



April 5, 2010

CRP SEIS  
c/o TEC Inc.,  
11817 Canon Blvd Suite 300  
Newport News, VA 23606  
Submitted via: <http://www.regulations.gov>

**RE: Comments on the Draft Supplemental Environmental Impact Statement for the Conservation Reserve Program, 75 Fed. Reg. 7438 (Feb. 19, 2010)**

On behalf of the National Sustainable Agriculture Coalition, I am submitting these comments on the Farm Service Agency's (FSA) Draft Supplemental Environmental Impact Statement (SEIS) intended to assess the environmental impacts of alternative proposals for implementing changes to the Conservation Reserve Program required by the Food, Conservation and Energy Act of 2008 (the 2008 Farm Bill). NSAC represents 39 family farm, rural development, conservation and environmental organizations from around the U.S. that share a commitment to federal policy that promotes sustainable agriculture production systems, family-based farms and ranches, and healthy, vibrant rural communities. A list of the member organizations represented by NSAC is attached to these comments.

Thank you for considering our comments.

Sincerely,

*Martha L. Noble*

Martha L. Noble  
Senior Policy Associates

**NATIONAL SUSTAINABLE AGRICULTURE (NSAC) COMMENTS  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (SEIS)  
FOR THE CONSERVATION RESERVE PROGRAM (CRP)**

**1. Threshold Issue: NSAC Urges USDA to Immediately Implement the CRP Transition Option for Beginning Farmers and Ranchers and Socially Disadvantaged Farmers and Ranchers.**

NSAC urges USDA to take immediate steps to implement the provisions of the 2008 Farm Bill for the Transition Option for a retiring farmer or rancher to transfer land leaving the CRP to a beginning or socially disadvantaged farmer or rancher.<sup>1</sup> This Transition Option involves land that is leaving the CRP and is not subject to the requirements for land enrolled in CRP addressed in the SEIS. Moreover, there was no difference in the alternatives for implementing the Transition Option in the alternatives presented in the CRP SEIS Summary of Preliminary Action Alternatives prepared for USDA listening sessions on the SEIS.

USDA could issue an Interim Final Rule implementing the Transition Option immediately through a simple Programmatic Environmental Assessment and Finding of No Significant Impact, as was done for the CRP-Part 1 regulations issued on June 29, 2009. NSAC further urges FSA to publicize the availability of the Transition Option widely, including publicity aimed at CRP landowners who are not extending their contracts or re-enrolling in the CRP and at beginning and socially disadvantaged farmers or ranchers, as directed in the Managers Statement to the 2008 Farm Bill.

NSAC previously made this request in our comments on the Farm Service Agency's (FSA) Notice of Intent to Prepare the CRP SEIS, which was issued more than seven months ago. Last October, FSA Administrator Jonathan Coppess testified to a House Agriculture Subcommittee that FY2010 commenced with 31 million acres in CRP, down 2.6 million acres from the prior year. USDA's failure to implement the CRP Transition Option in 2009 has already denied new farmers and ranchers access to the CRP incentives to start new farming and ranching operations that would retain significant conservation benefits on former CRP land. In addition, Administrator Coppess testified at the hearing that contracts for 15.3 million acres were set to expire between fiscal years 2010 and 2012 and that with general and continuous CRP signups, FSA expected to maintain CRP enrollment at the 2008 Farm Bill maximum of 32 million acres through 2010.

It is clear with these numbers that significant acreage will be leaving the CRP. If FSA does not take immediate steps to implement the Transition Option, landowners whose acreage is leaving the CRP in 2010 and 2011 will not have time to make necessary contacts and land transfer arrangements with beginning and socially disadvantaged farmers and ranchers who could benefit from the CRP Transition Option. Beginning and socially disadvantaged farmers and ranchers will not have enough time to work with lenders and others to ensure that they can finance the land acquisition. And yet another year will have gone by with the FSA squandering the opportunity to have land which is leaving the CRP be transferred to a new farmer or rancher committed to a sustainable farming system, with an enhanced opportunity to establish good conservation work on the land through enrollment in the Conservation Stewardship Program or the Environmental Quality Incentives Program.

