

**Defenders of Wildlife * Environmental Defense * Environmental Working Group *
Friends of the Earth * Global Resource Action Center for the Environment
(GRACE) * The Humane Society of the United States * Minnesota Project * National
Audubon Society * National Campaign for Sustainable Agriculture * National
Catholic Rural Life Conference * National Wildlife Federation * Sustainable
Agriculture Coalition**

Chief Bruce Knight
Natural Resources Conservation Service
U.S. Department of Agriculture
14th and Independence Ave., SW
South Building, Room 5105-A
Washington, D.C. 20250

VIA HAND-DELIVERY & FACSIMILE

August 27, 2002

RE: EQIP FUNDING FOR WILDLIFE

Dear Chief Knight:

Protecting wildlife and wildlife habitat is a primary statutory objective of the Environmental Quality Incentives Program (EQIP). The Farm Security & Rural Investment Act of 2002 states that EQIP funds should be expended to assist producers in complying with local, state, and national regulatory requirements concerning wildlife habitat and to provide flexible assistance to producers to install and maintain conservation practices that enhance wildlife. See Pub. L. No. 107-171, § 1240 (1)(B), 1240 (3). Our organizations believe that the measures described below should be funded through EQIP to help landowners, wildlife groups, conservation districts and other interested parties meet the wildlife and wildlife habitat protection purposes of the program.

EQIP has a significant history of funding projects that have direct and indirect benefits to wildlife. According to NRCS, from 1996 to 2001 the program directed \$12.8 million dollars to enrolling 5.3 million acres in practices that benefit landowners and wildlife. Many of these projects have helped to stabilize and improve riparian and wetland habitats: vegetative and forest buffers, wetland restoration and management, streambank stabilization and protection, and stream crossings. Other projects that have directly benefited wildlife include early successional habitat development and management, restoration and management of declining habitats, creation of wildlife watering facilities and upland wildlife habitat management. NRCS reports that during the same time period, EQIP has also funded \$261 million worth of projects that provide indirect benefits to

landowners and wildlife, including windbreaks, conservation covers, pest management, filter strips, hedgerow-plantings, and many other practices.

Unfortunately, EQIP also has a history of supporting structural practices that impact sensitive wildlife habitat, especially wetlands. Construction of irrigation ponds and waste confinement facilities, as well as land levelling and other practices have resulted in the degradation or destruction of valuable wetlands, riparian zones, native grasslands and old-growth forests. Guidelines must be developed which prohibit the use of EQIP funds for practices that degrade or destroy sensitive habitats - undermining the purpose of the EQIP program. At a minimum, all applicants must be required to show avoidance of impacts to sensitive habitats to the extent practicable, to minimize impacts, and to provide acceptable compensatory mitigation for all unavoidable impacts.

We hope that the NRCS will build on its positive history and use to full advantage this large and flexible program to continue this work. Overall, we urge NRCS to set a target of using 20 percent of EQIP funds for projects that help producers directly enhance and protect wildlife habitat or whose indirect wildlife habitat benefits are substantial.

We urge NRCS to develop national guidelines for ranking EQIP applications relating to wildlife and wildlife habitat that provide the highest priority to applications that incorporate the following practices and principles:

(1) Develop a coordinated approach to using EQIP to help landowners protect habitat for rare, declining and imperiled native species.

The undersigned groups advocated during the farm bill process for expansion of the Wildlife Habitat Incentives Program (WHIP) and are pleased to see that it has been increased in scope and funding. However, through the duration of the 2002 farm bill, WHIP will be funded at only a fraction of the level of EQIP. Furthermore, WHIP's statutory authority provides for cost-share for practice implementation but does not allow producers to receive incentive payments. As structured and funded in the 2002 farm bill, WHIP alone will not meet landowners' needs for maintaining and/or improving wildlife habitat.

We urge NRCS to increase coordination between EQIP and WHIP to ensure landowners have the incentives they need to protect and restore wildlife habitat. Such program coordination would provide a particularly effective mechanism to protect the habitats of rare, imperiled or declining native wildlife. Toward that end, we recommend that both EQIP and WHIP prioritize applications involving lands identified as important habitat in state or ecoregional biodiversity plans. Congress has provided states with incentives to develop comprehensive wildlife conservation plans that include the creation of a state biodiversity map by October 1, 2005. See Interior Appropriations Act of 2002, Public Law No. 107-63, at 9. Comprehensive wildlife conservation plans have already been completed in four states, and many other states are currently developing plans. In addition, ecoregional biodiversity plans are being developed. (For examples of state and ecoregional

biodiversity plans, see www.biodiversitypartners.org, www.conserveonline.org). State EQIP coordinators and technical committees should be made aware of the habitats identified by the plans as especially important and be directed to work with landowners and other organizations in these areas to restore or protect biodiversity values. We believe that with this coordinated approach, EQIP has tremendous potential to help fund measures to protect imperiled species and to help stabilize declining populations so that they do not require protection under the Endangered Species Act.

