



National Association of Conservation Districts

August 8, 2008

Chief Arlen Lancaster
Natural Resource Conservation Service
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Chief Lancaster:

The National Association of Conservation Districts (NACD) represents the nation's 3000 conservation districts and their governing boards. Established under state law, conservation districts are local units of state government charged with carrying out programs for the protection and management of natural resources at the local level. Conservation districts work with federal, state, and other local agencies to provide technical assistance landowners and other partners to address natural resource issues.

For over 10 years, the Environmental Quality Incentives Program (EQIP) has been very successful in applying conservation practices on working agricultural lands. NACD is pleased with the provisions of the 2008 Farm Bill that expand practices to include conservation planning and increase the potential participation by non industrial private forest landowners. We have the following specific recommendations on the identification of resources of concern, public input, technical assistance and technical service providers; and ensuring that EQIP is accessible to a variety of different types of producers and landowners.

NRCS has utilized the Local Work Groups (LWG) to solicit information and recommendations on the local resources priorities and needs. NACD supports the continued use of LWGs. In the past Conservation Districts have convened the LWGs in many states and we support the continuation of this practice. LWGs should identify local priorities and resources of concern that will be utilized in the delivery of EQIP to meeting the local natural resource needs.

NACD supports the changes made to the 2008 farm bill which expands the State Technical Committee structure to include LWGs as subcommittees and changes the language to improve accountability of the public process. Congressional support for these provisions indicates a commitment to having local input into the conservation title programs. The relief from Federal Advisory Committee Act further supports the intent to have a broad range of non-federal participation.

NACD appreciates the strong commitment to locally led conservation by USDA as reflected in the Secretary's recent comments at the July 2008 NACD Legislative Conference. This

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commitment can be reinvigorated and expanded as NRCS moves into overall Farm Bill implementation.

The LWG processes have been around since 1996 and have been implemented in varying degrees. The process of locally identifying important resource issues and addressing them with federal, state and local resources including those provided by the Conservation Title is the backbone of locally led conservation. With the new Farm Bill provisions, what in the past have been two groups -- the Local Work Group and the Stakeholder Input Group can be combined into one Local Work Group, convened by the conservation district, including all government officials and local stakeholders. Working together to assure that the technical solutions used to resolve resource concerns actually work in the area and providing localized technical options are critical components of achieving the full conservation impacts and environmental benefits. Software and national policies must provide enough flexibility and transparency to allow for options to be available based on local needs while assuring that program and fund accountability is maintained.

NACD has three major concerns regarding the current implementation of LWGs and expects these to be improved. The statutory language provides a solid first step.

LWG not implemented. There are situations where the State Conservationist has either not implemented the LWG concept or has abandoned it over time. Now is the time to recommit to the local process.

NACD expects NRCS to fully and vigorously implement the legislated LWG concept in every state. Where a local district or group of districts are not able or willing to take the lead, we expect the agency to seek out other leadership.

LWG too narrow in scope. Situations exist where the LWG does not represent the full complement of partners and technical specialists available locally. The State Technical Committee includes a range of federal and state agencies and agricultural production and conservation groups which can provide technical advice on all natural resource issues from water quality to forestry. Now that the Farm Bill has provided expanded language, NACD expects that all State Conservationists will provide the leadership and encouragement to broaden the scope of the LWG to address all local concerns then lead the way in prioritizing through an open and documented process. Commitment to a diversified LWG must be formalized both in the policy direction and captured in the accountability process.

LWG exceeding their authority. There are situations where the LWG is taking on a role beyond one of technical advice and priority setting. State and District Conservationists must ensure that LWGs are not exceeding their authority. The LWG process must continue in a fair and transparent fashion.

NRCS should fully implement the forestry aspects contained within the law, ensuring eligibility of non-industrial private forest land and including a variety of forest management practices contained in the National Handbook of Conservation Practices. Further, integrate NRCS conservation plans/processes with Forest Stewardship plans/processes to facilitate landowner participation in forestry-related technical and financial assistance programs and utilize State Forest Resource Assessments and Plans in determining state priorities for providing forestry technical and financial assistance. Conservation plans, forestry management plans, grazing management plans, integrated pest management plans should be eligible practices pursuant to the language contained in 1240A (5)(B)(ii). Eligible producers should include small acreage or larger farms that meet the specifications of the law, but must also include organic production, socially disadvantaged and include all varieties of production – specialty crops, livestock, forestry, row crops, etc.

