



Minnesota Department of Natural Resources

OFFICE OF THE COMMISSIONER

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July 14, 2004

Easement Division
USDA-Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013-2890

Subject: Comments relative to the Interim Final Rule for the Grassland Reserve Program (GRP)

To Whom It May Concern:

Thank you for the opportunity to provide comments on the Interim Final Rule for the Grassland Reserve Program (GRP), as published in the Federal Register May 21, 2004. The Minnesota Department of Natural Resources (DNR) is the state agency in Minnesota with prime responsibility for forest, fish, and wildlife natural resources management, and is therefore very interested and concerned about how this program is implemented.

The Minnesota DNR has formed a number of working arrangements over the years to assist the NRCS and FSA with implementing federal conservation programs on private lands. An example of this cooperation is the recent success of the Minnesota River Conservation Reserve Enhancement Program (CREP) in southwestern Minnesota, as well as ongoing forestry and wildlife habitat measures across the state. We have also been an active member of the State Technical Committee and various subcommittees of the State Technical Committee.

We understand the overall purpose of this program is to assist willing private landowners in restoring and protecting eligible grasslands and certain other lands through rental agreements and long term easements. The following comments are intended to provide our perspective and suggestions as to how this assistance should be provided in Minnesota. Please consider the following as you finalize the GRP rules:

1. Highest priority should be given to protecting undisturbed (native) tracts of prairie lands that are experiencing conversion pressures. The Minnesota DNR offers its assistance in identifying and/or evaluating prairie parcels for potential enrollment.
2. Highest priority should be given to perpetual and 30-year easements. This will provide the best overall long-term protection for these very fragile lands.
3. Section 1415.5 of the rule states that 40 contiguous acres is the minimum acreage that can be enrolled without a "waiver." The waiver process is based on input from the State Technical Committee, which is admirable. However, in Minnesota, our parcels of highest concern are commonly less than 40 acres. This "waiver" should be easy to obtain for those states that have already experienced significant prairie conversion, such as Minnesota. Perhaps a "blanket" waiver could be provided for states such as Minnesota.
4. Section 1415.8 refers to the development of "state established ranking criteria" as well as "ranking pools." If it is the intent of this Interim Final Rule that landowner applications are secured and 2004 funds are obligated by the end of the fiscal year, the criteria must be made available very soon.

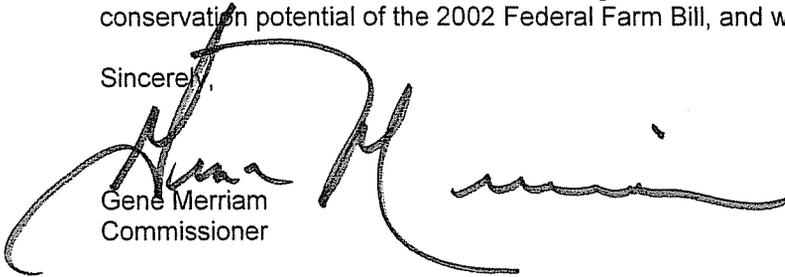
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5. Section 1415.14 explains the process that will be used to address agreement/easement violations. This Interim Final Rule is not clear about the outcome of the agreement/easement that has been violated. Violation should not result in the agreement/easement being terminated. This section details liability of the participant to pay any costs incurred and refund all or part of any payments received. The rule should clearly state that the agreement/easement remains in effect, even if the participant refunds any/all payments. If not clarified, participants may intentionally violate the agreement/easement as a way to terminate the agreement/easement. This could greatly undermine the GRP program purpose.
6. Due to the major changes in this program outlined in this Interim Final Rule, a significant effort will be required to inform, train, and educate producers/landowners about the GRP. This promotion will be key for each state as they establish their "demand factor" described on page 29176 of the Federal Register, which will be used for the annual allocation formula for each state. This promotion effort should begin as soon as possible, and provide for partnership opportunities with federal, state, and local entities.

Again, the Minnesota Department of Natural Resources appreciates the opportunity to comment on the Interim Final Rule for the Grasslands Reserve Program. We commend you for your continued effort to maximize the conservation potential of the 2002 Federal Farm Bill, and we stand ready to assist you in these efforts.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Gene Merriam', is written over the typed name and title.

Gene Merriam
Commissioner

c: Mark Holsten, Deputy Commissioner
John Guenther, DNR Fish & Wildlife Director
Lee Pfannmuller, DNR Ecological Services Director
Wayne Edgerton, DNR Agricultural Policy Director
Gene Hugoson, Commissioner of Agriculture
Ron Harnack, BWSR Executive Director
Bill Hunt, NRCS State Conservationist
John Monson, FSA State Executive Director