

Richard Swenson, Director
Easement Division
Natural Resources Conservation Service
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Comments of Texas and Southwestern Cattle Raisers Association
Grassland Reserve Program July 20, 2004

Texas and Southwestern Cattle Raisers Association is a 127-year-old trade organization whose 12,800 members manage approximately 5.4 million cattle on 70.3 million acres of range and pastureland, primarily in Texas and Oklahoma.

TSCRA supports the Grassland Reserve Program as a means of preserving grassland and rangeland. Our members and their next generations depend on healthy and strong grasslands to continue their way of life.

We also submit the following comments:

Selection of projects at the state level: We strongly encourage USDA to allow states to establish criteria to evaluate and rank applications based on broad national guidelines while allocating funds to states for selection of projects at the state level. We believe it is very important for states, through their State Technical Advisory Committees, to have the opportunity to address statewide concerns and develop ranking systems that make sense for the conservation issues and landowners of each state.

Subsurface resource concerns: TSCRA believes oil and gas exploration activities should be allowed. It will allow for more lands to be eligible to be enrolled in the program. Historical practices have illustrated that once exploration activities are completed; rangelands can and are easily restored to their original, and often improved, state. In addition, many properties in Texas and Oklahoma are held in situations where surface and mineral owners are different entities (often family relatives / heirs). Therefore, oil and gas exploration activities, because of the actions of mineral owners, should not make lands ineligible as long as terms of the contract or easement are maintained. Also, we are concerned that existing oil and gas production, storage, and transportation facilities could make a tract of land ineligible for participation thus request clarification on these matters.

Restoration agreements: TSCRA encourages restoration agreements particularly in situations where extended drought has seriously impacted plant bio-diversity. These areas will especially be in need of assistance as annual rain-fall levels begin to provide opportunities to restore these rangelands.

Should situations occur where enrolled acreages contain a monoculture of a less desirable species or where grassland cover does not exist, TSCRA encourages USDA to utilize restoration agreements and other means to establish grassland cover with either native or natural species to the extent practicable.

Relationship between GRP and CRP lands: TSCRA is concerned with the relationship between GRP and other USDA conservation programs such as Conservation Reserve Program. TSCRA does not support a situation whereby an applicant could cancel a CRP contract in order to participate in GRP. CRP was designed to take highly erodible cropland out of cultivation. It would be unfair to create what would basically be an extension of CRP, through a GRP contract. Such croplands have received federal conservation benefits, thus properties previously in CRP should not be eligible.

Transfers of easements: In instances where there could be a transfer of the easement to a third party, TSCRA agrees that such situations should be allowed only with approval of the landowner and USDA.

Construction of facilities, industrial windmills, etc.: TSCRA does not support USDA's decision to prohibit industrial windmills on GRP acreage as their construction does little surface damage and the plants affected can be easily restored to their original state required by an easement or contract. We have similar concerns relative to the construction of cattle working pens, sheds and other small farm and ranch structures. TSCRA requests clarification on whether water well drilling, windmill construction, and other minor activities will be allowed.

Right of access: The right of access by USDA or representatives should be allowed only after notification of landowners.

Determining fair market value: We believe that programmatic appraisals should not be used in lieu of county averages for fair market value or grazing values. Using broad regional values will likely not benefit landowners.

We believe that it is absolutely critical that USDA policy requires that individual land appraisals are confidential information, although summary data that does not identify individual landowners may be made available to the public.

Warranty easement deed: TSCRA has reservations over this document and understand others have expressed concerns. TSCRA and other associations in Texas stand ready to assist USDA in a process that can assess this document in order that all proper concerns be considered and addressed.

We appreciate the opportunity to comment on this important grassland preservation program and are eager to participate in any way with the development of this program.

Sincerely,

Bob McCan
President
Texas and Southwestern Cattle Raisers Association
1301 West Seventh St.
Fort Worth, Texas 76102