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March 2, 2004.

Mr. David McKay,  
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Email: [david.mckay@usda.gov](mailto:david.mckay@usda.gov). Attention: Conservation Security Program

Dear Mr. McKay.

The New York Association of Conservation Districts has reviewed NRCS' proposed rules for implementing the new Conservation Security Program. CSP was crafted as part of the 2002 Farm Bill as an entitlement program, making it different from other USDA conservation programs. The program is suppose to reward owners and operators of agricultural land for their conservation stewardship efforts and assist them in implementing and maintaining additional conservation measures to improve their agricultural operations. The program if implemented based on the statutory requirements has the potential to be of significant importance to New York farmers and conservation efforts across the state. Unfortunately the rules as written have serious flaws and need to be changed The following are our specific concerns with the proposed rules:

**CSP Rules Need to Reflect that CSP is an Entitlement Program Available to All Farmers** -- CSP was proposed in the 2002 Farm Bill as an entitlement program with no spending limit yet NRCS is writing the rules assuming the program will be capped each year. This one-year cap limitation has resulted in NRCS proposing the program be offered only to farmers located in priority watersheds selected based on national criteria. Initial funding should not be targeted to farms in priority watersheds determined by national criteria. The Farm Bill statutory language states that all producers are eligible to apply for the CSP with no preference given to " priority watersheds" except in the case of enhanced payments for producers who participate cooperatively on a watershed basis. The proposed rule should be revised to remove the watershed limitation now that the '04 Omnibus Appropriations Bill has restored CSP as an entitlement program and the funding is not capped beyond FY04.

**CSP Needs to be Equitable and Fair** -- The program should also be scale and commodity neutral so all farms have the opportunity to participate in the program NRCS proposes to offer a substantially reduced list of eligible practices. All conservation practices except

animal waste transport and storage, which are prohibited by law, should be eligible for cost-share payments. This broad list of practices is needed to reflect the diversity of Northeast farm operations.

**CSP Needs to have Programmatic Flexibility** – According to the law, all resource concerns in the FOTG, such as air, soil, water quality, wildlife, plant habitat, and forest stewardship are eligible for participation. Producers should not have to meet water and soil quality criteria before applying but should be allowed to use CSP to achieve that goal. CSP should reward farm operators for maintaining previously implemented environmental stewardship practices and for commitments to implement further environmentally sound management practices. CSP should complement existing state environmental programs such as New York’s Agricultural Environmental Management (AEM) Program. For example AEM could be used to determine CSP eligibility and to conduct the benchmark condition inventory. Also to ensure CSP is flexible to meet each states needs State Conservationists/State Technical Committees should be allowed to determine resource concerns, eligible conservation practices and enhancement practices and payment rates.

**CSP Needs to be Predictable and Consistent--** CSP should be implemented with a continuous sign-up to allow greater producer access. Eligibility criteria and acceptable conservation practices should be consistent from one year to the next so farmers can plan participation in the program. Payments should be assured for the life of the contract similar to other Farm Bill conservation programs such as EQIP and CRP.

**CSP Needs Significant Financial Incentives to: “Reward the Best and Motivate the Rest”--**The proposed rule requires cost-share payments to be less than EQIP yet the law provides a cost-share limit of 75% -the same as EQIP. Base payments need to be higher. Reducing the base payments to only 10% of the rental rate virtually eliminates the base payment compensation.

**CSP Should Not Require Work Without Payments --** The proposed rule states that parcels of land for which the producer cannot demonstrate control of the land for five years or more will not be eligible for CSP payments. However, this land must be maintained at the same conservation standard as the rest of the operation. Therefore failure to maintain the standard will result in a contract violation. This provision severely punishes producers in states such as New York where there is a heavy reliance on short-term land rentals. This requirement should be eliminated from the rule.

**CSP Needs to Motivate Farmers but Not Set Standards too High** – Requiring both soil and water quality resource concerns to be addressed prior to enrollment in Tier I and requiring all nationally significant resource concerns to be addressed prior to enrollment in Tier II sets the bar too high. States should have the ability to tailor the program to meet locally identified conservation needs that farm operators will want to address on their land and that the public will be able to see how these practices also benefit them.

**CSP Should Encourage Progression Through the Tiers** –Contacts should be renewable. Significant incentives should be provided for progressing from Tier I to Tier II to Tier III.

Transition into the next tier should be allowed as soon as the next tier is achieved. The proposal to delay tier transition and payments for 18 months should be eliminated.

**CSP Needs to Achieve Defensible Conservation Benefits** – NRCS needs to clarify how they plan to make CSP “ the most accountable conservation program it has ever implemented” by better defining in the rules what will constitute appropriate monitoring and/or evaluation of conservation practices and enhancement activities.

Thank you for the opportunity to comment on the proposed rules.

Sincerely,

Joseph Gergela  
President