



National Association of Conservation Districts

August 30, 2019

Richard Fordyce, Administrator
Farm Service Agency
1400 Independence Ave. SW
Washington, DC 20250

Submitted electronically via regulations.gov
Docket ID FSA-2019-0010

Dear Administrator Fordyce,

The National Association of Conservation Districts (NACD) represents America's 3,000 locally-led conservation districts, working with millions of landowners and operators to help them manage and protect land and water resources on private and public lands. Established under state law, conservation districts share a single mission: to work cooperatively with federal, state and other local resource management agencies and private sector interest groups to provide technical, financial and other assistance to help landowners and operators apply conservation to the landscape.

The 2018 Farm Bill made several changes regarding the problems certain landowners have obtaining proper documentation in order to receive a farm number and therefore be eligible for programs at the United States Department of Agriculture, including participation in conservation programs at the Natural Resources Conservation Service (NRCS). Section 12615 of the 2018 Farm Bill allowed a landowner to submit alternative documentation in order to receive a farm number for the land in which they operate.

NACD recommends that the Secretary provide the assignment of a farm number to a farm operator that provides the following documentation and that it shall satisfy any requirement of a farm number by the Secretary.

Option 1: NACD supports the Uniform Law Commission's recommendation that, *"a court order verifying the land meets the definition of heirs property or certification from the local recorder of deeds that the recorded landowner is deceased and not less than one heir has initiated a procedure to retitle the land,"* should suffice for providing farm numbers and subsequent eligibility.

Option 2: NACD supports that the Farm Service Agency (FSA) accept a fully executed, unrecorded tenancy-in-common agreement that outlines ownership rights and responsibilities among all the land owners who:

- A) Have been approved by a majority of the ownership interests in that land,
- B) Have given a particular owner the right to manage and control any portion or all of the land for the purposes of operating a farm or ranch, and
- C) Were validly entered into under the authority of a jurisdiction in which the land is located.

Option 3: NACD supports the assignment of a farm number to an operator that provides documentation that they are a legitimate heir to the recorded landowner who is deceased AND tax returns of a farm operator farming a property with undivided interests for each of the five years preceding the date on which the farm operator submits the tax return.



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As conservation programs continue to move toward landscape-scale, regional programs to address natural resource concerns such as water quality and invasive species, it is important that all landowners within the affected area are eligible for these programs. Having gaps in the landscape can harm efforts toward resolution of these problems. This issue is particularly prevalent in states with large proportions of African-American and Native American agricultural producers, who are two historically underserved populations.

NACD was supportive of Section 12615 in order to rectify this issue, and it encourages the FSA to promptly implement this provision, so these landowners are eligible for farm bill conservation programs once NRCS fully implements the 2018 Farm Bill's changes.

Conservation districts across the country work with all landowners to address local natural resource concerns and full implementation of Section 12615 will only help this work. NACD also echoes the comments of the Oklahoma Association of Conservation Districts submitted on regulations.gov on Aug. 28, 2019.

Thank you again for your commitment to voluntary, locally-led conservation and for the opportunity to provide input as you and your team implement the 2018 Farm Bill. We stand ready to assist in any way needed.

Sincerely,

A handwritten signature in cursive script that reads "Tim Palmer".

Tim Palmer

President

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