National Association of Conservation Districts

April 21, 2015

Regulatory and Agency Policy Team
Strategic Planning and Accountability
U.S. Department of Agriculture
Natural Resources Conservation Service
5601 Sunnyside Avenue, Building 1-1112D
Beltsville, MD 20705

Docket No. NRCS-2014-0011

Re: Agricultural Conservation Easement Program Interim Rule

On behalf of the National Association of Conservation Districts (NACD), thank you for all the Natural Resource Conservation Service (NRCS) has done to ensure that the Agricultural Act of 2014's conservation programs have been effectively implemented thus far. Our membership of 3,000 local soil and water conservation districts throughout the country heavily rely on NRCS conservation programs every day when working with private landowners and producers.

NACD appreciates the tremendous job that NRCS continues to do to implement the Farm Bill's conservation programs since the law was enacted in February 2014. Despite ongoing budgetary pressure and uncertainties, we applaud your efforts to effectively implement conservation on the landscape. Local soil and water conservation districts remain key partners of NRCS to efficiently and effectively enroll land into conservation easements through the Agricultural Conservation Easement Program (ACEP).

After carefully reviewing the language of the ACEP Interim Rule, we would like to comment on several points within the new rule.

NACD would like to see more opportunity for local input in reference to grasslands of special environmental significance where NRCS is authorized to pay up to 75% of the fair market value of the easement. Allowing input from Local Working Groups and State Technical Committees on prioritization of easements within their jurisdiction would help ensure fair consideration is given to all applications.

NACD would also like to commend NRCS on the inclusion of several items in the ACEP Interim Rule.

We support that the rule now requires all easements to be subject to an agricultural land easement plan which in turn supports greater accountability for the program and maintains or creates work which may be completed by local soil and water conservation districts. This provision provides the potential for both NRCS and soil and water conservation districts to interact with new clients which previously would not have been required to have an easement plan completed on their land.

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NACD was pleased to see that conservation districts were listed as an optional consultation tool for NRCS when handling program administration. It is important for us that the role soil and water conservation districts play in NRCS' day-to-day operation is valued in the field by the agency.

Our policy directly supports the provision that shows continued support of migratory bird habitat restoration as a high priority for enrollment in the Wetland Reserve Easements portion of ACEP. The rule also prohibits selection of a higher application priority solely on the basis of lesser cost to the program which helps make the program more accessible to landowners and places a higher value on the total benefits to the environment rather than maintaining low program costs.

The Agricultural Act of 2014 reduced the length of ownership requirement prior to enrollment from 7 years to 24 months for wetland easements which allows greater flexibility and opportunity for land to be enrolled. NACD support this provision.

We're appreciative of the opportunity to provide input as you move forward to help maintain the quality of NRCS conservation programs benefitting producers, landowners and natural resources. Please let us know if you have any questions about our comments or policies as you continue through the implementation process.

Sincerely,

Lee D. McDaniel

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