June 8, 2009

Conservation Technical Assistance Programs Division
U.S. Department of Agriculture
Natural Resources Conservation Service
1400 Independence AVE, SW
Room 6015 South Building
Washington, DC 20250-2890

Re: Docket ID: NRCS_FRDOC_0001-0101
comments submitted on the Standard operating procedures for State Technical Committees
Submitted via rulemaking website at http://www.regulations.gov

Dear Sir or Madam:

The Izaak Walton League of America (the League) 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 - Support:

The League is pleased to see the Standard Operating Procedures for State Technical Committees as proposed in the Interim Final Rule reflect key priorities we identified in our comments pertaining to Docket Number NRCS-IFR-0801, State Technical Committees, submitted January 26, 2009.

Specifically, we requested that, "the notice of State Technical Committee, Subcommittee and Local Working Group meetings should be made to the public in advance of the meetings, and published on the NRCS web site," and that, "USDA should maintain notices of upcoming meetings, minutes of past meetings, a current list of State Technical Committee, Subcommittee, and Local Working Group members, and instructions for requesting a seat on the State Technical Committee, a Subcommittee or Local Working Group on the NRCS web site for each State."

We therefore support the following components of the Standard operating procedures for State Technical Committees IFR:

Section 501.14

(b) Membership

Individuals or groups wanting to become a member on a State Technical Committee within a specific State may submit to the State Conservationist a request that explains their interest and outlines their credentials for becoming a member of the State Technical Committee. Decisions of the State Conservationist concerning membership on the committee are final and not appealable.

The State Conservationist will respond to requests for State Technical Committee membership in writing within a reasonable period of time, not to exceed 60 days.

State Technical Committee membership will be posted on the NRCS State Web site.

and,

(d) Public Notification

State Technical Committee and subcommittee meetings are open to the public.

The State Conservationist will provide public notice of and allow public attendance at all State Technical Committee meetings. The State Conservationist will publish a meeting notice at least 14 calendar days prior to the meeting. Notification may exceed the 14 calendar-day minimum where State open meeting laws exist and require a longer notification period. The minimum 14 calendar-day notice requirement may be waived in the case of exceptional conditions, as determined by the State Conservationist. The State Conservationist will publish this meeting notice in one or more widely available newspaper(s), including recommended Tribal publications, to achieve statewide and Tribal notification. The meeting notice will also be posted to the NRCS State Web site. The meeting notice will include meeting time, location, agenda items, and point of contact.

and,

(e) Meeting Content

The State Conservationist will prepare a meeting agenda and provide it to the committee members at least 14 calendar days prior to a scheduled meeting. Additional background materials may be provided before the meeting at the discretion of the State Conservationist. The minimum 14 calendar-day requirement may be waived in the case of exceptional conditions, as determined by the State Conservationist.

Additional agenda items will be considered if submitted in writing to the State Conservationist at least 5 working days prior to the meeting. The State Conservationist may amend the agenda prior to the meeting without notice to the State Technical Committee, or at the meeting based on suggestions from participating members. The agenda will be posted to the NRCS State Web site.

and,

(f) Public Participation

…State Conservationists are encouraged to request written comments on agenda items from all members of the State Technical Committee whether they are in attendance at the meeting or not. Subsequent to the meeting, if the State Conservationist determines that additional comments and recommendations are needed on specific topics, the State Conservationist will mail a request for written comments to all members of the State Technical Committee within 7 calendar days of the meeting. The letter will fully explain the nature of the request for information and provide at least 14 calendar days for a response. Comments received will be summarized and presented at the next State Technical Committee meeting and will be directly posted on the NRCS State Web site.

and,

(h) Record of Meetings

Summaries for all State Technical Committee meetings will be available within 30 calendar days of the committee meeting and distributed to committee members. The summaries will be filed at the appropriate NRCS State office and posted to the NRCS State Web site.

and,

(i) Response to State Technical Committee Recommendations

The State Conservationist will inform the State Technical Committee as to the decisions made in response to all State Technical Committee recommendations within 90 days. This notification will be made in writing to all State Technical Committee members and posted to the NRCS State Web site.

Section 501.16

(c) Public Notification

Local Working Group meetings are open to the public. Public notice of Local Working Group meetings should be provided at least 14 calendar days prior to the meeting. Notification will need to exceed the 14 calendar-day minimum where State open meeting laws exist and require a longer notification period. The minimum 14 calendar-day notice requirement may be waived in the case of exceptional conditions, as determined by the Chairperson or NRCS District Conservationist (or Designated Conservationist). The public notice of Local Working Group meetings will include the time, place, and agenda items for the meeting.

and,

(d) Meeting Information

Agendas and information will be provided to the Local Working Group members at least 14 calendar days prior to the scheduled meeting. The District Conservationist (or Designated Conservationist) will assist the Local Working Group Chairperson, as requested, in preparing meeting agendas and necessary background information for meetings. The minimum 14 calendar-day notice requirement may be waived in the case of exceptional conditions, as determined by the Chairperson or NRCS District Conservationist (or Designated Conservationist).

and,

(e) Public Participation

Individuals attending the Local Working Group meetings will be given the opportunity to address the Local Working Group. Opportunity to address non-agenda items will be provided if time allows at the end of the meeting. Presenters are encouraged to provide written records of their comments to the Chairperson at the time of the presentation but are not required to do so. Written comments may be accepted if provided to the Chairperson no later than 14 calendar days after a meeting.

IWLA Comments - Recommendations

Composition and Membership

Our comments of January 26, 2009 also cited the League's concerns regarding membership, specifically stating, "we request that USDA require by directive that State Conservationists issue invitations to U.S. Fish and Wildlife Service…."

The League therefore further recommends that the U.S. Fish and Wildlife Service be added to the list of representatives that shall be included in State Technical Committees in Section 501.12(b).

Additionally, the League recommends the removal of the stipulation in Section 501.14(b) that states, "*Decisions of the State Conservationist concerning membership on the committee are final and not appealable*."

The League requests that a process be included which provides opportunity for appeal to the NRCS Chief by those whose State Technical Committee membership requests are denied, and which provides opportunity for appeal to the State Conservationists by those whose Local Working Group membership requests are denied.

Roles and Responsibilities

The League commends the inclusion of the Cooperative Conservation Partnership Initiative in the programs and initiatives listed in 501.11(b), having identified its absence in our comments of January 26, 2009 on the State Technical Committees IFR.

However, we request an additional stipulation that the advisory capacity of State Technical Committees be extended to other programs or conservation issues not listed in 501.11(b), consistent with the delegation of responsibility description in Section501.10(c) that specifies State Technical Committees advisory capacity may be used by any USDA agency. The League recommends amending Section 501.11(b) after "Wildlife Habitat Incentive Program" to include the following:

And such other programs, initiatives, or conservation issues as may be requested by the State Conservationist, other USDA official, or the State Technical Committee.

Conclusion:

The Izaak Walton League of America requests adoption of 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, (651) 649-1446 ext. 13.

Sincerely,

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