



National Sustainable Agriculture Coalition

September 14, 2015

Director, Conservation and Environmental Programs Division
USDA FSA CEPD
Mail Stop 0513
Room 4709–S
1400 Independence Ave.
SW., Washington, DC 20250–0513

**RE: Comments on the Conservation Reserve Program Interim Rule; RIN 0560–AI30;
Vol. 80, No. 136, pp. 41987; July 16, 2015; Submitted online via regulations.gov.**

The National Sustainable Agriculture Coalition (NSAC) welcomes the opportunity to provide comments on the interim rule for the Conservation Reserve Program (CRP). NSAC’s represented members¹ include family farm, rural, and conservation organizations across the country that share a commitment to federal policy that promotes sustainable agriculture production systems, family-based farms and ranches, and healthy, vibrant rural communities.

We engaged extensively in the reauthorization of CRP in the 2014 Farm Bill, as we have in previous farm bills; and following the passage of the bill, we delivered pre-rulemaking recommendations to FSA on a number of our priorities. Our comments below expand upon those earlier recommendations.

1. Common Grazing Practices

***Recommendation:* The definition of “Common Grazing Practices” should be revised to reflect the necessity of management-intensive practices and rotations.**

As written, the definition of common grazing practices could result in poor management and overgrazing. It neither references natural resource protection and enhancement nor does it reference conservation grazing management practices. This oversight needs to be corrected.

Section 1410.63 of the Interim Rule provides a good model for how the final rule should talk about common grazing practices. Section 1410.63(d)(9) discusses “customary forestry activities” when

¹ Agriculture and Land Based Training Association, Alternative Energy Resources Organization, California Certified Organic Farmers, California FarmLink, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Catholic Rural Life, Center for Rural Affairs, Clagett Farm/Chesapeake Bay Foundation, Community Alliance with Family Farmers, Dakota Rural Action, Delta Land and Community, Ecological Farming Association, Farmer-Veteran Coalition, Flats Mentor Farm, Florida Organic Growers, Grassworks, Hmong National Development, Illinois Stewardship Alliance, Institute for Agriculture and Trade Policy, Interfaith Sustainable Food Collaborative, Iowa Natural Heritage Foundation, Izaak Walton League of America, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, MAFO, Michael Fields Agricultural Institute, Michigan Integrated Farm and Food Systems, Michigan Organic Food and Farm Alliance, Midwest Organic and Sustainable Education Service, National Center for Appropriate Technology, Nebraska Sustainable Agriculture Society, Northeast Organic Dairy Producers Alliance, Northern Plains Sustainable Agriculture Society, Northwest Center for Alternatives to Pesticides, Ohio Ecological Food and Farm Association, Oregon Tilth, Organic Farming Research Foundation, Republic Food Enterprise Center, Rural Advancement Foundation International – USA, Union of Concerned Scientists Food and Environment Program, Virginia Association for Biological Farming, Wild Farm Alliance.

enrolled land is established to tree and forestry uses. The rule states: “Such activities must be designed to promote forest health, enhance wildlife habitat, and improve general resource conditions of enrolled lands.” The final rule should include similar language in the definition of common grazing practices.

We recommend revising the definition of common grazing practices as follows (new text underlined):

“*Common grazing practices* means grazing practices, including those related to forage and seed production, common to the area of the subject ranching or farming operation. Included are routine management activities, such as those associated with prescribed grazing or management-intensive rotational grazing, which are necessary to maintain and enhance the viability of forage or browse resources and related natural resources that are common to the locale of the subject ranching or farming operation.”

2. Conservation plan

Recommendation (A): The definition of “conservation plan” should be modified to not only “maintain” the health of grasslands, but to also *enhance* the health of grasslands.

