

 **OKLAHOMA LOGOS, L.L.C.**

531

FAX COVER SHEET

DATE: July 1, 2009

TO: USDA - NRCS
Easement Programs

FAX #: ~~202/720-9089~~ 720-9030

Address: 11101 S. Rockwell
Edmond OK
73025

FROM: Michael E. D'Neilia

FAX #: 405/840-1554

Phone: 405/433-2558
405/919-2560

RE: Comments on Wetland Reserve
Program - Docket # NRCS-IFR-08013

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET)

3

HARD COPY TO FOLLOW: NO YES

Easements Programs Division
Department of Agriculture
Natural Resources Conservation Service
Wetlands Reserve Program Comments
Room 6819 South Building
Washington, DC 20013

June 29, 2009

RE: Wetlands Reserve Program (Docket No. NRCS-IFR-08013)

To Whom It May Concern:

My family purchased a 160-acre farm in Kay County Oklahoma on April 13, 2007. The property is currently being farmed, with approximately 65 acres in corn production. The property has high potential for providing excellent environmental and wildlife benefits if the wetlands, including a large creek and a smaller spring fed drainage and a farmed wetland were restored and properly managed.

On September 6, 2007, an application for long-term contracted assistance through the Wetland Reserve Program (WRP) was completed and submitted to the Kay County Oklahoma NRCS office. An on-site visit was made by NRCS, U.S. Fish & Wildlife Service and Oklahoma Department of Wildlife Conservation personnel to evaluate the property, discuss my family's objectives and determine if the property would be eligible for the WRP.

After the on-site visit, I was advised by NRCS personnel in the state office that my family's property was eligible for the WRP and had been favorably ranked and I would be receiving the necessary paperwork that would need to be completed and returned to the state NRCS office. The paperwork was received on or about April 2, 2008 and was promptly completed and all other necessary documentation provided that NRCS required on April 11, 2008.

After a rather lengthy period of time not hearing anything on my family's WRP application from NRCS, I called the Kay County office and the state office in Stillwater, OK and inquired about the application's status. I was advised that a title report was being prepared and the WRP easement appraisal process would be initiated after the title report was completed. Soon after my telephone inquiry, I received a letter dated September 12, 2008 notifying me that the title report was received on September 10, 2008. The letter went on to advise, "*However, as our national office reports no funding is available for this program until sometime after the start of our new fiscal year on October 1st, we are unable to continue with the easement acquisition process at this time. Initial information provided in the 2008 Farm Bill (effective October 1st) provides that no easement shall be created on land that has changed ownership during the preceding 7 years. Our records indicate that you have not owned your land for this period of time. We will hold your application in a "pending" status until the final rules are received by our office and we can determine whether your application is eligible for the program.*"

My family was extremely disappointed to say the least given we had made a good faith effort and applied for a program that at the time recognized our application as eligible for the WRP. We then receive a letter over a year after making application and after waiting 5-months for a response to the documents we had provided to NRCS (that required a 10-day turn around time) to remain eligible for funding, stating that we were ineligible under the new Farm Bill which will take effect October 1, 2008 because of changes to the landownership criteria.

My family respectfully requests that our original WRP application be accepted by the NRCS given that there were extenuating circumstances beyond my family's control which lead to unexplained delays in processing the WPR application and NRCS extending an easement acquisition offer on our property. The following options are offered as a means by which our original application can remain eligible for WRP funding under the 2008 Farm Bill.

1. The O'Meilia Family Trust property WRP application should be "Grand Fathered" in and accepted as eligible under the 2008 Farm Bill given that the application had already been accepted by NRCS under the previous Farm Bill under which the application was originally submitted.
2. Revise the proposed 7-year ownership requirement to be eligible for the WRP in the 2008 Farm Bill to no more than a 2-year requirement. A 7-year ownership requirement is overly restrictive, appears to be arbitrary in setting an ownership time period, and precludes the enrollment of many environmentally sensitive properties that have high potential for restoration with attendant environmental and wildlife benefits.
3. Approve the O'Meilia Family Trust WRP application under the *Landowner Eligibility* section of the Wetlands Reserve Program of the 2008 Farm Bill (Federal Register Vol. 74, No. 10 / Thursday, January 15, 2009 / Rules and Regulations) on page 2331, Section 1467.4, c.2. (iii) which reads, "*The land was acquired under circumstances that give adequate assurance, as determined by NRCS, that such land was not acquired for the purposed of placing it in the program, such as demonstration of status as a beginning farmer or rancher.*"

As one of the principle trustees of the O'Meilia Family Trust, I am willing to provide a signed affidavit swearing to personal communications with state NRCS personnel in February 2007 before the property was bought by the O'Meilia family, where the question was asked by NRCS personnel whether the property was being acquired for the purpose of enrolling it in WRP and my response was that it was not and that the O'Meilia family intended to purchase the property and manage it for limited agricultural production and environmental and wildlife benefits regardless of its eligibility for the WRP.

Consideration of these comments and recommended actions is appreciated. Copies of any of the referenced documents can be provided upon request. I look forward to your response.

Sincerely,



Michael E. O'Meilia

11101 S. ROCKWELL AV.
EDMOND, OK 73025

405-433-2558

405-919-2560

cc: Senator James Inhofe
Representative Frank Lucas