

Mark Berkland
Natural Resources Conservation Service
Room 5241 South Building
U.S. Department of Agriculture
Washington, DC 20250

Dear Mr. Berkland:

Thank you for the opportunity to comment on the proposed rule for NRCS's Environmental Quality Incentives Program (68 FR 6655-73). As the largest of the 2002 Farm Bill's conservation incentives programs, it is very important that EQIP invest taxpayer dollars wisely to produce environmental benefits on working lands. In accordance with that goal, I recommend that the following changes be incorporated into the final rule:

Restore the Conservation Planning Requirement

The proposed EQIP rule eliminates the conservation planning requirement that had previously been part of the EQIP program. The "EQIP plan of operation" that replaces the conservation planning requirement does not require farmers or ranchers to assess their operations with respect to natural resources concerns, map resources of concern on their land, or identify the most cost-effective practices to solve identified problems. Section 1466.9 of the proposed rule should restore the conservation planning language from the 1996 EQIP rule.

Promote Cost-Effective Solutions to Resource Problems

The 2002 Farm Bill opened the door for large operations, such as confined animal feeding facilities, to receive significant EQIP funds for the management of livestock waste. The ranking criteria as drafted in the proposed rule could actually skew the ranking to favor the largest operations – some of which may be using the money on technologies like waste lagoons that can degrade, rather than improve, the environment. NRCS should prevent this from happening by amending Section 1466.20 as follows: the ranking system factors should prioritize the best solutions, rather than the biggest natural resource concerns. Also, subpart (c), which prohibits states from prioritizing more cost-effective solutions to achieving equal environmental benefits, should be rewritten to reflect the intent of the law: large operators should not be given a competitive edge because they can afford to accept a smaller cost share than smaller operators. Another way for EQIP to maximize environmental benefits per dollar expended is to prioritize livestock grazing systems over confined animal feeding operations, and to give low priority to funding new and expanding CAFOs and to waste facilities located in floodplains, since EQIP dollars used for these purposes could result in environmental degradation rather than improvement.

Assist Wildlife *and* Habitat

The program description and ranking criteria clearly indicate that improvement and conservation of wildlife habitat is one of the goals of the EQIP program. However, there are also a number of management practices, such as grazing, lambing and calving practices, that protect wildlife directly by minimizing conflicts with agriculture that lead to lethal control of wildlife. In addition to being cost effective, these practices also enhance production by minimizing producer losses to wildlife, and are thus very much in keeping with both the letter and spirit of the EQIP

law. Sections 1466.4 and 1466.20 should specifically allow states to prioritize management practices that directly protect wildlife as well as wildlife habitat.

Thank you for your attention to my comments.

Sincerely,