Conservation Innovation Grants should allow for innovative practices and technology transfer. What may be a common practice in one area might not be known in other areas, so the transfer of practice knowledge is an important element that should be included when reviewing grant applications. As landscapes change across the country, it is important to foster the transfer of this knowledge.

The 2008 Farm Bill also includes certain provisions on technical assistance and the use of technical service providers. We urge USDA to fully implement these provisions. Specifically Section 1242(g)(2) allows for technical assistance only contracts through the conservation programs such as EQIP. Conservation Districts know well that in many instances producers do not require the financial assistance, but do need the technical expertise to understand the natural resource issues on their operation, need assistance in designing an appropriate practice, or need help maintaining a practice. The full implementation of this provision of the 2008 bill will allow the conservation funding provided in Title II to go further, reaching more landowners and having a positive impact on the protection of natural resources.

The 2008 bill also expanded the provisions on Technical Service Providers (TSPs). Acceptable TSP activities should include: planning, education, outreach, assistance with design, implementation and maintenance of conservation practices, and assistance with data entry and other routine functions to accelerate program delivery.

Conservation districts across the country are ready to assist with these activities and look forward to USDA's implementation of section 1242(d) Non-federal assistance. Cooperative agreements with individual conservation districts or with several conservation districts through their state association should be utilized to assist in conservation program delivery and provide technical assistance to conservation program customers.

The technical assistance definition provided in the 2008 Farm Bill should be fully considered and utilized in providing technical assistance under EQIP and other Farm Bill conservation programs. NACD does not believe that Congress ended this to be an exclusive list of all elements that comprise technical assistance, but includes "technical services provided directly to

farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation and assistance with the design and implementation of conservation practices.” The term also includes “technical infrastructure, including activities, processes, tools and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring and effects analyses.”

Again, conservation districts across the country are ready, willing and able to assist NRCS to accelerate the delivery of conservation programs and provide a wide variety technical assistance a technical services to the conservation program landowner and producer customers.

EQIP participation should be very broad-based across the country. Producers from a variety of production practices – conventional and organic; crop types – forest land, row crop, livestock, fruits and vegetable; operation size and socioeconomic backgrounds should be able to participate in the EQIP program if they are addressing appropriate resource concerns relative to their state and local priorities. To ensure the program can be accessed by a variety of producers, USDA must undertake conservation practice standards review as directed in the 2008 Farm Bill. Fragmented lands where production areas are close to or separated by urban development (subdivisions, strip malls, etc) must be taken into consideration during this review. New technology or innovative practices may be necessary to address natural resource concerns in a non-homogeneous crop production landscape.

The definition of “producer” utilized to determine eligibility in conservation programs may not reach all types of agricultural producers. In its continued effort to clarify the intent of the Conservation title, Congress updated definitions both in Subtitle A and within the EQIP chapter. Congress chose not to provide a definition of “producer”, although EQIP eligibility requires the applicant to be a producer. The term “producer” is also not defined in the current EQIP rule. NRCS policy continues to require a monetary production minimum of \$1000 for EQIP applicants. This appears to be a remnant of the 1996 transition of ACP into EQIP. Our membership informs us that this internal policy has inconsistent field application and is a barrier to some producers and indeed to some entire Districts. Some examples include: landowners who produce pasture as rental income for horse grazing systems, small acreage producers who grow food for direct consumption by their community (outside of the Alaska exception), and operations that manage forested or marsh areas and produce harvested “crops” such as ornamental forest products (cones, wreath materials), just to name a few. Although these may be thought of as unique situations, these applicants are in fact producers and should not be marginalized by production agriculture focused definitions. Many of them may be interested in getting a resource plan by utilizing the technical service only contracts and receiving a zero percent cost share. NACD requests that NRCS adjust their software and internal policy prior to the 2009 sign-up and allow the ranking systems and local work group/state technical committee process to determine the outcome rather than the arbitrary current policy.

NACD appreciates the opportunity to provide input on this important Farm Bill conservation program. Districts, working locally with producers and landowners have an important

perspective on the implementation of these programs and want to ensure their success in meeting customer needs, ensuring wise use of taxpayer funds and providing natural resource benefits.

Sincerely,



John Redding
President

Attachments:

Building Your Local Work Group

http://www.nacdnet.org/policy/input/comments/lwg_q&a.pdf

Local Work Groups: a conservation district perspective

http://www.nacdnet.org/policy/input/comments/lwg_brief.pdf