



National Association of Conservation Districts

March 18, 2020

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

Submitted electronically via regulations.gov
Docket No. NRCS-2019-0006

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. America's landowners are benefiting from your agency's assistance, and conservation districts stand ready to continue working side-by-side with NRCS staff to ensure the programs within the 2018 Farm Bill continue to serve producers.

The Agricultural Conservation Easement Program (ACEP) is an important, voluntary tool for preserving farmland and restoring wetlands across the country. Conservation districts have served as entities as a part of ACEP, partnering with NRCS to keep farmland from development into perpetuity. Our members look forward to helping this program succeed under the new rule as well.

Below are comments where NACD believes changes to the rule will improve the accessibility and conservation benefits of the ACEP program. These areas are:

- Prioritization of Conservation Planning; and
- Clarity on Conflict of Interest Rules

Prioritization of Conservation Planning

NACD strongly believes conservation planning is the bedrock of voluntary working lands conservation. As a member of the National Conservation Planning Partnership (NCPP), NACD has been working with NRCS and other partners to reinvigorate conservation planning across the United States.

The 2014 Farm Bill required an Agricultural Land Easement (ALE) plan for any land under easement through ACEP-ALE. This conservation plan provided landowners with a jumping off point and guided any



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future natural resource conservation activities the landowner may undertake. NACD appreciated this requirement and was concerned to see it removed in the 2018 Farm Bill.

The Interim Final Rule does allow states to consider an ALE Plan as part of their State Ranking Criteria.

NACD appreciates that conservation planning remains in the program ranking and administration. However, NACD urges NRCS to place special emphasis on this criterion, whether by listing it as an individual bullet in the final rule and/or by giving this criterion special recognition when training states to use the program.

Clarity on Conflict of Interest Rules

Conservation districts are governed by a board of district supervisors or directors who are members of the local community that the district serves. Many district supervisors are farmers themselves who also use NRCS programs. This is by design; districts are meant to be governed by local leaders who can demonstrate the value of conservation to others.

Unfortunately, our members report that the rules regarding conflicts of interest between an entity using ACEP-ALE and a governing official for that entity seeking an easement are not clear. As NRCS updates the ACEP program handbook and guidelines, we urge the agency to provide clear, consistent guidelines on handling conflicts of interest. Clear rules will ensure that an entity is in compliance before the start of the application and easement acquisition process. Clear rules will speed the easement process and improve program delivery for all involved.

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

Sincerely,

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

Tim Palmer

President

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