

CALIFORNIA CATTLEMEN'S ASSOCIATION

1221 H STREET • SACRAMENTO, CALIFORNIA • 95814-1910

SERVING THE CATTLE
INDUSTRY SINCE 1917



PHONE: (916) 444-0845
FAX: (916) 444-2194
www.calcattlemen.org

July 20, 2004

Sent via facsimile (202/720-4265) and email (FarmBillRules@usda.gov)

Easement Division
US Department of Agriculture
Natural Resources Conservation Service
P.O. Box 2890
Washington, DC 20013-2890

RE: Comments regarding Grassland Reserve Program interim final rule as published May 21, 2004 in the Federal Register

To Whom It May Concern:

The California Cattlemen's Association (CCA) appreciates the opportunity to comment on the interim final rule for the Grassland Reserve Program (GRP) as published in the Federal Register (69FR29173) on May 21, 2004. CCA is a state trade association representing approximately 2,500 California ranchers and beef producers in legislative and regulatory affairs. Ranchers are the true stewards of the land and support locally led conservation efforts. With the passage of the 2002 Farm Bill, CCA members were extremely encouraged by the inclusion of the new GRP and the potential it held to assist ranchers in maintaining their operations. However, the interim final rule needs significant change before California ranchers will feel comfortable participating in all aspects of the new program.

CCA members feel it is extremely important to maintain California's diverse ranching landscapes and it is for this reason that in 1998, a group of innovative ranchers within CCA founded the California Rangeland Trust. These men and women created an organization that would provide and promote alternative ways to safeguard the long-term viability and stewardship of rangeland agriculture and the natural balance of the ecosystem. In just five years, the Rangeland Trust has permanently protected about 75,000 acres of California rangeland through agricultural conservation easements. Demand for additional conservation projects has been overwhelming. Almost 100 ranching families have expressed interest in permanently conserving an additional 500,000 acres. During the Congressional development of GRP, CCA felt that this program would be a perfect fit to assist in the Rangeland Trust's goals of maintaining California's valuable rangeland resources.



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COALINGA

One of CCA's primary concerns is USDA's interpretation of the statute regarding third party land trusts (§1415.17). Land trusts must have the ability to be involved in easement negotiations throughout the process, not just be handed the standard Natural Resources Conservation Service's (NRCS) easement. Additionally, CCA is particularly concerned with the proposal that will require land trusts to *assume the costs incurred in administering and enforcing the easement* (69FR29187). This requirement provides absolutely no incentive for any entity other than NRCS to be involved in this program; particularly as these costs would be passed onto landowners. Instead, CCA would recommend that land trusts be treated like technical service providers and be paid for the services they provide. At a time when NRCS is looking to reduce its technical burden, the agency should be looking at every possible avenue to gain assistance in administering its programs.

An additional requirement that should be removed is that of the conservation plan [§1415.4(c)]. Removing this requirement would act to reduce NRCS's current administrative burden. GRP is a program which requires grasslands to be maintained in their natural state and not converted to other uses. A conservation plan is unnecessary because the grassland either is maintained and the participant remains in compliance with the program or the participant is out of compliance and appropriate actions should be taken. The creation of a conservation plan will do nothing to enhance the program and will only increase the administrative costs of the program. NRCS should instead focus its efforts at assisting producers create conservation plans who are interested in participating in either the Environmental Quality Incentives Program (EQIP) or the new Conservation Security Program (CSP), both of which are aimed at improving conservation of agricultural landscapes rather than maintaining a specific type of landscape.

CCA is concerned with potential restrictions of haying during nesting seasons of specific bird species [§1415.4(h)(2)]. California range and pasture lands play an important role in the conservation of numerous species of concern, both avian and others. It is important for lands enrolled in GRP to maintain this conservation benefit for species of concern. CCA would like to point out that ranchers have been managing their operations for the benefit of both wildlife and livestock for generations and will continue to do so whether or not their lands are enrolled under GRP. However, we also recognize the importance of public perception in allowing continual haying of lands that provide habitat for nesting birds. Our first recommendation would be to leave a buffer around active nesting sites when haying to allow for economic gain for the rancher and successful habitat for the species. However, CCA recognizes the work load this may present to NRCS employees if an annual survey of active nests were required; to combat this burden, CCA would recommend allowing haying during the nesting season every third year.

In California, if GRP participants were precluded from haying during the nesting season, the ability to harvest hay from these lands is relinquished due to our unique climate. If ranchers were unable to ever harvest hay during nesting season, that requirement would act as a significant disincentive from participating in GRP. Restricting haying to a triennial schedule would not only allow for economic benefit to the rancher but would also improve the cover in the long term for avian species.

CCA is concerned with the restriction on future building of corrals [1415.4(h)(3)] on lands enrolled in GRP. The statute specifically states that GRP *shall permit common grazing practices, including maintenance and necessary cultural practices*. Corral building is a necessary cultural practice and should be allowed on GRP lands. CCA is particularly concerned with this restriction for permanent easements. It is important that future generations have the ability to alter the management system of the ranch, which may require a different placement of corrals to meet the new management goals for the ranch.

CCA is pleased with the localized control that is allowed under §1415.8. It is extremely important that states have the flexibility to establish ranking criteria that will be most beneficial to their situation. However, CCA would recommend that local control go even further and allow county committees, similar to those used to establish priorities under EQIP, input into ranking criteria for their areas. California is such a diverse state with a wide range of pressures on its range and pasture land that county input is important for the success of this program.

CCA is particularly concerned with NRCS's decision to not focus GRP on lands under urban or suburban development pressures (§1415.1). In California there is very little land that is not under pressure for subdivision to create ranchettes due to our unique agricultural landscape in close proximity to extremely large urban populations. GRP's intent was to conserve grasslands and it should not matter if these grasslands are under pressure from conversion to crops or shopping centers. California has a diverse array of unique landscapes which should all be eligible for participation under GRP whether they are located in the expensive coastal area or the relatively less expensive interior. If range and pasture lands under pressure from urban or suburban development are not able to participate under GRP a significant amount of grassland could be lost in California. The excuse that the Farm and Ranchland Protection Program (FRPP) will act to prevent urban conversion of rangelands is faulty. Even if rangelands are enrolled under FRPP, it does nothing to prevent conversion of grasslands to croplands. Additionally, FRPP is aimed at conserving prime farmland and rangelands generally do not meet this criterion.

CCA would like to recommend that ranchers who are currently holding EQIP contracts be eligible to participate under GRP [§1415.5(f)]. CCA agrees with NRCS that it is unacceptable for lands that are already being conserved to be eligible for a second payment under GRP. However, EQIP is not a program which requires the maintenance of grassland resources. CCA would argue that GRP and EQIP make excellent partner programs. GRP is aimed solely at maintaining grassland resources and EQIP can be used in addition for any necessary improvements on these grasslands.

CCA would like to request that written notification be required before NRCS is provided access to lands in GRP [§1415.4(d)]. It is important for NRCS or the entity holding the easement to have oversight of these properties; however it is also important to recognize the right of the landowner to have notification before any visits.

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CCA is hopeful that NRCS will be willing to take our comments into consideration when finalizing this rule. We have been actively participating with the program at our state level by assisting in the development of the state ranking criteria and will remain committed to the program as long as it remains workable for our membership. Should you have any questions regarding our comments, please do not hesitate to contact me either by phone (916/444-0845) or email (ncremers@calcattlemen.org).

Sincerely,

A handwritten signature in cursive script that reads "Noelle Cremers".

Noelle G. Cremers
Director, Industry Affairs