



March 13, 2009

USDA Easements Program Division  
Natural Resources Conservation Service  
Wetlands Reserve Program Comments  
P.O. 2890, Room 6819-S  
Washington, DC 20013

Submitted via rulemaking website at <http://www.regulations.gov>

RE: Wetlands Reserve Program Interim Final Rule request for comment.

Dear Sir or Madam:

The Izaak Walton League of America is a private, non-profit conservation organization that for more than 85 years has supported strong federal conservation policies on private lands, especially agricultural lands. Our nationwide membership lives, works and recreates in rural communities. We have a decades-long record of support for farm families and collaborative efforts to achieve conservation that sustains agriculture, habitat, and all natural resources.

**IWLA comments:**

§ 1467.4 Program requirements.

The 2008 Act stipulates a seven year prior ownership requirement for landowner eligibility, while providing the means for the State Conservationist to waive the requirement. The Interim Final Rule in-turn addresses the change in 1467.4(c)(2). We request that the IFR re-state 1467.4(c)(2)(iii), however, so as to eliminate the narrow implication of stating only “such as demonstration of status as beginning farmer or rancher.”

We request that further examples illustrating the State Conservationist's responsibility in waiving the seven-year restriction be included, perhaps best summarized by stating:

(iii) The land was acquired under circumstances that give adequate assurances, as determined by NRCS, that such land was not acquired for the purposes of placing it in the program, such as signed statements from the landowner; demonstration of the landowner's income coming substantially from farming or ranching; demonstration of landowner's status as a beginning farmer or rancher; designation that the property is within an area containing at-risk, proposed, or listed species under the Endangered Species Act; or demonstration of other factors satisfying the State Conservationist determination of eligibility.

Secondly, according to 1467.4(e)(6)(ii), riparian areas can only be enrolled if contiguous with and offered in conjunction with other eligible land. A further requirement stipulates that the riparian areas must link wetlands protected by an easement.

The IFR as proposed will severely limit the number of otherwise important riparian areas—areas that would further the purposes of the program—that will meet these eligibility requirements. We request that 1467.4(e)(6)(ii) be removed from the IFR and that a specific eligibility for riparian areas be added to 1467.4(e)(3)(ii) as item “(C) Riparian area.”

#### § 1467.8 Compensation for easements and 30-year contracts.

We want to emphasize the statutorily mandated exception included in 1467.8(b)(2)(ii) whereby the Chief may provide compensation in a single payment for easements or 30-year contracts valued at more than \$500,000. Especially emphasizing the stipulation that such exception be granted if the Chief determines it would “further the purposes of the program.”

Insomuch as any easement or 30-year contract must meet land eligibility requirements in 1467.4(e), the NRCS should make clear that determination of furthering the purposes of the program should depend only on eligibility as detailed in 1467.4 Program Requirements. Meeting program requirements itself ensures furthering the purposes of the program, and no single payment compensation options should therefore be withheld from any easements or 30-year contracts valued at more than \$500,000.

#### § 1467.11 Easement and 30-year contract participation requirements.

Where the IFR stipulates in 1467.11(a)(2)(ii) and 1467.11(b)(2)(ii) that the right to permit “such activities as hunting and fishing” be granted to the United States, we request that “hunting and fishing” be removed the paragraphs.

The 2008 Act did not stipulate any revision regarding this subject matter, and such rights should remain with the landowner as regulated by the State Wildlife Agency and U.S. Fish and Wildlife Service.

**Conclusion:**

The Izaak Walton League of America supports the IFR with the changes and clarifications we have detailed above. We thank you for your consideration of these comments. Please direct any inquiries regarding this submission to Brad Redlin, IWLA Agricultural Program Director, [bredlin@iwla.org](mailto:bredlin@iwla.org), (651) 649-1446 ext. 13.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Redlin', with a long horizontal line extending to the right.

Brad Redlin  
Izaak Walton League of America  
Agricultural Program Director  
1619 Dayton AVE, STE 202  
St. Paul, MN 55104