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<sup>1</sup> Section 2111 of the 2008 Farm Bill amends Section 1235(c)(1)(B) of the Food Security Act of 1985, codified at 16 U.S.C. Section 3835(c)(1)(B), to create the Conservation Reserve Program Transition Incentives for Beginning and Socially Disadvantaged Farmers and Ranchers.

A year ago, on April 7, 2009, USDA Secretary Vilsack announced the availability of funding for the Beginning Farmers and Ranchers Development Program – a program championed by NSAC. In the announcement he stated, "This program underscores President Obama's commitment to support the nation's beginning farmers and ranchers. Through the beginning farmer and rancher grant program, we can help ensure that we are doing all we can for the next generation of America's farmers and ranchers."<sup>2</sup> With this statement of the Obama Administration's support for the next generation of America's farmers and ranchers, NSAC finds inexplicable the FSA's prolonged delay in implementing the CRP Transition Option.

In addition, FSA's unnecessary delay of the CRP Transition Option flies in the face of another congressional directive to USDA to carry out the farm bill conservation programs to provide incentives for new farming and ranching opportunities to beginning farmers and ranchers and socially disadvantaged farmers and ranchers that enhance long-term conservation goals.<sup>3</sup> Increasing the access of beginning farmers and ranchers to land is one critical component of a suite of 2008 Farm Bill measures for assisting beginning and socially disadvantaged farmers and ranchers. The CRP Transition Option will help ensure that the next generation of farmers and ranchers can afford to incorporate conservation practices as they establish their agricultural systems. It will also help the new farmers and ranchers retain many of the conservation benefits obtained from having the land enrolled in the CRP.

**2. NSAC recommends that the SEIS be reorganized to address in one place within the SEIS the environmental impacts for the alternatives proposed for each provision of the CRP covered by the SEIS, with FSA's preferred alternative clearly spelled out. This will provide policymakers and the public with a clearer understanding of the FSA proposal for implementing the 2008 Farm Bill provision for the CRP.**

The National Environmental Policy Act (NEPA) requires that federal agencies provide a detailed Environmental Impact Statement for every recommendation significantly affecting the quality of the human environment that includes the environmental impacts of the proposed action, impacts of alternatives to the proposed action, adverse environmental effects which cannot be avoided should the proposal be implemented, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The CRP SEIS does contain a clear statement of the CRP provisions of the 2008 Farm Bill that are addressed in the SEIS and it does include a great deal of information on the potential environmental effects of alternatives within the discretion of FSA for implementing the CRP provisions. ***BUT what it does not provide is a clear summary of the environmental impacts for each provision and its alternative(s).*** Instead, the Draft SEIS is organized so that environmental impacts of each CRP provision are put into a separate section organized by the type of environmental impact. Nowhere in the SEIS is there a clear summary for each CRP provision that provides in one place all the environmental impacts for the alternatives for implementation of that CRP provision. In addition, the Draft SEIS does not provide a clear statement of FSA's *preferred alternative* for implementation of each provision.

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<sup>2</sup> USDA Press Release, Agriculture Secretary Vilsack Announces \$17 Million in Grants for Beginning Farmers and Ranchers (April 7, 2009) available at [http://www.csrees.usda.gov/newsroom/news/2009news/04071\\_bfrp.html](http://www.csrees.usda.gov/newsroom/news/2009news/04071_bfrp.html).

<sup>3</sup> Section 1244(a) of the Food Security Act of 1985 as amended by the 2008 Farm Bill, codified at 16 U.S.C. § 3844.

This confusing organization requires the reader to try follow each provision through numerous sections on the different types of environmental impacts and then do a cut and paste to try to combine in one place an assessment of the environmental impacts of each CRP provision and its alternative(s).

NSAC recommends that the final SEIS be reorganized based on each CRP provision to be implemented. For each provision, FSA should summarize the potential environmental impacts for FSA's proposal for implementing the provision and for reasonable alternatives for implementing that provision.

