



Brian Schweitzer, Governor

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March 13, 2009

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Easements Program Division
USDA Natural Resources Conservation Service
Wetlands Reserve Program Comments
P.O. Box 2890, Room 6819-S
Washington, DC 20013
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Dear USDA NRCS:

RE: Comments on the Wetland Reserve Program, Docket Number NRCS-IFR-08013

Thank you for the opportunity to comment on the Wetland Reserve Program. The Wetlands Reserve Program delivers significant environmental benefits across the nation; however the program has been underutilized in Montana. The Montana Department Environmental Quality's Wetland Program (MDEQ-WP) supports implementing a program that will continue to build on past success and meets restoration and conservation goals and producer stewardship in all the states. The importance of this program was clearly recognized by Congress with the reauthorization of the Wetlands Reserve Program in the 2008 Farm Bill. The comments and recommendations below are made in response to the proposed interim rule and reflect actions that we believe will ensure the success of this very important program across the nation and in Montana.

Land Ownership Criteria.

The 2008 Farm Bill limits participation to landowners who have owned the land for 7 years or longer. This will significantly reduce important opportunities to enroll critical wetlands into the program. However, Congress provided for NRCS to allow waivers to this time period. Therefore we recommend that waivers be granted where landowners purchased the land for other purposes but that some of the land would be eligible for enrollment into WRP. For example, if landowners purchases a large tract of land and learns that a portion of it is eligible for WRP there should be no waiting period. NRCS has already issued Draft policy indicating a 4 year wait would be required. We do not believe this is the intent of Congress or in the best interest of wetland resources. In addition, waivers should be granted for areas that contain at-risk species or restoration would benefit these species. Declining species need special attention to ensure they are not listed through the Endangered Species Act or removed when possible and every opportunity to meet this goal should be actively sought.

New Landowner Eligibility.

DEQ-WP opposes the provision in the Interim Final Rule which indicates that if a new landowner acquiring the property does not meet eligibility criteria or if the property is transferred to a public agency or other ineligible person/entity then funds can no longer be directed towards the easement. This will significantly reduce important opportunities to enroll critical wetlands into the program. This is counter productive to the public's interest ensuring restoration and maintenance of the wetland functions and values are maintained over time. Montana has over 5 million acres of State owned land, much of which is leased to agricultural/ranching producers. Many of the wetland resources on these lands are stewarded by agricultural/ranching leases and are in need of restoration. Enrolling these lands in WRP meet the intent of wetland restoration and maintenance goals. While NRCS must use eligibility requirements as identified in Statute, it is also the responsibility of the Federal Government to ensure the original investment is secured and maintained. We recommend that Section 1467.10 e (1, 2, 3, 4) be eliminated.

Riparian Eligibility

The 2008 Farm Bill statute continues to allow riparian areas to be included within the Wetlands Reserve Program when they link protected wetlands. This is an important tool since riparian areas are critical to many species of wildlife. In addition, these areas are corridors that provide for the movement of plants and animals through often otherwise uninhabitable landscapes or landscapes that have been fragmented by development. The importance of these corridors is increased as native species migrate to new habitats in response to climate change. This is particularly true in the west. However, the WRP Interim Rule places new restrictions on the enrollment of riparian areas. Specifically, Section 1467.4 limits riparian area enrollment to areas where other lands as specified in Section 1467.4 are included (e.g., farmed wetland or converted wetlands, farmed under natural conditions). We request that riparian area be eligible for enrollment as a stand alone land eligibility that only has to meet the statutory criteria of linking protected areas. In addition, latitude should be provided to the State Conservationist to waive this requirement when special circumstances support doing otherwise.

Grazing on WREP Lands.

The statute and Interim Rule provide for a pilot Wetlands Reserve Enhancement Program that allows grazing rights to be reserved to the landowner in return for a reduction in the price of the easement. This will be an important tool in the West to protect and restore areas critical to wildlife that is wetland dependent. Previously the program limited grazing as a compatible use to the discretion of NRCS. This deterred many traditional ranching operations from participating in the program because they would not give up their right to graze. The WREP grazing pilot pointing out that grazing can be a compatible use, but can also be very detrimental to wetlands if done for prolonged periods or during certain times during the growing season, therefore grazing management plans should be developed with the landowner as part of the pilot program. Reserved grazing rights have the potential to greatly extend the opportunities for program enrollment in the west. MDEQ-WP supports NRCS implementing this pilot program.

Wetland Enhancement.

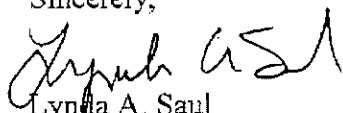
The statute added enhancement as a program purpose. MDEQ-WP supports this addition which can be applied to wetlands that have been dramatically altered by impoundments and drainage systems. In landscapes suitable for enhancement this will help to restore functions and values lost within the greater landscape.

Hunting and Fishing Reserved Right.

Section 1467.11 (a) (2) (ii) includes hunting and fishing as a compatible use. Compatible uses are activities that NRCS allows through a process that further the conservation of wetland functions and values. However, hunting and fishing should be a reserved right that is regulated by the State Wildlife Agency and the US Fish and Wildlife Service. MDEQ-WP requests that hunting and fishing be removed from this paragraph and that the Interim Final Rule indicates that hunting and fishing is a reserved right.

Thank you for the opportunity to comment.

Sincerely,



Lynda A. Saul

Wetland Program Coordinator