CRP practices and rotational and prescribed grazing can do more than prevent harm to grasslands; indeed, well-managed grazing systems will not only enhance and improve grassland resources, but also generate significant environmental co-benefits. For instance, a recent study by the United Nations Food and Agriculture Organization (FAO) estimated that “improved grazing management practices in grasslands could sequester about 409 million tonnes CO₂-eq of carbon per year (or 111.5 million tonnes C per year over a 20-year time period), globally.”²

Section 1410.63 of the Interim Rule provides a good model for how the final rule should talk about conservation planning. In discussing customary forestry activities for land that is established to tree and forestry uses, Section 1410.63(d)(9) states: “Such activities must be designed to *promote* forest health, *enhance* wildlife habitat, and *improve* general resource conditions of enrolled lands” (emphasis added). Like Section 1410.63, the final rule should explicitly encourage the enhancement of grassland resources in the definition of conservation plan.

We recommend revising the last sentence of the definition of conservation plan as follows (new text underlined):

“For grassland signup enrollments where grazing is occurring or is likely to occur, the conservation plan will contain provisions for common grazing practices and related activities consistent with achieving CRP purposes and maintaining and enhancing the health and viability of grassland resources.”

² Gerber, P.J., Steinfeld, H., Henderson, B., Mottet, A., Opio, C., Dijkman, J., Falcucci, A. & Tempio, G. 2013. Tackling climate change through livestock – A global assessment of emissions and mitigation opportunities. Food and Agriculture Organization of the United Nations (FAO), Rome. Available online at: <http://www.fao.org/news/story/en/item/197623/icode/>.

Recommendation (B): For grassland signup offers under Section 1410.31(e), add a proviso that requires the producer to agree to develop and implement a comprehensive conservation plan in coordination with the Natural Resources Conservation Service.

According to NRCS, “planning to a Resource Management System (RMS) level is necessary to provide a minimum level of resource protection and to insure sustainability of the resource base.” In contrast to narrower conservation plans, which may focus only on a single practice to address a single resource concern without regard for related resource concerns, RMS planning allows producers to consider a range of options for addressing multiple resource concerns over time.

The final rule should require RMS planning to help producers conserve and enhance grassland and related natural resources through the new grassland enrollment option. This is especially important during the initial years of the grassland option in order to demonstrate that the program will only support well-managed grazing systems.

The RMS planning requirement has another major benefit. There is a very high likelihood the agency will be overwhelmed with applications for the grassland option. Two million acres is miniscule relative to the number of acres eligible for the program. By requiring a comprehensive conservation plan, the agency can help target enrollment to the most beneficial offers. We realize this will take additional technical assistance dollars to accomplish, but allocating more for TA will result in getting far more bang for the buck from the new program option.

Section 1410.31(e) of the Interim Rule details additional eligibility requirements for producers seeking to enroll grasslands in CRP through the newly created working grasslands option. This list of conditions should include the following requirement:

“The producer agrees to work with the Natural Resources Conservation Service to develop and implement a comprehensive conservation plan that describes the schedule of operations and activities that address identified resource concerns to the Resource Management System level.”

3. Ranking Grassland Signup Offers

Recommendation: Prioritize expiring CRP acres, native grasslands, and beginning and socially disadvantaged farmers when ranking grassland signup offers.

Within the new grasslands language, the 2014 Farm Bill authorizes the Secretary to prioritize land with expiring CRP contracts. Over the next five years, nearly 8 million acres will expire from CRP; another 4.5 million acres are set to expire in 2020. We believe strongly in the goal of keeping these environmentally sensitive acres in resource-conserving cover, and we therefore urge you to target grassland enrollments to expiring CRP acres.

Few areas of native prairie remain in the U.S.; and conversion pressures, including development and crop production, threaten many of the areas that do. We therefore urge you to prioritize enrollment of native prairie acres over introduced grasses.

The combination of the two – expiring CRP land and native prairie – might well result in enough interest to completely use the 2 million acres available. If not, we believe the next priority would be

from applicants who promise to re-vegetate and work toward restoring native prairie according to NRCS specifications.

In addition to targeting expiring CRP and native grassland acres, FSA should prioritize applications from beginning and socially disadvantaged farmers and ranchers who are seeking to own and operate grazing operations. In addition to furthering the Secretary's objective to increase the number of beginning farmers, this preference also has an important conservation benefit. Establishing new farmers on such lands with long-term conservation objectives ensures the public and the taxpayer of environmental benefits for decades to come and not just for the short-term.

