



January 13, 2020

Matthew Lohr, Chief
Natural Resources Conservation Service
U.S. Department of Agriculture
1400 Independence Avenue SW, Room 5105-A
Washington, DC 20250

RE: Docket ID NRCS-2019-0020: Conservation Stewardship Program Interim Rule

Dear Chief Lohr,

On behalf of the nearly 200,000 family farmer, rancher, and rural members of National Farmers Union (NFU), I am pleased to submit comments regarding the Conservation Stewardship Program (CSP) Interim Rule. Natural Resources Conservation Service (NRCS) programs are key in reducing the burdens on farmers as they work to ensure the productivity of their land and natural resources and adapt to and mitigate the effects of climate change. The partnership between the government and farmers through these programs reflects the public good provided by working lands conservation. NFU support the full funding and implementation of CSP in a manner that recognizes practices that are appropriate to different regions.

We are pleased to see NRCS move ahead with implementing the 2018 farm bill through the release of the CSP interim rule. The interim rule reflects many of the improvements gained in the farm bill, including specific CSP allocations and funding for organic producers, increased payment rates for key climate friendly practices, extension of contracts to public lands that are part of a ranch or farm's operation, and new flexibilities for modifications to contracts.

However, we are concerned with other provisions of the interim rule, including the appropriate spending of farm bill funds, application and renewal criteria, the absence of detailed soil health provisions, and the process by which NRCS is moving ahead with implementation. The following comments detail those concerns and other necessary improvements.

Ensure the full use of 2018 farm bill funding

The strength of NRCS programs lies in the partnership with farmers and ranchers, who voluntarily choose to cooperate with the NRCS to address resource concerns on their farms. Certainly, these programs, and the partnership with NRCS that they bring, are popular with farmers and ranchers—demand for contracts far exceeds available funds. As a result, it is vital that NRCS follow its own mission “to provide resources to farmers and land owners and aid them with conservation” and ensure that it is fully applying the funds put aside for its work by

Congress. This is especially true amid depressed farm income and as NRCS seeks to balance reduced overall payment rates and new priorities in the 2018 farm bill.

In short, healthy soils, resilience to extreme weather events, clean and plentiful water, robust wildlife, and the benefits they provide to farmers, rural communities, and all Americans must not be jeopardized by efforts to curb federal spending.

Application and renewal criteria

Conservation programs should aim to help farmers adopt new practices and encourage and assist those who have already engaged in stewardship. In the 2018 farm bill, Congress recognized the importance of early adopters by streamlining the factors for evaluating CSP applications from six to two and removing the cap on how long farmers could renew under the program. Under the law, CSP contracts and renewals should be weighed by the environmental benefit to the priority resource concern from the practice and the amount that the activity increases natural resource conservation and environmental benefits.

While the interim rule acknowledges those criteria changes, it also provides that NRCS will continue to judge applications under the old criteria that favors farmers that have not previously engaged in best practices over those who have. The final rule must base contract and renewal rankings on overall environmental benefits.

Further, the interim rule ignores the farm bill's provisions for ongoing renewal opportunities, a requirement Congress included in recognition that conservation is a long-term activity. Under the rule as written, contracts can only be renewed once. This discrepancy between the 2018 farm bill and the interim rule must be corrected.

Payment limits and landlord eligibility

NFU supports payment limits on USDA farm programs to ensure that funds are appropriately applied and are not just put toward the largest operations. The 2018 farm bill set the payment limit for five-year CSP contracts at \$200,000, a reasonable amount reflective of family-scale farming and ranching. However, NRCS has set a \$400,000 contract limit for joint operations, exceeding the statutory spending authority granted by Congress.

Also problematic are provisions in the interim rule that would allow cash-rent landlords to receive CSP payments. Certainly, payments for on-going conservation activities must go to those incurring the costs of those activities—a standard in line with USDA commodity and other programs that prohibit payments to cash-rent landlords.

These provisions of the interim rule must be removed to reflect the will of Congress and ensure that the limited funding for CSP is available to the largest number of engaged farmers and ranchers possible.

Soil health provisions

NFU supports incorporating soil health principles into all agricultural practices and recognizes a role for NRCS in assisting farmers and ranchers with this important work. I was pleased to see increased payment levels for cover crops, advanced grazing management, and resource-conserving crop rotations as part of the interim rule—those increases recognize the important role these practices play in developing soil health.

However, more must be done. Congress was explicit in the 2018 farm bill that soil health should have greater consideration in NRCS programs in order to help farmers to adapt to a changing climate and mitigate the effects of increasing extreme weather events caused by climate change. Included in the farm bill were several provisions to increase the role of soil health in CSP contracts and ensure the government manage CSP to enhance soil health to the greatest extent possible. The interim rule does not fully reflect the intent of Congress. The rule is vague on the role of soil health, mentioning it only in terms of grazing management, including “soil health planning” as a conservation activity, and calling for scientifically developed tools for soil health assessments.

NRCS must be far more specific and expansive in its soil health efforts in order to follow the intent of Congress and best assist farmers as they face an uncertain future due to climate change.

Process of seeking public input

NFU supports a transparent and public rulemaking process and appreciates the extended 60-day comment period provided for the CSP interim rule. However, given that those 60 days included Thanksgiving, Christmas, Hanukkah, and the New Year, more time would have been appropriate for full review and comment by stakeholders of such an important measure. In the future, more time should be provided when comment periods fall at this time of year.

Further, in releasing the new CSP regulations as an interim rule, USDA is making changes to a program that have not been fully vetted by stakeholders. Changes to regulations should be subject to a transparent process and stakeholder review before they go into effect.

Conclusion

Thank you for the opportunity to provide comments on the CSP interim rule. We look forward to working with NRCS as you make these needed changes and implement a strong final rule.

Sincerely,



Roger Johnson
President, National Farmers Union