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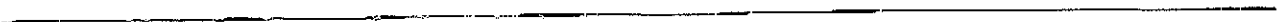
To: EASEMENTS PROGRAM DIVISION From: TRCP

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Re: WRP COMMENTS - 08013 CC: _____

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March 16, 2009

Easements Program Division
USDA Natural Resources Conservation Service
Wetlands Reserve Program (WRP) Comments
Docket Number NRCS-IFR-08013
P. O. Box 2890, Room 6819-S
Washington, DC 20013

Dear Sir or Madam:

As the coalition of America's leading hunting, fishing, and conservation organizations representing millions of members, we have a unique interest in the successful implementation of the conservation programs administered by the U.S. Department of Agriculture (USDA). This suite of programs represent the single largest federal investment in conservation on private lands and is critical to maintaining healthy fish and wildlife habitat, soil and water quality, and recreational opportunities for America's 34 million sportsmen/-women. For these reasons, we appreciate the opportunity to comment on the proposed interim-final rule for the Wetlands Reserve Program (WRP), with a particular emphasis on flexibility in implementation so maximize potential wetlands conservation and the benefits to fish and wildlife habitat

- WRP is a very important program for the conservation of fish and wildlife resources. The 2 million acres presently enrolled in the program are providing significant environmental benefits and have positively affected populations of wetland dependent wildlife. The program's reauthorization in the 2008 Farm Bill will continue to serve fish and wildlife resources throughout the Nation. Therefore, flexibility in implementation should be stressed to ensure that opportunities to further wetland conservation are not missed.
- 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 a landowner 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.
- 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. However, the WRP Interim Rule has placed greater restriction on the enrollment of riparian areas than either the law or past NRCS policy. Specifically, Section 1467.4 relegates riparian area enrollment to only be included when other lands as specified in Section 1467.4 are included (e.g., farmed wetland or converted wetlands, farmed under natural conditions). This discretionary change by NRCS will make it extremely difficult to enroll important riparian areas into WRP. Therefore, we request that riparian areas 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.

- The statute and Interim Rule provides for the pilot of a Wetlands Reserve Enhancement Program that allows grazing rights to be reserved to the landowner with a reduction in easement payment. This will be an important tool in the West to protect and restore areas critical to wetland dependent wildlife. The existing program only allows for grazing to be provided as a compatible use at the discretion of NRCS. This has deterred many traditional ranching operations from participating in the program because they would not give up their right to graze and meet their economic goals for the lands. Therefore, many important wetland landscapes are unprotected. Reserved grazing rights have the potential to greatly extend the opportunities for program enrollment in the west. We recommend that NRCS issue a Request for Proposal in the near future and work to make this a successful tool for the conservation of wetlands and important wildlife habitat in the western United States.
- The WREP pilot program with reserved grazing rights is a long needed tool to further the conservation of wetlands in the western U.S. To minimize workload for the NRCS we recommend that instead of preparing individual grazing plans for the easements, that an ecological condition be integrated into the easement document. This would be an agreed to condition between NRCS and the landowner. The landowner would be responsible for managing the ecosystem to the predetermined level of rangeland health. This condition would target the wetland functions being targeted through easement acquisition. In some landscapes (e.g., non-native grasses) moderate to heavy grazing pressure may be the most important tool for ensuring the value and functions of the easement. This has been the case for bog turtle management in the NE U.S. and for migratory birds within the rainwater basins of Nebraska. NRCS or a partner would periodically determine whether the landscape goals are being met. If not, the landowner would be notified and given a date to implement a management strategy that would achieve the landscape objectives.
- The Interim Final Rules indicate that if a new landowner acquires the property and if they do not meet eligibility criteria for cost share or if it is transferred to a public agency or other ineligible person/entity prior to restoration completion then funds can no longer be directed towards the easement. This is counterproductive to the public's interest and does not ensure the restoration or maintenance of the wetland functions and values for which the easement was originally acquired. We understand NRCS must use eligibility requirements as identified in Statute but once the easement is perfected it becomes the

responsibility of the Federal Government to ensure the original investment is secured and maintained. Therefore, landowner eligibility should no longer be a consideration. We recommend that Section 1467.10 e (1, 2, 3, 4) should be eliminated.

- The Wetland Reserve Plan of Operation (WRPO) is a living document and NRCS and partners need to constantly work with the landowner and other conservation professionals to make sure that work done is functioning correctly and that needed conservation improvements that have been missed should be identified in routine monitoring efforts and should be added to a revised and updated WRPO over time.
- The statute added enhancement as a program purpose. We applaud this addition since many wetland systems have been dramatically altered by dams and large drainage systems. Therefore wetland restoration, protection and enhancement projects need to make up for many values lost within the greater landscape. In landscapes suitable for enhancement beyond minimal restoration, enhancement will help to compensate for functions and values lost within the greater landscape.
- 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. We request that hunting and fishing be removed from this paragraph and that the Interim Final Rule indicate that hunting and fishing is a reserved right.

Thank you for considering our comments on this important program. Successful implementation will not only result in benefits to fish and wildlife habitat but improved and greater opportunities for America's hunters and anglers. We are happy to provide further information regarding this program if necessary and we look forward to working with USDA in the future on implementation of this very important program.

Sincerely,

Ducks Unlimited
Izaak Walton League of America
Max McGraw Wildlife Foundation
Pheasants Forever
Quail Forever
Quail Unlimited
Theodore Roosevelt Conservation Partnership