

Wyoming Department of Agriculture

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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

Equal Opportunity in Employment and Services



Dave Freudenthal, *Governor*
John Etchepare, *Director*

March 11, 2009

Easements Program Division
U.S. Department of Agriculture
Natural Resources Conservation Service
Wetlands Reserve Program Comments
PO Box 2890, RM 6819-S
Washington D.C. 20013

Dear Natural Resources Conservation Service:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the proposed interim rules on the Wetlands Reserve Program: Docket Number NRCS-IFR-08013.

Our comments are specific to our mission within state government: dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and provide us the opportunity to express pertinent issues and concerns.

The WDA supports the conservation, protection and restoration of America's farm and ranchlands. We believe the benefits to these programs are multifaceted for the private landowner, the wildlife utilizing these private lands and the public for their water quality, aesthetic values and open space.

While we support the Natural Resources Conservation Service (NRCS) in their efforts and specifically the Wetlands Reserve program (WRP), we offer the following comments and concerns. The WRP is solely focused on writing easements on wetlands on private lands. There have been a number of organizations and associations developed who specialize in easements. The United States government should not retain or manage easements, but rather defer to those organizations that do. The latest version of Farm and Ranch Lands Protection does defer the task of easement organization and management to third parties. We strongly urge the NRCS work through these third parties to implement all easement programs, including WRP.

One of the reasons for a reduced interest or lack of interest in WRP is the private landowners' concern regarding more government control of their private lands. The implementation of an easement owned by the government could possibly create long-term negative impacts upon the private landowners. Endangered species using these wetlands under a government owned easement could cause undue hardships and additional expenses by the landowner to manage these species, which will likely be above and beyond the payment received for the actual easement.

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Additionally, as more private landowners look toward easements to retain agricultural integrity, open space and retention of the land in family hands, the possibility of having multiple easement holders may cause additional concern. We believe producers can continue their positive working relationships with privately operated easement organizations on a broader scale, including landscape scale with neighboring landowners to go beyond small wetland areas.

The Summary of 2008 Act Changes indicated a change of land ownership requirement from 12 months to 7 years. We question this change and how this will impact the number of landowners who may have the ability to meet this change. New owners of a property may have interest in enrolling their wetlands into the program, but will have to wait 7 years. This could result in reduced wetland easements and ultimately have negative impacts on wetland dependant species.

Finally, the NRCS is allowing the spraying or mowing of land enrolled in the program to benefit wildlife species. While we support this flexibility for management of land for the benefits of wildlife, we strongly urge the NRCS write the contract to ensure landowners that they are not required or mandated to manage for specific species according to their state's game and fish department or the United State Fish and Wildlife Service.

The WDA thanks the NRCS for receiving our comments. We look forward to reviewing the final rules and to the implementation of these programs onto the farm and ranchlands across Wyoming.

Sincerely,

A handwritten signature in blue ink that reads "John Etchepare" followed by the date "3/11/09".

John Etchepare
Director

JE/jw

Cc: Governor's Planning Office
WDA Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Rocky Mountain Farmers Union
Wyoming Association of Conservation Districts
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Game and Fish Department
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