4. Final Year of Contract

Section 1410.32(h) allows CRP participants in the final year of their CRP contract to enroll contract land in the Conservation Stewardship Program (CSP) so long as the conservation measures that are conducted under CSP "are not in violation of the approved CRP conservation plan and are otherwise consistent with this part, as determined by the Deputy Administrator."

We strongly support the intent of this change, which we helped secure in the new farm bill. However, the requirement that CSP activities comply with an approved CRP conservation plan is a problematic and unnecessarily narrow application of the statute. CSP conservation activities are known as "enhancements." Enhancements are unique to CSP and are intended to help producers go above and beyond basic levels of stewardship. Therefore, any producer who is adopting CSP enhancements in the final year of their CRP contract will by definition be in violation of their CRP conservation plan, which do not include CSP enhancements.

In contrast to section 1410.32(h)(2) of the Interim Rule, the 2014 Farm Bill simply says that final-year enrollment in CSP is allowed so long as "the activity required under the conservation stewardship program pursuant to such enrollment is consistent with this subchapter."

We strongly support the intent of section 1410.32(h), but believe as written it will effectively negate the farm bill's new final year option. We therefore urge the following fix to the discretionary language that renders the provision unworkable (new text underlined, proposed deletions in ~~strike through~~):

"The land management and conservation practice measures that are conducted under the Conservation Stewardship Program are ~~not in violation of the approved CRP conservation plan and are otherwise~~ consistent with this part and with the purposes of the CRP, as determined by the Deputy Administrator."

5. Management-Intensive Rotational Grazing for Grassland Enhancement

Recommendation: Add management-intensive rotational grazing to the list of permitted practices under Section 1410.63(e) for grassland enrollments.

Rotational grazing is a management system through which farmers and ranchers move livestock from paddock to paddock to prevent overgrazing and allow time for plants to regenerate. Rotational grazing increases forage quality, limits soil erosion, controls the spread of manure as fertilizer, and enhances plant root systems, thereby increasing soil quality, water infiltration, and

carbon sequestration. We strongly urge you to explicitly include management-intensive rotational grazing in the final rule, and to encourage its use as you implement the new grassland enrollment option.

The final rule should modify Section 1410.63(e) as follows to explicitly allow for resource-enhancing grazing practices on grassland enrollments (new text underlined, proposed deletions in ~~strike through~~):

“(e) For land enrolled under a grassland signup type as authorized by § 1410.30(b) only, the following activities may also be permitted, as determined by the Deputy Administrator:

[...]

- (4) Grazing related activities, such as fencing and livestock watering facilities; ~~and~~
- (5) Management-intensive rotational grazing to enhance grassland and related resources;
and
- (6) Other activities as determined by the Deputy Administrator, when the manner, number, intensity, location, operation, and other features associated with the activity will not adversely affect the grassland resources or related conservation values protected under a grassland CRP contract.”

6. Permitted Uses

Recommendation: Clarify 1410.63(d)(7) to either refer to incidental grazing only, or to specify other economic uses that are consistent with the statute and the conservation objectives of the Continuous Conservation Reserve Program (CCRP).

We have long supported the CRP rule allowing grazing of buffer acres incidental to the grazing of adjacent land. We are concerned, however, with the expansion of that rule to include any intermittent or seasonal economic use of the CCRP land.

It is unclear from the proposed rule language and the accompanying preamble text as to what additional uses the agency is contemplating, and there may, in fact, be other economic uses that we would support. As written, though, the permitted use is not qualified or limited in any way, and thus presumably would include routine intermittent haying of the CCRP buffer acres, which would be detrimental to the buffer and to the environmental benefit derived from the buffer. If that is the intent, or even if it is only a potential unintended consequence, we would oppose the new language and urge that it be returned to the prior incidental grazing formulation, or to incidental grazing plus whatever other non-haying economic uses the agency may have in mind that would be consistent with the purposes of the CCRP.

We appreciate your consideration of our comments, and we look forward to continued engagement as you finalize the CRP rule.

Sincerely,



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