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Means Wildlife!*



**Nebraska Wildlife Federation Comments on the
USDA Interim Final Rule on the Grassland Reserve Program
July 20, 2004**

Grassland Reserve Program Comments
c/o Easement Division
USDA Natural Resources Conservation Service
PO Box 2890
Washington, DC 20013-2890

Sent VIA email: FarmBillRules@usda.gov

Dear Colleagues,

Please accept these as the comments of the Nebraska Wildlife Federation on the Interim Final Rule for the Grassland Reserve Program as published in the Federal Register, on May 21, 2004. The Nebraska Wildlife Federation is a state-wide organization dedicated to environmental education, fish and wildlife conservation, and common sense public policy in Nebraska. As the independent affiliate of the National Wildlife Federation, we represent people who hunt, fish, hike, bike, build backyard and schoolyard habitats, and generally enjoy wildlife in Nebraska.

We are active participants on the NRCS Nebraska State Technical Committee, and active members of the Midwest Sustainable Agriculture Working Group. Recognizing that some 95% of Nebraska's land base is in privately owned farms and ranches, we work with farmers, ranchers, and family farm organizations to promote public policy that is good for family farmers, rural communities, and wildlife.

During debate over the 2002 Farm Bill, we were one of the organizations promoting the establishment of a grassland reserve program, and provided input to legislators who were crafting the proposal that became part of the law.

I. In Its Selection Process, USDA Should Emphasize Native Plant Communities and High Quality, Native Prairies

In establishing Grassland Reserve Program priorities, USDA should provide a clear preference for regional native plant communities, and for high quality, well-managed native prairies. Native plant communities are generally better for native wildlife, because the native wildlife have evolved and adapted to the native plants. Native grassland communities also represent some of the rarest types of habitat due to extensive past conversion and development, and some of the types most threatened by ongoing conversion and development.

An unplowed, native prairie that has been relatively well managed can contain hundreds of plant species, and can support a wide variety of wildlife species. Protecting and managing those high quality prairies is also important in maintaining native seed sources and promoting biodiversity. In contrast, introduced grasslands can mimic some of the uses with respect to some species of wildlife, but can never replicate the many and diverse benefits provided by a diverse native prairie.

A strong preference for native, unbroken, well-managed prairies should be clearly stated in the rule and in guidance given to state Farm Service Agency and Natural Resources Conservation Service

offices to aid them in developing appropriate selection criteria. In Nebraska, for example, state level GRP criteria for the first signup under the program correctly provides the highest priority for native tallgrass prairies. In our state, an estimated 98% of historic tallgrass prairies have been converted to cropland, developed into urban areas, or managed with introduced plants to the point where the native grassland benefits have been largely lost. Nationally, USDA should emphasize the protection and restoration of these kinds of grasslands.

2. USDA Should Give Highest Priority to the Most Threatened Grassland Communities

In providing national and state-level priorities for the selecting lands to protect under the GRP, USDA should clearly focus the program on the most threatened grasslands (that is, areas where there has been recent conversion or development activity, and where there is the strongest threat of future conversion and development). At the state level, USDA should seek the advice of the State Technical Committee on areas and types of grasslands that are most threatened by conversion or development.

In Nebraska, for example, in some counties have experienced substantial recent conversion of native grassland, as farmers employ “Roundup Ready” soybeans and similar technologies to convert grassland to cropland (and in doing so, we believe, violating the Sodbuster provision of the Farm Bill without being penalized appropriately). In the Niobrara River Valley, existing grasslands are threatened by the incursion of housing developments and tourism-related facilities in an essentially rural landscape. These are clearly areas where the GRP should focus.

3. National Allocations and State-Level Priorities

USDA indicated an intent to focus GRP funds on non-urban area lands, because of the expense of acquiring development rights in urban areas and the better opportunities to leverage money for urban-area lands with other programs. We agree with that focus, but the rules don’t reflect that stated intent and should be revised to do so.

In addition to focusing program funds on the most threatened native grassland communities noted above, USDA should provide clear priority in scoring GRP applications in favor of applications that would benefit protected species, including those on federal or state lists of threatened or endangered species. This would ensure that the GRP also aids in the achievement of other national and state goals with respect to rare and declining species. For example, in Nebraska, several species listed as threatened or endangered under federal or state law (the burrowing owl, mountain plover, and western prairie fringed orchid, to name but a few) rely on native prairie habitat. Applications that would assist in conserving these species should be scored higher than similar applications that would not directly benefit protected species.

In determining state-level allocations, USDA needs to carefully consider how to weigh ‘demand’ versus the other priorities, and how to appropriately measure that demand (number of applications versus dollars requested versus acres requested). Different regions are in very different situation with respect to each. With the rules providing for the carryover of applications from year to year, we suggest USDA use a system that measures the extent of the backlog of unfunded but acceptable applications in each state as a measure of program demand (under the Wetlands Reserve Program, for example, USDA state offices retain a pending list of acceptable WRP applications).

The rules should encourage USDA state offices to establish selection criteria that award higher priority to instances where the agreement would help protect larger areas (e.g., larger parcels, multiple applications in one area, or applications to protect land adjacent to an already-protected grassland). Given the large scale at which grasslands operate to provide benefits to wildlife and other resources, the program should give priority for the protection of larger versus smaller areas. The language in Sec. 1415.5(d) providing a minimum of 40 contiguous acres for enrollment makes good sense, as does the state-level waiver provision allowing for specific smaller parcels, although those waivers should be limited to instances where an agreement would protect some unique or extremely valuable grassland (e.g., as a seed

bank for a particularly rare native prairie plant). States should retain the flexibility to set higher minimums at the state level where appropriate.

