and funding) to maximize benefits where most needed, and look forward to working with the State Technical Advisory Committee to identify WHIP priorities.

Thank you for considering our comments. If you have any questions, please contact Don Larsen, the Washington State Department of Fish and Wildlife, Private Land Coordinator, by email at [don.larsen@dfw.wa.gov](mailto:don.larsen@dfw.wa.gov) or by phone at (509) 323-2967.

Sincerely,

  
Philip Anderson  
Interim Director

cc: Mark Clark, Washington State Conservation Commission  
John Larsen, Washington Association of Conservation Districts  
Don Larsen, Department  
Nate Pamplin, Department