**3. NSAC recommends that references to FSA's opinions about the impacts on the USDA budget and need for PAYGO provisions be eliminated in the Final SEIS. These issues could be addressed in a cost-benefit analysis that provides a clear and comprehensive statement of FSA's preferences for 2008 Farm Bill implementation with the budgetary impacts of alternatives. Their scattershot inclusion in an SEIS, however, is not a proper purpose of NEPA environmental review.**

NSAC was astounded to see included in the SEIS scattershot and unsupported references to the USDA budget and purported need for PAYGO measures for randomly selected provisions of the 2008 Farm Bill. First, these budgetary considerations are not included in the National Environmental Policy Act and are not appropriate for an SEIS. Moreover, the PAYGO statements are not supported by even a cursory overview of the budget or an explanation for why some provisions are singled-out for such analysis and others are not.

An example can be seen at page ES-5 of the Draft SEIS Executive Summary in the discussion of "Provision 8." This concerns the alternatives for implementing the provision of Section 2708 of the 2008 Farm Bill which gives USDA the discretion to fashion incentives in Farm Bill conservation programs for participation by beginning, limited resource and socially disadvantaged farmers, ranchers and Indian tribes. FSA states that if it provides these incentives a PAYGO offset would be required. This statement includes an implicit assumption that the status quo for CRP is that CRP resources go to farmers and ranchers who are not included in the Section 2708 directive and that FSA can only follow the directive if additional offset funding is found in the federal budget. But clearly FSA is authorized by Section 2708 to reallocate existing CRP funding in order to provide the Section 2708 incentives. FSA may find this a hard choice but the responsibility for this decision about these incentives is in its hands. The agency cannot duck this responsibility by raising the specter of PAYGO offsets.

**4. Comment on Provision 1 – National Conservation Initiatives. NSAC recommends that SEIS provide a clear alternative for addressing conservation issues raised in state and regional conservation initiatives and that references to PAYGO be eliminated from Alternative 1.**

**(a) Provision 1 should address State and regional initiatives.** In Section 2101(a) of the 2008 Farm Bill, Congress gave a clear new directive to USDA to address in CRP issues concerning the conservation and improvement of soil, water and wildlife resources raised by *State, regional and national conservation initiatives*. The Alternatives provided in the SEIS for this Provision virtually ignore consideration of State and regional initiatives, a disregard that is clearly reflected in the SEIS reference only to "National Conservation Initiatives." Alternative 1 includes only USDA national conservation initiatives and under Alternative 2 there would not even be any new national conservation initiatives and the existing wetland initiative would be reduced.

These alternatives are simply not sufficient to address the scope of discretion provided to USDA by the 2008 Farm Bill. The Final SEIS should provide an overview of representative State and regional conservation initiatives with clear guidance on how USDA intends to define State and regional conservation initiatives whose issues should be considered in the CRP. The SEIS should consider

alternatives for using State and regional conservation initiatives as the basis for practices and management activities included in CRP conservation plans as well as addressing how USDA could use State and regional initiatives in evaluating the acceptability of CRP contract offers.

**(b) NSAC recommends that requirement that continuous CRP signup be subject to PAYGO be eliminated from the Final SEIS and not included in the CRP rule.**

As noted above in Comment #2, NSAC recommends that all references to PAYGO be eliminated from the SEIS. We are particularly troubled to see Alternative 1 for this Provision refer to continuous CRP (c-CRP) signup as a “national conservation initiative” whose implementation is subject to PAYGO requirements. Continuous CRP is a longstanding component of the CRP. It’s status should not depend on its being a National Conservation Initiative and on whether it is provided new budget authority.

**5. Comments on Provision 2 – Maximum Enrollment: NSAC recommends that the Final SEIS clarify that Alternative 1 provides for 8 million acres for the Continuous CRP and Conservation Reserve Program and 24 million acres for the General Signup and other special Conservation Initiatives. We further recommend that Alternative 1 be the preferred alternative.**

The Draft SEIS does not make clear what the term “targeted signup” means. At times it appears to mean anything except the general CRP signup and at other times seems to refer to just the continuous CRP and CREP. NSAC recommends that the Final SEIS refer specifically to the continuous CRP and to CREP or special conservation initiatives and drop the “targeted signup” term.

