



National Association of Conservation Districts

January 19, 2021

Kevin Norton

Acting Chief, Natural Resources Conservation Service
1400 Independence Ave., SW, Room 6149-S
Washington, DC 20250

Dear Acting Chief Norton,

Re: NRCS 2020-0009, FR 2020-27703

The National Association of Conservation Districts (NACD) represents America's nearly 3,000 conservation districts and the more than 17,000 men and women who serve on their governing boards. Conservation districts are local units of government established under state law to carry out natural resource management programs at the local level. Conservation districts work with millions of cooperating landowners and operators to help them manage and protect land and water resources on private and public lands in the United States.

For more than 75 years, conservation districts have been leaders in locally-led efforts by engaging private landowners to partake in voluntary conservation practices on the ground. Conservation districts across the country have worked with forest landowners and have not previously raised concerns with the definition of non-industrial private forest land (NIPF). Further, NACD participates in the Joint Forestry Team (JFT). The JFT, which consists of representatives from Natural Resources Conservation Service (NRCS), United States Forest Service (USFS), the National Association of State Foresters (NASF) and NACD, have collaborated for over a decade to resolve issues in forestry policy. Revising the definition of NIPF has not been broached to the JFT by members or external parties.

NACD recommends any proposed changes to the definition of NIPF first be vetted by the JFT.

History and Current Status of the NIPF Definition

NACD supports the definition of NIPF as it stands today. Established under the 1990 Farm Bill, the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101-624, the current NIPF definition has been used by Congress for over 30 years.

The already-established definition works well, and is understood by Congress, federal agencies and stakeholders. Revising the NIPF definition would exclude land that would have otherwise been eligible for the Agricultural Conservation Easement Program (ACEP), the Conservation Stewardship Program (CSP), the Environmental Quality Incentives Program (EQIP), and the Regional Conservation Partnership Program (RCPP) programs.

NACD recommends that no changes are made to the current NIPF definition.

Concerns with Program Limitations Under NRCS Proposal



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NACD opposes the 45,000-acre limitation proposed guidance for determination if land is classified as NIPF. Size of operation does not diminish the need for sound conservation practices or program eligibility. Additionally, NACD has heard from enough members in states where 45,000 acres would cut off enough landowners based upon average acreage ownership that a national standard of 45,000 does not make sense.

Additionally, this limitation does not align with NRCS's guidance for program eligibility. Potential program participants are already subject to meet several criteria, such as the adjusted gross income (AGI) and other qualifying standards. Forest landowners would still be subject to AGI, among other qualifiers, yet, NRCS has not provided an explanation as to why forest landowners would need to meet additional criteria.

NRCS should not include limitations that may inhibit conservation practices and should reconsider the acreage limit as a program qualifier.

State Technical Committees

A particular concern is that program eligibility for landowners with portable sawmills and small family-owned sawmill businesses hinges on the discretion of the State Technical Committees (STC). Given the unique nature of the forestry industry, these committees should have a forestry representative if they are to be reviewing specific eligibility questions. When this isn't possible, NACD recommends the State Technical Committees consult with the STC Forestry Subcommittee (if applicable), State Conservationist, NRCS State Forester, state agency forester, extension foresters or other appropriate entity to gain perspective on potential effects on forest management.

States such as New Hampshire, where 82% of the state is forested land, rely on a robust forestry-related economy. Many of these forest landowners own portable sawmills which under NRCS's proposal could lead to ineligibility.

NACD urges NRCS to reconsider the changes to the definition of NIPF. As mentioned above, the current definition has worked well, and has allowed landowners of varying sizes to address natural resource concerns on their operations. It has ensured that conservation practices can take place through accessibility to NRCS programs including ACEP, CSP, EQIP and RCPP. NACD thanks NRCS for the opportunity to provide feedback on this proposal and looks forward to continuing to work with the agency in the future to ensure strong locally-led conservation efforts are executed.

Sincerely,

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

Tim Palmer
President
National Association of Conservation Districts