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July 20, 2004

Richard Swenson, Director  
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P.O. Box 2890  
Washington, DC 20013-2890

Dear Mr. Swenson:

I am writing on behalf of the Southeast Quail Study Group (SEQSG), to provide comments concerning the Grassland Reserve Program Interim Final Rule as published in the Federal Register (Vol.69, No. 99) on May 21, 2004/ pp 29173 - 29187. The SEQSG is a coalition of professional wildlife biologists and managers from both the public and private sectors. The SEQSG is dedicated to reversing the long-term and drastic declines in bobwhite quail, early succession songbirds and other farm wildlife. We have representation from 16 southeastern states, several northeastern and midwestern states, and we are supported by the Southeastern Association of Fish and Wildlife Agencies as well as the International Association of Fish and Wildlife Agencies.

The GRP has considerable potential to secure long-term conservation of the few native grasslands that remain in the southeastern United States and to restore grasslands of high biodiversity. Many species of ground-nesting wildlife, including the bobwhite quail and numerous declining grassland bird species, would derive critical benefits from GRP as conceptualized by Congress and sanctioned by the President in signing the 2002 Farm Bill into law on May 13, 2002.

NRCS and FSA are to be applauded for moving quickly to make GRP an operational program in federal FY 2003 and for beginning the formal rulemaking process by publishing the interim final rule as was encouraged by the SEQSG in a letter dated September 25, 2003.

Please consider our comments on the GRP Interim Final Rule:

The GRP Interim Final Rule adopts the three emphasis areas as program objectives, and then adds a fourth overriding objective to “Emphasize preservation of native and natural grasslands and shrublands, first and foremost.” This objective is not mentioned in the statute nor is it a part of the program purposes of conserving and restoring eligible land identified in law. Using the definition of “natural” provided in the Interim Final Rule, would include monocultures of introduced species which do not support or contribute to plant and animal biodiversity. This sets the stage for inherent inconsistencies between the highest program objective (established through rulemaking) to preserve native and natural grasslands and one of the lesser objectives (included in statute) to support plant and animal biodiversity. Our concern is that without requiring both native and “natural” grasslands to be consistent with the GRP objective of support for plant and animal diversity and with the statutory language dealing with restoration of eligible land that can “...serve as habitat for animal or plant populations of significant ecological value...”, limited program funds will be used to enroll monocultures that do not serve all of the intended program purposes. Without modification, we question whether the rule as written would allow USDA to achieve its stated goal of preserving “...the nation’s *most critical* grassland resources, both native and natural, and shrublands.” (emphasis added) as stated on page 29175. Several of our comments below address this issue.

**SUPPLEMENTARY INFORMATION:** Background: One part of this section describes how the statute requires 40 percent of the program funds be used for 10-year, 15-year, and 20-year rental agreements, and 60 percent be used for 30-year rental agreements and easements. We suggest states be encouraged to place priority on native grasslands under the easement option of this program. They provide the greatest plant and animal biodiversity and are productive for the producer whether grazed or hayed. Therefore, these types of grasslands should be the target of permanent protection under this program.

In another part of this section USDA seeks public comment on the criteria and weighting factors used to allocate funds to states. We ask that USDA consider the Joint Explanatory Statement of the Committee of Conference for The Farm Security and Rural Investment Act of 2002 which states "The Managers find that bobwhite quail are a valued traditional symbol of farmed landscapes, but their populations have declined by two-thirds since 1980. The Managers further find that the success of the Southeast Quail Study Group's new "Northern Bobwhite Conservation Initiative" is largely dependent upon land management actions by agricultural producers and non-industrial private forestland owners. The Managers further find that many conservation programs of this farm bill have large potential to contribute to bobwhite quail habitat objectives and encourage the Secretary to support the goal of restoring habitat for this species." With this in mind, we ask USDA to give additional points to states within the core range of the Northern bobwhite. We will be happy to provide a list of states upon request.

**Section 1415.1 Purpose:** The purpose of GRP according to statute differs from what is written in this section. The purpose of the program is to “assist owners in restoring and conserving eligible land” (subtitle E, Sec. 1238N). The addition of “protection” to the intended purposes in S1415.1a and the first objective under 1415.1b indicate that the primary intent of the program is for preserving grasslands. This interpretation of Congressional mandate in the Farm Bill is unsupported. The word “preservation” under 1415.1b1 needs to be changed to “restoration and conservation” to reflect the Congressional intent and the law.

Additionally, we disagree with the addition of the term “natural” in (b)(1) and do not agree that equal emphasis should be placed on “native” and “natural” grasslands and shrublands. Inclusion of the term “natural” is justified by USDA in the **Summary of Provisions and Request for Comment** section by explaining that “It (the statute) does not identify whether the program should emphasize native species, nor does it exclude certain types of grassland or shrublands from being enrolled in the program.” We agree that the statute does not explicitly state this. However, it is made clear implicitly via objective (b)(4) “Maintain and improve plant and animal biodiversity”. Many “natural” grasslands or shrublands, as defined by this rule, are not consistent with objective (b)(4) and should not be considered as equals to “native” grasslands and shrublands. We recommend one of three options be considered to insure the intent of congress:

- The term “natural” be removed from (b)(1) and throughout the interim final rule.
- Make it clear that “natural” grasslands and shrublands are not equal to “native” grasslands and shrublands and “natural” grasslands and shrublands should receive less priority or points in state ranking criteria.
- Change the definition of “natural” to include only those species in each state capable of achieving objective (b)(4). We recommend this be done through consultation with the State Technical Committee.

