

Alachua Conservation Trust, American Forest Foundation, Conservation Force, Finite Carbon, Forest Landowners Association, Hancock Natural Resource Group. Inc., Land Trust Alliance, Lowcountry Land Trust, Molpus Woodlands Group, National Alliance of Forest Owners, National Association of Forest Service Retirees, National Association of State Foresters, National Bobwhite Conservation Initiative, National Woodland Owners Association, North Florida Land Trust, Quality Deer Management Association, Resource Management Service, LLC, Society of American Foresters, The Conservation Fund, The Lyme Timber Company LP, The Nature Conservancy, The Trust for Public Land, The Westervelt Company, Theodore Roosevelt Conservation Partnership, Trout Unlimited, Wildlife Forever, Wildlife Management Institute

September 25, 2020

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, N.W.
Washington, D.C. 20250

Dear Secretary Perdue,

We write today regarding a time-sensitive matter related to new problematic language in the **FY20/21 Natural Resources Conservation Service (NRCS) Regional Conservation Partnership Program (RCPP) Classic Application for Public Funding (APF)** that, strictly read, may prevent most forest land in America from enrolling in a program that's intended to protect and restore forests, and, at the least, is causing confusion and a chilling effect for RCPP forest land enrollment, and potentially other USDA programs. We urge USDA to immediately modify the FY20/21 NRCS RCPP Classic APF to strike the new harmful language related to forest land eligibility:

“Forest land eligibility does not encompass industrial forest lands that are owned by companies, organizations, and individuals who engage in commercially oriented forest management and production activities.” APF p. 10, Section III-D-Land Eligibility.

The new APF language—added after the public comment period closed—purports to add clarity to the definition of “nonindustrial” and “industrial” private forest land but it falls short and threatens to undermine RCPP’s objectives for forest land. The APF change is a narrowing of forest land that will qualify under “nonindustrial,” possibly to the point that few forests in the nation remain eligible. The APF language does not align with the statutory and regulatory authority or intent for RCPP, nor with other USDA programs that involve nonindustrial private forest lands. The statute includes nonindustrial private forest land as eligible land, and the rule (currently an interim rule authority) defines it in an identical manner as other major USDA programs, including the NRCS Environmental Quality Incentives Program (EQIP) and NRCS Conservation Stewardship Program (CSP) and the USFS Forest Stewardship Program (FSP). The APF is a major departure from past practices for implementing USDA programs on nonindustrial private forest land, and it has major ramifications.

The APF language is a major change to the program, issued via agency guidance, and “midstream” during “2018 Farm Bill” implementation. Instead of clarifying anything, it offers a different definition and eligibility than has been the standard practice for decades for numerous NRCS and USFS programs. The language is broad—it effects all sizes and types of landowners, as well as the enrollment of forest easements and forest conservation practices, which have been and are Congressionally intended to be a major part of the program. The language is creating confusion among RCPP partners, who are hearing different interpretations from various NRCS State offices. Partners are unable to rely on NRCS State office recommendations, because they fear that in several years when they try to enroll a project, NRCS

could prevent eligibility at that stage, using the APF language as the authority. RCPP relies on contributing partners—other federal, state, local, and private funds, who line up their funds and resources to complement a RCPP proposal. These partners need certainty on what is eligible for the program, and without it, they may take their dollars elsewhere. The language unfairly restricts forest land eligibility compared with agricultural land eligibility, which has no similar restriction. We do not support this type of restriction for either type of land use. The APF language is inconsistent with other USDA programs that also enroll nonindustrial private forest land, like EQIP, CSP and FSP. Those programs do not use this restrictive language, and it would be detrimental if they did.

Forest land conservation and practices are critical needs for our country right now, for addressing water quality, improving air quality, preventing wildfires, protecting wildlife habitat, and supporting local communities, including forest land jobs. RCPP is one of the nation's leading programs that can address the needs, while leveraging partner funds. RCPP forest funding has been successful in restoring America's Longleaf Pine, securing Sentinel Landscapes, conserving Gulf of Mexico waters, and giving private forest landowners across the nation the tools to address both environmental and economic needs for their lands. NRCS must continue to address these needs, as authorized, and abandon the current APF language that threatens to undermine these ongoing conservation efforts.

In conclusion, we request NRCS immediately strike the FY20/21 NRCS RCPP Classic APF harmful language related to forest land eligibility and reissue the APF without it. Nonindustrial private forest lands are eligible for RCPP and are already defined in the regulation. The APF language is unneeded, unhelpful, and is preventing critical forest conservation. For USDA to achieve its mission for forest conservation, the language should be removed.

Sincerely,

Alachua Conservation Trust
American Forest Foundation
Conservation Force
Finite Carbon
Forest Landowners Association
Hancock Natural Resource Group. Inc.
Land Trust Alliance
Lowcountry Land Trust
Molpus Woodlands Group
National Alliance of Forest Owners
National Association of Forest Service Retirees
National Association of State Foresters
National Bobwhite Conservation Initiative

National Woodland Owners Association
North Florida Land Trust
Quality Deer Management Association
Resource Management Service, LLC
Society of American Foresters
The Conservation Fund
The Lyme Timber Company LP
The Nature Conservancy
The Trust for Public Land
The Westervelt Company
Theodore Roosevelt Conservation Partnership
Trout Unlimited
Wildlife Forever
Wildlife Management Institute

cc:

The Honorable Bill Northey, Under Secretary, USDA Farm Production and Conservation
The Honorable Kevin Norton, Acting Chief, USDA Natural Resources Conservation Service
The Honorable Jim Hubbard, Under Secretary, USDA Natural Resources and the Environment
The Honorable Pat Roberts, Chairman, U.S. Senate Committee on Agriculture, Nutrition, and Forestry
The Honorable Debbie Stabenow, Ranking Member, U.S. Senate Committee on Agriculture, Nutrition, and Forestry
The Honorable Collin Peterson, Chairman, U.S. House Committee on Agriculture
The Honorable Michael Conaway, Ranking Member, U.S. House Committee on Agriculture