



May 19 , 2015

Kim Berns, Director  
Easement Programs Division  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
14th and Independence Ave., SW  
Washington, DC 20250

Submitted via Federal eRulemaking Portal: <http://www.regulations.gov> for Docket No. **NRCS-2014-0011**

Dear Ms. Berns:

Conservation partners in the Lower Mississippi River Valley (LMRV) are writing to express strong, collective support of the Agricultural Conservation Easement Program (ACEP) Interim Rule and offer a few comments for consideration. Our tri-state partnership includes members of the Lower MS Valley Joint Venture Tri-state Conservation Coordination Committee (i.e., Arkansas Game and Fish Commission, Ducks Unlimited, Louisiana Department of Wildlife and Fisheries, Mississippi Department of Wildlife, Fisheries, and Parks, Natural Resource Conservation Service, The Nature Conservancy, and U.S. Fish and Wildlife Service), along with National Audubon Society, Mississippi River Trust, and Wildlife Mississippi. These partners have been working collaboratively with NRCS in Arkansas, Louisiana, and Mississippi during the last few years in support of Farm Bill program delivery. The continued success of these efforts has resulted in formalizing this tri-state partnership through the recent signing of a Declaration of Partnership between the Lower Mississippi Valley Joint Venture and NRCS in Arkansas, Louisiana, and Mississippi.

With regard to ACEP as a whole, the LMRV partnership supports maximum funding for the entire program, but strongly encourages that funding between Agricultural Land Easements (ALE) and Wetland Reserve Easements (WRE) follow historic allocations of legacy programs. We also strongly support the flexibility provided at the state level to fund projects based on resource needs and prioritization through ranking criteria.

Due to regional natural resource concerns and land use, ALE is not a major program in the LMRV and therefore our interim rule comments will focus on WRE. However, our partnership does support ALE eligibility requirements that help ensure enrollment of priority acres that meet objectives of the program.

The Wetland Reserve Program (WRP) has historically been a strong and effective conservation tool in the LMRV, with the tri-state area approaching 700,000 acres under WRP easements. The LMRV partnership was encouraged by ACEP–WRE maintaining similarities to WRP and is highly supportive of the additional statutory changes. Primarily, the ownership eligibility requirement reduction from seven

to two years and exemption of subclass “w” soils in land capability classes IV –VIII from the county cropland calculations.

We are supportive of interim rule language for each section of WRE and respectfully request consideration for the following regarding Wetland Reserve Enhancement Partnerships (WREP):

- The LMRV partnership strongly encourages the NRCS to offer new WREP opportunities over the life of the 2014 Agricultural Act and to continue supporting existing WREPs. With the reduction in overall ACEP funding to about 53% of legacy program levels, the significance and potential impact of WREPs have greatly increased as partners collaborate with NRCS to address natural resource concerns in the LMRV.
- We also encourage flexibility with regard to required levels of partner support and specifically request that cash contributions remain as a portion of restoration costs and not also be inclusive of the easement purchase costs. We suggest that it may be warranted to consider partner contribution levels based on regional economic considerations, as it may generally be more difficult for states characterized by lower per capita income to meet the same level of matching contributions as some other areas of the nation.

Additionally, we respectfully request NRCS give consideration to the cost-effectiveness of easements when allocating ACEP funding. Historically, WRP easements in the LMRV are less costly than other parts of the country, allowing a highly effective investment of Farm Bill funding and providing an excellent return on investment for conservation.

Once again, the LMRV partnership strongly supports ACEP and the interim rule and we look forward to continuing our high level of collaboration and success with the NRCS in addressing regional conservation challenges.

Working Collaboratively for LMRV Conservation,



Ed Penny  
Chairman  
Lower MS Valley Joint Venture



Jay Woods  
Vice President, National Audubon Society  
Executive Director, Audubon Mississippi



James Cummins  
President  
Mississippi River Trust



Clarke Reed  
Chairman  
Wildlife Mississippi