



National Association of Conservation Districts

January 13, 2020

Chief Matthew Lohr
Natural Resources Conservation Service
1400 Independence Ave. SW
Washington, DC 20250

Submitted electronically via regulations.gov
Docket No. NRCS-2019-0020

Dear Chief Lohr,

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.

Conservation districts across the country want to commend you and your agency for the work you have done thus far to implement the 2018 Farm Bill. Landowners across the country are benefiting from your agency's assistance and conservation districts stand ready to continue working side-by-side with NRCS staff to ensure that the programs within the 2018 Farm Bill continue to serve producers.

The Conservation Stewardship Program (CSP) is an important component of the working lands programs available to landowners. NACD advocated throughout the farm bill process to keep a separate and distinct Conservation Stewardship Program while also streamlining and coordinating the administration of both CSP and the Environmental Quality Incentives Program (EQIP). NACD appreciates the opportunity to provide public comments to the program's Interim Final Rule.

Below are comments where NACD believes changes to the rule will improve the accessibility, flexibility and overall efficiency of the CSP program. These areas are:

- Locally-Led Process;
- Public Land Eligibility;
- Grassland Conservation Initiative;
- Comprehensive Conservation Plan Payment;
- Geographic Distribution;
- Contract Renewals; and
- Payments.

Locally-Led Process

USDA's conservation programs were designed to operate through the locally-led conservation delivery process, where NRCS State Technical Committees rely on Local Working Groups to "provide



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recommendations to USDA on local and state natural resource priorities.”¹ NRCS should take every opportunity to ensure that as the changes included in this interim rule are implemented, the locally-led process continues to be recognized. NACD appreciates NRCS adding language explicitly citing the need to consider whether applications for CSP contracts effectively address local priority resource concerns when evaluating applications.²

NACD has received feedback in the past from conservation districts that priority resource concerns set by Local Working Groups don't appear to have as much influence in the selection of CSP applications as they do within EQIP. We know NRCS understands the benefit of having a locally-led conservation delivery system, and it is our hope this explicit reference to locally-set priorities in the ranking process will address these concerns. NACD looks forward to hearing specific actions NRCS will undertake so this change in the regulation is realized.

Public Land Eligibility

NACD greatly appreciates NRCS making the regulatory change to allow public land to be eligible for CSP, which more closely aligns CSP with EQIP. Many agricultural operations, particularly in the western half of the country, operate on both private and public lands. This checkerboarding of landownership has prevented priority resource concerns from being addressed or has discouraged landowners from applying for the program at all. NACD believes that allowing a landowner to enroll public lands that are a part of an agricultural operation will benefit the natural resource management of both private and public lands. NRCS should conduct additional outreach to areas of the country where this change will have a larger impact to ensure that landowners are aware of this change and that they could now be eligible to apply for the program. Again, this change is critical to better addressing priority resource concerns in the West, and we commend NRCS for making this discretionary change.

Grasslands Conservation Initiative (GCI)

NACD was concerned that the 2018 Farm Bill allocated conservation title funding to the CSP-Grasslands Conservation Initiative (GCI) with few requirements for conservation activities in comparison to the rest of CSP. We understand that NRCS faces statutory requirements about what the agency can and cannot require as a part of this Initiative; however, NRCS should take every opportunity to encourage additional conservation on the landscape whenever possible.

To that end, while GCI plans will only require one priority resource concern be met or exceeded by the end of the contract, NRCS should give landowners every opportunity to conduct additional conservation if they choose to do so by offering additional technical assistance and conservation planning to these landowners. Producers regularly note that they are willing to implement additional conservation, but simply do not have the technical expertise available to do so. Providing this assistance will ensure as much conservation as possible is implemented on the landscape during the duration of these contracts.

While the 2018 Farm Bill states that GCI contracts shall be limited to resource concerns and activities relating to grasslands, several different resource concerns could be addressed on grasslands which could

¹ <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/wa/technical/stc/?cid=stelprdb1251791>

² <https://www.federalregister.gov/d/2019-24367/p-324>



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help meet the overall statutory goal of GCI to improve soil, water and wildlife resources. We also encourage NRCS to not assume that land left into grass is already meeting the resource concerns of those grasslands. In order to protect the grazing uses of this land as required in the 2018 Farm Bill, NRCS should ensure that desired plant species for the land's soil type are planted and invasive species are suppressed, among the other needs of a healthy grasslands ecosystem.

Comprehensive Conservation Plan Payment

NACD believes that conservation planning is the bedrock of private land conservation and is vital for advancing voluntary conservation. NACD appreciates the regulatory language that allows a comprehensive conservation plan to be an eligible CSP activity and further defines it as a plan that meets or exceeds the stewardship threshold for each identified priority resource concern. A participant will be able to receive funding through a CSP contract to develop the plan, which is time and energy intensive, and then implement the plan through a subsequent CSP contract or through an additional conservation program in the future. NACD hopes this payment will encourage more producers to go through the planning process, and we encourage NRCS to make this conservation activity a priority. Conservation programs are hopefully a starting point for producers to begin becoming better stewards of their operation's natural resources and developing comprehensive conservation plans for landowners will only help.

Geographical Distribution

We appreciate the interim final rule's continued focus on ensuring adequate geographical distribution of program dollars across the country. CSP has not historically been an equitably allocated program from state to state despite the CSP regulation laying out four factors that may be considered when allocating program funds. NACD appreciates the new regulation explicitly giving NRCS the ability to weigh these factors differently if the Chief feels that it will better provide for equitable geographic distribution of the program. CSP may be able to better meet the priority resource concerns set through Local Work Group process by changing § 1470.4(2) to read: "The extent and magnitude of the conservation needs associated with agricultural production *as set by State Technical Committees* in each State." Although equitable geographic distribution is certainly a goal, it must not supplant the larger goal of ensuring contract offers meet locally-set priority resource concerns.

Contract Renewals

Conservation is a long-term investment and may take many years to see the benefits it provides. One of the benefits of CSP is that while it requires additional conservation be implemented on the ground, it also acknowledges and gives credit to the fact that these landowners are already implementing conservation. We must acknowledge the long-term costs of these practices and must provide the incentives for producers to continue in their conservation journey. It is critically important that CSP is structured so that existing contract-holders are able to renew their contracts and see a benefit in doing so. If these contracts lapse, we risk the land reverting back and losing the conservation benefits that have already been applied.



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NACD was pleased to see applications for contract renewals compete separately from new contract applications in the interim final rule. Because the eligibility requirements are different for new and renewal applications, it makes sense that they not directly compete against each other. If both new and renewal applications competed together, this might put renewals at a competitive disadvantage and disincentivize the use of CSP, which could lead to an overall decrease in conservation practices applied across the landscape. We hope that NRCS can implement the new renewal language in a way that allows continued, incremental conservation while also providing opportunities to sign up new participants.

Payments

Similar to the need to balance existing and newly applied conservation practices when considering applications, NRCS must take into account the costs to continue implementing existing conservation practices to meet the requirement of meeting or exceeding two or three priority resource concerns when determining the payment a landowner will receive. Continued maintenance of conservation activities cost money. NRCS should look at the entire environmental benefit provided by all conservation applied on the producer's operation, regardless of whether it is a newly applied or existing practice.

Thank you for the opportunity to comment on the proposed changes to CSP and for your commitment to voluntary, locally-led conservation.

Sincerely,

A handwritten signature in blue ink that reads "Tim Palmer".

Tim Palmer
President