**6. Recommendation for Provision 3 – Alfalfa Crop History.**

The 2008 Farm Bill clarifies that alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, are to be considered agricultural commodities for purpose of meeting eligibility requirements for enrolling land in the CRP. The 2008 Farm Bill also provides that alfalfa grown in an approved rotation practice can be used to fulfill the requirement that eligible land be cropped in 4-out-6 years previous to 2008. Without more explanation from FSA, NSAC questions why FSA proposes alternatives for alfalfa crop history that would increase this requirement to 6- or 10-years of alfalfa or legumes in the rotation in order for the land to be eligible for CRP enrollment. We also note that in some regions of the country the proposed increase in the eligible rotation may be difficult to achieve.

**7. Recommendation for Provision 5 – Conservation Plan Management.**

NSAC recommends that FSA propose a new Alternative that would initially require continuous management throughout the CRP contract, with measures to ensure that management does not interfere with conservation goals such as protecting nesting birds. We further recommend that FSA undertake an assessment of CRP practices to determine the level of management necessary to ensure that the conservation practices for the land enrolled in the CRP meet the goals of the EBI score applicable to the land and require landowners to undertake that level of management. Some conservation practices may require little active management while others may require action on a more frequent basis or continuously. The goal should be that the level of management is sufficient to meet the conservation goals for enrolling the land in the CRP in the first place.

## **8. Recommendations on Haying and Grazing on CRP Acres.**

**NSAC recommends that managed haying or grazing be allowed, subject to a conservation plan developed to ensure that the land is managed to protect wildlife, water quality, air quality or other goals of the CRP. The conservation plan should be tailored to the specific conditions of the land enrolled in CRP and the conservation goals to be achieved.**

**This measure should be part of the explicit recognition in the 2008 Farm Bill that CRP should address issues raised by local, state, regional and national conservation initiatives. The implementation of the CRP to address these conservation initiatives should be ongoing process that applies to all land enrolled in the CRP, cCRP and CREP rather than another set of “initiatives” carved out of the CRP.**

The 2008 Farm Bill provides that managed harvesting, including harvesting of biomass, is permitted on CRP acreage subject to vegetation management and timing requirements;

- Routine grazing, or prescribed grazing for the control of invasive species, is permitted with appropriate vegetative management;
- Installation of wind turbines is permitted subject to vegetative and wildlife management requirements; and
- Dryland crop production and grazing are allowed on CREP acreage where the CREP is intended to address declining water resources.

These activities and terms will require precise regulatory definitions and conditions to ensure that CRP meets basic program goals for water quality improvements and wildlife habitat.

We also note that the Managers’ Statement to the Farm Bill directs USDA to review the rules for routine grazing and to consult with NRCS State Technical Committees *to develop site-specific management plans for grazing*. These site-specific management plans are also important for haying, wind turbines or any other economic use of the land to ensure that harm to wildlife, water quality and other conservation goals in general is minimized and that endangered or threatened plants and wildlife are protected. Oversight by the State Technical Committees and development of site-specific plans are not options for CRP implementation, they are requirements. Therefore, they should not be included as an “alternative” for CRP implementation.

“One-size fits all” rules on grazing or haying do not work for CRP, even for CRP land within a single state. This reasoning also applies to the issue of whether grazing is allowed on specific CPs. For example, Action Alternative 1 would prohibit grazing on CP23 and CP23A restored wetlands. But for some wetland habitats, occasional grazing may be critical to keeping out woody species and preventing habitat alterations that render the wetland uninhabitable for some endangered or threatened species. The key to whether haying or grazing should be allowed and the restrictions on these activities should be geared to the conservation purpose for enrolling specific tracts of land in the CRP.