4. USDA Should Tighten the Definition of “Natural” Grasslands

USDA needs to tighten the definition of ‘natural’ grasslands under the rule. As written, the rule would make eligible for the program grasslands that are not native, but rather introduced species. There are many introduced species that are not officially ‘noxious’, but are certainly invasive, and that are adapted to grasslands and can perpetuate themselves. Some of them, like smooth brome grass, have been introduced specifically for grazing purposes, and have proven very adept at out-competing native prairie plant communities at that site and invading adjoining areas, thereby substantially reducing the biodiversity and the wildlife value of the grasslands.

The Grassland Reserve Program should not promote or aid the introduction or protection of such invasive plant species. Instead, USDA should adopt a definition of “natural” grassland that specifically excludes species that pose a threat to native grassland communities. USDA should adopt such a definition at the national level, and encourage the NRCS and FSA state-level offices, with advice from the State Technical Committee and wildlife experts, to identify other species in their state that pose a threat to native grassland communities. The use of GRP funds to pay for the introduction of a non-native species that can harm a native plant community and the wildlife that depend upon it runs counter to the law’s intent.

5. USDA Should Provide a Clear Preference for Local, Native Seed Sources in Restoration Agreements

We strongly support the language included in Section 1415.11 (Restoration Agreements), that provides a priority for using native seeds. We note that it is also important for USDA to provide a clear preference for the use of *local*, native seed sources in its restoration agreements. As is noted above, native plants generally provide the best habitat for native wildlife. Local seed sources are often those best-adapted to the climate and growing conditions of an area. A clear focus on native, local seed sources would also have the economic benefit of providing a market for farmers willing to produce native, local plant seeds, and would help stimulate the development of those locally based seed suppliers.

Our experience in Nebraska, which includes a mosaic of tallgrass, mixed grass, shortgrass, and sandhills prairie, is that a variety of native seeds are available and affordable for restoration purposes. They are commonly used in Conservation Reserve Program and other USDA and non-USDA program restoration efforts.

Non-local native seeds should only be used where local native seeds are not available. Non-native seeds should only be used in those extremely rare instances where native seeds are not available.

6. GRP Lands Should Be Well Managed

We strongly support the provision requiring a conservation plan for each agreement (Sec. 1415.4(c)). The conservation plan is an important part of obtaining the benefits of the program.

We support the rule’s stated intent that participants be required to manage GRP acreage to move toward a certain natural resource condition, but it isn’t clear from the rules what the desired end point of the management should be. The term ‘improve’ is subject to a vast difference in interpretation. Many landowners consider the replacement of native grasses and forbs with brome and other introduced forage grasses an ‘improvement’. In our view, the program should require management that restores a diverse native plant community, and provides more and better wildlife habitat for native species. The end point towards which land should be managed is that which most closely restores the historic native plant and wildlife community of a particular area.

We support the rule's stated intent of requiring periodic manipulation of the vegetation to maximize wildlife benefits and a diverse plant species mix. We would caution that different climates and landscapes require different types of management, and even within a state there is no 'one size fits all' solution. In Nebraska, for example, where average annual rainfall varies from 10-15" in the west to 30-35" in the east, the frequency and types of management activities that benefit native prairie varies significantly. Where a tallgrass prairie in eastern Nebraska might benefit from being mowed or burned every two or three years, that might be too frequent for a shortgrass prairie in western Nebraska, especially during a drought such as we are now experiencing. Short-term intensive rotational grazing can also provide substantial benefits to grasslands, wildlife, and landowners, but appropriate methods vary considerably from location to location. The types and frequency of management to be used should be included in the conservation plan, and should be established based on input from the State Technical Committee and wildlife experts, and the landowner's needs and management objectives.

7. Towers and Other Development Should Not Be Allowed on GRP Lands

We strongly support the adoption of sustainable energy alternatives, including wind energy, but we support the rule's prohibition of industrial wind turbines on GRP acreage. The structures themselves can actually introduce disturbance in the grassland, and their presence can disrupt the wildlife benefits otherwise provided for bird species adapted to grasslands. Some species of open grassland birds like prairie chickens, for example, will not nest in proximity to wind (or other) towers. Landowners can adequately provide for present or future wind development on their property in their selection of acres they offer into the program. The presence of windmills needed to provide water for livestock or wildlife, however, should not be a barrier to enrollment of lands in the GRP.

8. The Rules Should Remain Farmer Friendly

The continuous signup provision of rule would give landowners the flexibility to apply for a GRP contract or easement at a time when it is convenient for them. This provision is much better than narrow signup windows, which can come during planting, harvesting, calving, haying, or other especially busy times of the year for farmers and ranchers. Continuous signup also helps spread the USDA field office workload throughout the year.

The provision allowing acceptable applications to be carried over from year to year is also valuable and important. This will reduce both applicant and staff time by eliminating redundant applications. We suggest the process be handled like the Wetlands Reserve Program (i.e., GRP applications would be scored and the applicants advised of where they rank relative to other applicants). That would give landowners information on how likely (and how soon) their application might be funded. It would also provide the USDA, the public and policymakers with a measure of how much demand there is for this program.

We would be pleased to provide additional information or answer questions about any of these comments.

Yours in Conservation,
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