



## National Sustainable Agriculture Coalition

November 3, 2009

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Submitted by e-mail to: [RFP-OEP@nifa.usda.gov](mailto:RFP-OEP@nifa.usda.gov)

### **RE: Beginning Farmer and Rancher Development Program – Interim Final Rule with Request for Comments – RIN 0524-AA59**

Dear Suresh,

I am submitting these comments on behalf of the National Sustainable Agriculture Coalition (NSAC) regarding the Interim Final Rule for the Beginning Farmer and Rancher Development Program. As you know, the Coalition represents family farm, conservation, rural, and urban organizations from around the U.S. that share a commitment to federal policy that promotes sustainable agriculture production systems, family-based farms and ranchers, and healthy, vibrant rural communities. We commend the NIFA staff for their ongoing efforts to collect stakeholder comments aimed at improving the Beginning Farmer and Rancher Development Program.

Sincerely,

A handwritten signature in black ink that reads "Aimee Witteman". The signature is written in a cursive, flowing style.

Aimee Witteman  
Executive Director  
National Sustainable Agriculture Coalition

### **3430.602 - Definitions**

*NSAC Recommendation:* In addition to the current statutory definition of beginning farmer and rancher (a person who has not operated a farm or rancher for more than 10 years), NIFA should use its statutory discretionary authority to add other criteria to include in the final rule that a beginning farmer or rancher meets the two-fold criteria for the FSA definition of in Section 343 (11)(D) of the Consolidated Farm and Rural Development Act pertaining to material and substantial participation and day-to-day labor and management. That a two-part criterion requires a beginning farmer or rancher to (1) materially and substantially participate in the operation of the farm or ranch, and (2) provide substantial day-to-day labor and management of the farm or ranch. It is important that the program is supporting real working and those who intend to operate in that fashion.

### **3430.605(b) – Funding Restrictions - Indirect Costs**

*NSAC Recommendation:* We urge NIFA to make BFRDP awards cooperative agreements and thereby limit indirect to not greater than 10%, or in some other fashion put a reasonable and modest cap on indirect costs. It is critical for program funds to support as many projects and beginning farmers as possible without large overhead costs. We point out the success of the SARE program over the past two decades despite allowing zero indirect costs. We would not necessarily say BFRDP should be at zero, but we do think the standard cooperative agreement 10 percent would be a reasonable cap.

### **3430.606 (a) – Matching Requirements**

*NSAC Recommendation:* We urge NIFA to clarify in the final rule that for the portion of any match that is cash, it does not require that the cash be in hand, provided the applicant provides sufficient information demonstrating that the funding will be available before the time it is needed for expenditure in the project. Requiring that cash be in hand at the time a BFRDP application is submitted is a substantial barrier for smaller community-based and non-profit organizations.

### **3430.608(a) – Review Criteria – Evaluation Criteria**

*NSAC Recommendation:* We believe it would be helpful to further clarify evaluation criteria:

***Relevancy*** – NIFA should add language to the rule that clarifies that “relevancy” includes due consideration of at least three major factors: (1) creating the maximum number of enduring beginning farmer and rancher opportunities, (2) ensuring that the enduring opportunities being created are economically viable, environmentally-sound, and help create an enhanced quality of life for the farm family and the community, (3) creating farming opportunities that do not diminish farming opportunities for others.

***Technical Merit*** – No additional comments.

***Achievability*** – No additional comments.

***Expertise and track record of 1 or more applicants*** – NIFA should clarify in the rule that expertise be based on demonstrable and quantifiable factors such as the number of training, assistance, or education activities previously carried out, participants or graduates of the program and success rates, and number of years a program or activity has been offered.

***Adequacy of plans for participatory evaluation process, outcome-based reporting, and communicating findings and results beyond the immediate target audience*** – NIFA should help potential grantees understand this criterion by providing in the definitions section examples of participatory evaluation, outcome-based reporting, and public communication. For instance, “outcome-based reporting” should be defined as outcomes and impacts rather than activities and inputs. “Communicating findings” includes the expectation that grantees demonstrate how their communications plans reach beyond the immediate clientele to the larger arena of public stakeholders.

***Other appropriate factors, as determined by the Secretary*** – The final rule should state that proposals will be ranked higher if they show the degree and frequency of direct face-to-face work and interaction with actual constituencies served. For instance, proposals that include a greater interaction and outreach with beginning farmers and ranchers through activities such as meetings, workshops, field days, one-on-one assistance should receive greater priority.

### **3430.608(b) – Review Criteria – Partnership and Collaboration**

*NSAC Recommendation:* To ensure a real, demonstrable partnership exists, we urge NIFA to include in the final rule that applications submitted as a partnership where the lead grantee is an eligible entity that is not a NGO or CBO, and proposes to partner with a NGO or CBO, the NGO or CBO should not receive less than 25% collectively of the BFRDP funding awarded. We believe it is important to state such a minimum to prevent partnership proposals from becoming partnerships in name only.

### **3430.609 (a) – Other Considerations – Set Aside**

*NSAC Recommendation:* The Report Language for the Beginning Farmer and Rancher Development Program in the Food, Conservation, and Energy Act of 2008 encourages the Secretary “to include immigrant beginning farmers and ranchers in the funding set-aside for socially disadvantaged and limited resource farmers and ranchers.” We urge NIFA, in the final rule, to include an additional line (4) with this explicit language regarding immigrant farmers and ranchers.

In previous comments submitted by NSAC regarding the BFRDP Request for Applications, NSAC encouraged NIFA to require groups applying under the 25 percent set aside for limited resource, socially disadvantaged farmers and ranchers, and farmworkers to demonstrate that at least 50.1 percent of the population served by the project be members of one or more of those three groups. We urge NIFA to add this 50.1 percent standard to this section in the final rule.

### **3430.609 (c) – Other Considerations – Duration**

*NSAC Recommendation:* We encourage NIFA to apply the 3-year limit to the Educational Teams in addition to the Standard Projects. The Clearinghouse would continue to be subject to the maximum of 5 years.

### **3430.609 (d) – Other Considerations – Amount of Grants**

*NSAC Recommendation:* The BFRDP legislative language clearly limits grants to not more than \$250,000 a year. We urge NIFA to clarify this in the final rule so that the statutory requirements provided by Congress for the maximum term and size of grants for all project types are reflected.

### **Additional Consideration -- Regional Program Delivery Structure**

We urge NIFA to convene a short-duration stakeholder process to determine whether it would be advantageous to adopt a regional structure for BFRDP. There is a great deal to be gained from getting the program as close to the ground as possible and to have it reflect regional differences and priorities. A structure consisting of, perhaps, a national administrative council made up of representatives from regional administrative councils plus national program staff might benefit the program. The regional councils could include representation from the agency, other relevant federal and state agencies, universities and extension, and key stakeholders including beginning farmers and ranchers. The expertise, ownership and buy-in that come with such a structure might really pay off

for BFRPD. A regional division of dollars might also deal with the problem in the first round of funding of one region not competing as well as the others.

Our suggestion would be to initiate such a dialogue of the pros and cons of moving to regional program delivery while the final rulemaking is pending. Go ahead and run the second year competition for funding under the national approach, but aim for a decision on regional administration within a timeline that leaves sufficient time for the switch to the regional approach, if that is the outcome of the stakeholder process, prior to year three.