## **9. Recommendations for Provision 9 – Pollinators Conservation.**

**With regard to CRP measures for meeting the 2008 Farm Bill requirements for pollinators and pollinator habitat, NSAC recommends that FSA both develop new specific Pollinator Habitat Conservation Practices when appropriate and make general modifications to existing practices to benefit pollinators. FSA should designate Alternative 2 as the preferred alternative for the Final SEIS.**

The problem of Colony Collapse Disorder for the major domesticated pollinator, the honey bee *Apis mellifera*, combined with significant loss of pollinator habitat in many regions requires a multi-pronged approach to protection of pollinators and their habitats. In some cases, there is sufficient research on native pollinators to develop new pollinator habitat conservation practices with recommendations for specific vegetation and other habitat requirements for specific pollinator species. For other pollinators the general modification of existing practices will prove beneficial until more is known about their specific needs. Certainly one important action for FSA and NRCS is a thorough review of the impacts on pollinators and other beneficial insects of any pesticides used on CRP acreage and a general goal of using integrated pest management techniques to deal with invasive species or other problems on CRP land. Therefore, we urge that FSA not preclude the development of new conservation practices that establish pollinator-friendly habitat and eliminate the harms to pollinators from agricultural chemical use.

NSAC thanks FSA for considering our comments on the Draft SEIS for implementing the CRP provisions of the 2008 Farm Bill

Sincerely,

*Martha L. Noble*

Martha L. Noble  
Senior Policy Associate

cc: Jonathan Coppess, Administrator, USDA Farm Service Agency  
Matthew Ponish, National Environmental Compliance Manager, USDA Farm Service Agency

**NATIONAL SUSTAINABLE AGRICULTURE COALITION REPRESENTED MEMBERS  
(as of April 5, 2010)**

Agriculture and Land Based Training Association (ALBA) Salinas, CA

Alternative Energy Resources Organization (AERO) Helena, MT

California Certified Organic Farmers (CCOF) Santa Cruz, CA

California Farmlink Sebastapol, CA

C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Hereford, TX

Center for Rural Affairs Lyons, NE

Clagett Farm/Chesapeake Bay Foundation, Upper Marlboro, MD

Community Alliance with Family Farmers Davis, CA

Dakota Rural Action Brookings, SD

Delta Land and Community, Inc. Almyra, AR

Ecological Farming Association Watsonville, CA

Flats Mentor Farm Lancaster, MA

Florida Organic Growers Gainesville, FL

Food Animal Concerns Trust Chicago, IL

Georgia Organics Atlanta, GA

Grassworks Wausau, WI

Illinois Stewardship Alliance Rochester, IL

Iowa Natural Heritage Foundation Des Moines, IA

Island Grown Initiative Vineyard Haven, MA

Izaak Walton League St. Paul, MN

Kansas Rural Center Whiting, KS

Kerr Center for Sustainable Agriculture Poteau, OK



Land Stewardship Project White Bear Lake, MN

Michael Fields Agricultural Institute East Troy, WI

Michigan Integrated Food and Farming System East Lansing, MI

Michigan Organic Food and Farm Alliance Lansing, MI

Midwest Organic and Sustainable Education Service (MOSES) Spring Valley, WI

National Catholic Rural Life Conference (NCRLC) Des Moines, IA

National Center for Appropriate Technology Butte, MT; Fayetteville, AR; Davis, CA

Northeast Organic Dairy Producers Alliance (NODPA) Deerfield, MA

Northern Plains Sustainable Agriculture Society Fullerton, ND

Northwest Coalition for Alternatives to Pesticides, Eugene OR

Ohio Ecological Food and Farm Association (OEFFA) Columbus, OH

Organic Farming Research Foundation (OFRF) Santa Cruz, CA

Rural Advancement Foundation International, USA (RAFI-USA) Pittsboro, NC

Sierra Club Agriculture Committee

Union of Concerned Scientists Food and Environment Program, Washington, DC

Virginia Association for Biological Farming, Lexington VA

Wildfarm Alliance, Watsonville CA