

March 23, 2009

Financial Assistance Program  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
1400 Independence Avenue, S.W.  
Room 5237S  
Washington, D.C. 20250-2890

Re: Docket Number NRCS-IFR-08005

Dear Sir or Madam:

These comments are being submitted on behalf of the undersigned organizations. These groups represent a significant portion of all livestock and conservation interests in the Western United States. We fully appreciate that EQIP is principally intended to serve production agriculture on private lands. In many Western states, production agriculture to a large extent is that which occurs on state and federal lands. It is incumbent on NRCS to make Farm Bill programs work for production agriculture in its many forms throughout the United States.

From an environmental point of view, public and private lands in the West cannot be distinguished. Federal permittees control more than 110 million acres of the most biologically diverse lands in the West. State lessees control another significant amount. If operations on federal or state lands are allowed to fail because of unaddressed resource concerns, natural resources on private lands will be put at risk. First, cattle could be moved off public to private land, putting more pressure on the resources on private.

Second, failed operations on public lands is often the trigger for selling private land to developers. NRCS involvement with public land ranching throughout the West has been an important reason many operations have been able to stay in business during recent droughts and other resource challenges. Sale of ranches often leads to habitat fragmentation which is the single most significant threat to biodiversity in the country. The ecological health of resources on private land can frequently turn on the viability of public land ranches. NRCS has important incentives to help public land ranchers meet their resource concerns on public lands in order to maintain the ecological integrity of private lands.

**Comment:**

We are commenting only on the provision that affects the eligibility of a producer to enroll public lands in EQIP. In the interim-final rule, § 1466.8(c)(2) provides in relevant part:

“Eligible land includes . . . [p]ublicly owned land where:

(i) . . .

(ii) . . .

(iii) . . . The conservation practices to be implemented on the public land are necessary and will contribute to an improvement in the identified resource concern that is on private land;”

As written, this language will foreclose the possibility of enrolling public land in EQIP that is currently enrolled in the program. Agriculture production and conservation in the West will be harmed as a result.

Example: The resource concern is noxious weeds on grazing allotments used by a ranch on public land in Arizona. If this land is made unusable by weed encroachment, the permittee may have no choice but to find private land for stocking the displaced livestock. Alternative federal forage is virtually impossible to arrange because of the requirement that allotments have NEPA completed before they are grazed. Because of the relative shortage of private land in the West, either alternative private forage will have heavier than ideal grazing placed on it, or the operator will conclude that he or she is not able to stay in business without a place to run their livestock. It is in the interest of NRCS, ranchers, and conservationists to help the operator in question take care of the noxious weed problem on public land.

Perhaps an even more important example of a public land concern affecting the ability of an operator to stay in business is riparian protection to meet requirements imposed under the Endangered Species Act. Unless EQIP is available to help pay for practices designed to protect riparian corridors, the operator may not be able to maintain his public land operation. The private land will suffer as a result as will the interests of NRCS, ranchers, and conservationists.

However, the interim-final rule requires the resource of concern to be on private land. In both examples, the operators would not be eligible to enroll in the program.

**Fix:**

Fortunately, a relatively simple fix exists for this problem that respects NRCS’ interest in maintaining the private land focus of the EQIP program. Instead of the current language which requires the resource concern to be on private land, the language below could be used:

The conservation practices to be implemented on the public land are necessary to improve the condition of resources on the public land and will benefit the private land.

With this language both the noxious weed and riparian corridor issues could be enrolled in the program because of the unique relationship between public and private lands in the West. Both the public and private lands and ranchers and conservationists benefit by making sure these kinds of resource issues can be addressed.

Thank you for your attention to this important concern.

American Sheep Industry  
Environmental Defense Fund  
National Cattlemen's Beef Association  
National Association of Conservation Districts  
Partnership of Rangeland Trusts (California Rangeland Trust, Colorado Cattlemen's Agricultural Land Trust, Ranchland Trust of Kansas, Texas Agricultural Land Trust, Oregon Rangeland Trust, Wyoming Stock Growers Agricultural Land Trust)  
Public Lands Council  
The Nature Conservancy  
World Wildlife Fund

Arizona Cattle Growers' Association  
Colorado Cattlemen's Association  
Nevada Cattlemen's Association  
Oregon Cattlemen's Association  
South Dakota Cattlemen's Association  
Utah Cattlemen's Association  
Washington Cattlemen's Association  
Wyoming Stock Grower's Association