Section 1414.3 Definitions: We suggest the term “natural” be removed from this document or at least modified in the following way: *Natural means a native or an introduced species that is adapted to the ecological site, can perpetuate itself in the community without cultural treatment, and its growth and structure are consistent with the other objectives of the program (i.e. can maintain and improve plant and animal biodiversity, and can support grazing or haying operations).* Without this modification, objectives (b)(1) and (b)(4) may be in direct conflict with each other. Most of the grasslands that exist in the southeast today consist of monocultures of exotic grasses like fescue, brome, bahia, and Bermuda grass. Fields in these exotic grasses are most often very dense, have low plant species richness, and offer no bare ground, which is important to many plant, bird, and mammal species. We strongly encourage USDA to eliminate the option to enroll fields with these or any species that are not consistent with all the objectives of this program.

We recommend the Final Rule include a definition of “viability” (of grasslands) that clarifies this is the grassland species diversity present on enrollment in the program. Redefine restoration to mean improvements to the grassland in the direction of the functions and values that would have been provided by native grasslands in the area. Lastly, broaden the definition of restored grassland to include conversion of grasslands dominated by introduced species to diverse native species.

Section 1415.4 Program Requirements: According to Subsection (b), GRP agreements will require maintenance in accordance with GRP goals and objectives, “...including the conservation, protection, and restoration of the grassland functions and values.” From the request for comments on this issue in the **Supplementary Information**, USDA appears to interpret this section to mean that only protection is required. Conservation and restoration are specifically identified as program purposes by Congress, therefore every GRP agreement must include restoration activities to the extent practicable.

Subsection (c) addresses the contents of the conservation plan. In the **Summary of Provisions and Request for Comment** for this section, USDA is seeking input regarding GRP project management. It states that USDA is requiring participants to manage GRP acreage to move toward a certain natural resource condition without requiring that certain species be planted. While we understand this point, we feel it should also be stated that species like fescue, brome, bahia, and Bermuda grass which are not consistent with moving toward a certain natural resource condition be restricted from use in GRP.

Later in this subsection, USDA seeks input on “whether a participant should be able to maintain the current cover even if it contains a monoculture of less desirable species.” We suggest that USDA must require the participant to restore sites that contain a monoculture of less desirable species in order to be consistent with the purpose and objectives of the program. This section goes on to state “USDA is reluctant to require participants to fully restore project acreage to native species because of the extreme cost and in some localities, it is impractical to do so.” We would like to point out the one time cost to restore project acreage to native species is relatively minor when compared to the overall cost of 10, 20, or 30 year rental agreements or 30 year or permanent easements. Also, costs to restore native grassland species are much less than the cost to restore many of the wetlands USDA pays to restore in WRP (another easement program). Most importantly, it is clear congress intended for this program to protect and restore healthy grassland systems that are productive for the producer and at the same time biologically diverse. In the southeast United States, only grasslands dominated by native species meet both criteria set forth by congress. Therefore, we strongly encourage USDA to require restoration to native species whenever possible in the GRP. The steps necessary to complete the restoration process should be detailed in the conservation plan.

Section 1415.4 Program Requirements: Subsection (h) allows for (1) common grazing, (2) haying, mowing, or haying for seed production, and (3) fire, fences, watering facilities, and any other practices necessary to protect and restore the grassland functions and values. We agree that grazing, haying, mowing, or haying for seed production, when done properly, are allowed and can even benefit biodiversity. However, if done incorrectly, grazing can be as detrimental to nesting birds as haying, mowing, or haying for seed production can be. Therefore, we recommend subsections (1) and (2) be combined as follows: “(1) Common grazing practices, haying, mowing, or haying for seed production on the land in a manner that are consistent with maintaining the viability of native grass and shrub species, except that such uses shall have certain restrictions determined appropriate by the NRCS State Conservationist to protect, during the nesting season, birds in the local area that are in significant decline or are conserved in accordance with Federal or State law; and”.

Section 1415.5 Land eligibility: To make clear that land entering the program must be capable of meeting the purpose and all objectives we recommend subsection (b) (1) be modified as follows: “(1) Grassland, land that contains forbs, or shrubs (including rangeland and pastureland) and is capable of meeting the purpose and all objectives of GRP; or”.

Section 1415.8 Establishing priority for enrollment of properties: Item (c) discusses ranking criteria and “native and natural grassland” and, again, the use of “natural” as defined greatly diminishes the biodiversity emphasis of GRP. The definition should be corrected to clarify that these grasslands support plant and animal biodiversity and serve as habitat for animal and plant populations of significant ecological value (e.g., declining grassland bird species).

Finally, we would like to thank USDA for careful consideration of our comments and offer to further clarify or discuss any of the recommendation we have suggested in this letter. Additionally, we would like to assist USDA in any way possible to ensure a quality GRP program is offered to producer.

Sincerely,

Daniel E. Figert  
Ag policy chairman, SEQSG

C: Corky Pugh - President, Southeastern Association of Fish and Wildlife Agencies  
Reggie Thackston,- Chair, Southeast Quail Study Group  
Dave Walker – Ag Liaison, International Assoc. of Fish and Wildlife Agencies