



SUSTAINABLE AGRICULTURE COALITION

110 Maryland Avenue N.E. Phone 202.547.5754
Washington, D.C. 20002 Fax 202.547.1837
www.msawg.org

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Contact: Ferd Hoefner (202) 547-5754

Highlights of Public Comment on the Advanced Notice of Proposed Rulemaking for the Conservation Security Program

The Conservation Security Program (CSP), signed into law by President Bush on May 13, 2002, is the centerpiece of the 2002 farm bill's conservation title. The CSP provides financial and technical assistance to farmers and ranchers who develop and maintain conservation systems that solve critical natural resource and environmental concerns.

USDA issued an Advanced Notice of Public Rulemaking on February 18th and the public comment period closed on April 3rd. USDA intends to use the information gathered through the Advanced Notice process to help it put the finishing touches on the proposed rule, which it intends to issue for public comment in the near future.

The Advanced Notice consisted of 15 technical questions posed by USDA pertaining to program implementation. The questions dealt with issues such as conservation practices and standards, payment rates, landlord-tenant relationships, and monitoring and enforcement.

The two most controversial questions dealt with (a) whether payment limits per farmer contained in the law should apply or not and (b) whether a funding or acreage cap and/or some other constraint limiting the program to a particular region of the country or to a particular resource issue should be added administratively even though Congress passed and the President signed the bill with the CSP as a nationally-available, comprehensive conservation program with open enrollment.

According to the Sustainable Agriculture Coalition's accounting, over 700 groups and individuals responded, with comments coming in from 45 different states. In addition to farm and conservation organizations, 148 individual farmers from 38 different states offered their thoughts.

The Coalition's analysis of the public comments found that:

- In response to a USDA question suggesting the CSP might need to be scaled back and asking for ideas on the best ways to do so, **551 (94%) of those responding to this proposition called for the program to be implemented as an entitlement program with open, continuous enrollment as the farm bill requires**, rejecting the premise of the question. Some 522 (89%) of those responding made clear their preference for a program contained by its strong environmental standards and strict per farm limitations, rejecting any extra-statutory restrictions by acreage, geography, crop type, or resource issue. Another 29 (5%) said they wanted CSP to remain an entitlement program, but went on to make suggestions for additional limits if they were ultimately forced on the program. Just 33, or 6%, uncritically accepted the question's presumption that the CSP program might need to be capped and scaled back to just certain regions of the country or to priority areas within a state or to particular crops or to particular conservation issues.

- In response to a USDA question suggesting the statute does not limit CSP contracts per producer and asking whether total payments per producer should be limited, **495 (90%) of those responding to this query stated their opinion that farmers enrolling in CSP must be limited to a single contract, with payments per farmer or rancher capped at the statutory rates** of up to \$20,000, \$35,000, and \$45,000 depending on the conservation level at which the producer enrolls. Another 40 (7%) suggested that multiple contracts be permitted for a single operator, but that the operator's total payments, no matter the number of contracts, should be limited at the three statutory levels. Just 16 (3%) of respondents answering this question took the position that neither the number of contracts nor the size of the total payment per farmer be limited. This 3% included several national commodity organizations: National Corn Growers Association, National Association of Wheat Growers, National Cotton Council, National Pork Producers Council, and National Cattlemen's Beef Association.
- In response to a USDA question on whether it should set CSP "base" payments - one of three parts of the overall CSP payment structure - using national rental rates or using another rate to better ensure regional equity, **378 (95%) of those responding recommended using state or local rental rates or land values rather than national rates.** The majority of these favored state or local agricultural use land valuation. Just 4 (1%) of those responding favored using national rental rates. Another 19 (4%) of those responding suggested other alternatives, including, for instance, using averages of national, state, and local rates, setting rates by soil and land classifications, and tying payments solely to direct measures of conservation and environmental benefit.
- In response to a USDA question on the appropriate balance to be struck between base, cost-share and maintenance, and enhanced payments, 381 (98%) of those responding recommended that (a) base payments not exceed the limits set by statute (\$5,000, \$10,500, and \$13,500 by conservation tier), (b) the balance of the payment include cost-share, maintenance, and "enhanced" payments - with some suggesting specific proportions for each and the majority favoring keeping the division flexible, and (c) enhanced payments should be used in a variety of ways to focus the program on strong environmental outcomes. Three respondents argued for no or very limited enhanced payments, two argued for no or low maintenance payments, two said there should be no base payments, and several suggested that CSP participants draw cost-share assistance for new practices from other USDA conservation programs.
- In response to a USDA question about how to incorporate energy into the program's requirements, **379 supported including energy conserving farming techniques**, while 14 explicitly also supported including the production of renewable fuels on the farm. On-farm energy production, which is already addressed by several farm bill energy title programs, was not supported as a CSP-appropriate incentive item by 327. Many respondents encouraged the Natural Resources Conservation Service to add energy conservation to its Field Office Technical Guides, the local government manuals which describe for the farm and ranch operator and field staff resource concerns, quality criteria or standards for addressing those concerns, and corresponding conservation practices.
- In response to a USDA question on whether to include within the CSP non-cropped land, such as riparian buffers, and developed areas, such as barnyards, 431 supported inclusion of non-cropped areas, while two opposed, and 363 supported inclusion of developed areas, while 12 opposed. Most all respondents addressing the issue agreed that these areas should be counted if they are part of the conservation opportunity and solution.

The Coalition also tabulated some basic information concerning who responded to the Advanced Notice of Proposed Rulemaking, finding:

- Responses were received from 45 of the 50 states.
- By state, the most responses were from, in rank order: MN, IA/NY, MO, CA, PA/WI, ND, NE/TX, IL/OH, and KS/MA/WA with states separated by slashes indicating ties.
- In addition to many farm and conservation groups, 148 individual farmers and ranchers from 38 states responded, equaling 20% of total responses.

- Among farmers, the most responses were from, in rank order, IA/MN, MO, ND/WI, NE/NY/PA, CA, MT/SD/WA, and FL/IL/KS/MA.
- 36 national organizations responded, including 12 conservation/wildlife/environmental groups, 9 commodity groups, 4 sustainable or organic farming groups, 2 agribusinesses, and 1 general farm group.
- 11 State Departments of Agriculture, Natural Resources, or similar agencies responded - CA, IA, IL, KY, MD, MI, MN, MO, NE, NY, and OR.
- 22 local Conservation Districts, 21 state or local conservation groups, 15 state or local farm and food groups, 14 state commodity groups, 8 state Farm Bureaus, and 4 state or regional Farmers Union chapters responded.
- 29 individuals wrote in to urge that CSP highlight native prairie restoration and enhancement and managed rotational grazing and other prairie-supportive practices.
- 319 responders, including individuals and national, state and local organizations, specifically endorsed the comments submitted by Sustainable Agriculture Coalition. These comments, the most detailed received by the Department, were developed in cooperation with and with input from a large number of national, state, and local sustainable agriculture, family farm, organic, and conservation groups who had previously worked together to support the development and passage of the CSP in the 2002 farm bill.
- The Coalition's comments, available upon request, also incorporate additional recommendations, beyond the responses to the 15 USDA questions, on a variety of implementation considerations such as cost-share payments, organic farming plans, resource-conserving crop rotations, conservation buffer and agro-forestry practices, wildlife considerations, education and outreach, on-farm research and demonstration, and program interactions.