(2) Utilize EQIP to help livestock owners act proactively to prevent conflicts with wildlife, particularly large predators.

Wildlife conflicts with agriculture and livestock production are an often-cited reason for rural opposition to the presence of predators and the reintroduction of extirpated native carnivores. Many farmers and ranchers fear, and some have experienced, conflicts including predation on livestock by wolves and incursions by bears into beeyards, orchards and vegetable acreage. EQIP funds should be expended in support of projects that reduce interaction and conflict between wildlife on the one hand and livestock and crops on the other. These projects protect producers financially, increase local acceptance of wildlife, reduce the chances that lethal control of wildlife will be employed, and aid in threatened and endangered species recovery efforts. Examples of such proactive measures include:

- Electric fencing around beehives located in bear habitat
- Livestock guard dogs to prevent sheep depredations by wolves
- Bear-proof dumpsters on farms
- Purchase of hay or alternative grazing allotments so that ranchers can avoid or postpone sending cattle to areas where wolves are denning
- Electric fencing around calving grounds and night pasture for sheep
- Installation of non-lethal deterrent systems to keep predators away from livestock (such as fladry barriers and radio-collar activated lighting and alarm systems)
- Hiring herders to keep predators away from livestock, particularly during the calving season
- Purchase and installation of non-lethal deterrent systems to keep piscivorous birds away from aquaculture facilities
- Measures to keep birds from harming crops

If practices along these lines are not currently included or promoted within the conservation practice standards for EQIP and other conservation programs, the conservation practices standards should be modified to allow for their inclusion and promotion. The conservation practice standards also should be modified to allow practices that are identified in Endangered Species Act recovery plans or in state or ecoregional biodiversity plans, provided they are consistent with the purposes of EQIP, so that such practices are automatically eligible for EQIP funding.

Given the program's stated goal of protecting and enhancing wildlife and wildlife habitat, we believe that EQIP is particularly well suited to help landowners purchase and implement these types of measures. The costs of many of these proactive measures are very low, ranging from \$200-\$300 (guard dogs) to less than \$3,000 (hay purchases, electric fencing). Furthermore, by reducing conflicts that could potentially result in litigation under the Endangered Species Act or the Migratory Bird Treaty Act, proactive measures fulfill EQIP's statutory priority of helping producers avoid potential regulation. See Pub. L. No. 107-171, § 1240 (2).

(3) Provide rapid response capabilities for invasive species control.

Invasive species include weedy plants, forest pests, diseases and other non-native organisms that become established far from their native habitats and whose proliferation causes economic and environmental harm. After habitat destruction, invasive species are the second greatest threat to America's native wildlife and plant species. USDA's Animal and Plant Health Inspection Service undertakes management of many crop pests, but there are gaps in that agency's ability and willingness to deal with invasives, particularly invasive plants and those exotics that threaten native upland and wetland wildlife habitats. For instance, APHIS's national office was slow to respond with funding to control an outbreak of giant salvinia in a pond in South Carolina in 1995. Since early detection and rapid response are key to preventing new outbreaks from becoming major invasions, a program to rapidly fund invasive species eradication is crucial. We believe that EQIP should fund rapid response to new invasions on private land, particularly in situations where APHIS does not respond quickly. EQIP coordinators and state extension agents (who are often contacted to identify unfamiliar organisms) should be aware of EQIP as a resource for funding emergency eradication, and applications for EQIP funding to deal with invasive species should be given expedited processing.

(4) Encourage conservation of forested lands.

Under the new farm bill, EQIP funds may be used to conserve and ecologically enhance private, nonindustrial forest land. See Pub. L. No. 107-171, § 1240A (2)(B)(v). We believe that directing EQIP dollars to this objective will further aid wildlife while benefiting agricultural producers.

In summary, we believe that there are many opportunities to significantly increase the effectiveness of the flexible and well-funded Environmental Quality Incentives Program in achieving its goal of helping producers protect wildlife, wildlife habitat and avoid regulatory programs. We urge NRCS to set a national target of using 20 percent of EQIP funds for projects that help producers directly improve and enhance wildlife habitat or result in substantial benefits to wildlife habitat. Four particularly effective and relevant options for such protection include (1) habitat protection and restoration in accordance with biodiversity conservation plans, (2) proactive measures to avoid agricultural conflicts

with wildlife, (3) rapid response to outbreaks of invasive species that threaten wildlife habitat, and (4) the direction of EQIP funds for conservation and ecological enhancement of nonindustrial forest lands. We ask that these measures be given highest priority in NRCS national guidelines for application ranking systems relating to the wildlife and wildlife habitat purposes of EQIP.

Thank you for your attention to our comments.

Sincerely,

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Mark Rey, Under Secretary of Natural Resources and Environment
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