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September 10, 2006

Robert Glennon, Farm and Ranch Lands Protection Program Manager
Easement Program Division
USDA Natural Resource Conservation Service (NRCS)
1400 Independence Ave. SW Rm 6819-S
Washington, DC 20250-1400

Dear Mr. Glennon:

I am writing in response to the Interim Final Rule published on July 27, 2006 for the Farm and Ranchland Protection Program (FRPP). FRPP has been an important partner to our local efforts to protect farmland and support our local farmers. Over the last seven years, eleven farms have been protected – keeping over 2,600 acres of land permanently available for agriculture and helping two young farmers start operations. These projects were completed with FRPP funds and funding from the New York State Farmland Protection Program.

Our Town Board is concerned that FRPP policies proposed in the Interim Final Rule conflict with the standards of the New York State Farmland Protection Program. This year, New York State Department of Agriculture and Markets indicated that FRPP funds would not be permitted as a match for state-funded projects – largely due to new FRPP standards. As a result, three local farmers that had planned on protecting their land did not apply to the state's program because FRPP funds were not an eligible match. We are concerned that if this conflict is not resolved, it will significantly discourage farmer participation in either program.

Specifically we are concerned about the following issues outlined in the proposed rule:

- We are concerned with NRCS acting as a co-grantee. This new standard is burdensome and adds time and expense to project costs. NRCS retaining the right of third party enforcement would seem to be more in line with the program intent.
- We believe that the 2% impervious surface restriction is not an appropriate method for protecting topsoil from "non-agricultural use." A well-managed agricultural business will adopt management techniques that preserve topsoil. We support using management practices and plans to save topsoil for future farm operations, not impervious surface restrictions.
- We believe the proposed indemnification language is not appropriate for NRCS as a co-grantee or contingent right holder –as an example, farmers shouldn't be required to defend the federal government against a hazardous materials lawsuit when the easement only allows NRCS to protect topsoil from non-agricultural use or development.
- While our Board believes that the "Yellow book" Appraisal standards and title review on each project are unnecessary, expensive and burdensome, we do support audits to confirm program conformance.

- Three of the four concerns noted above could be alleviated by changing the program from an easement procurement program to a "block grant-type" program. There are many other federal programs, for example U.S. Housing and Urban Development "community development block grant" program, that use this format to enable states and local municipalities to accomplish the program goals. Federal compliance is assured through various reporting and audit procedures. We support changing the FRPP to a block grant-type program.

The FRPP has been an important component of our local efforts to support a future for our agricultural industry. I hope you will consider these concerns and make appropriate changes to ensure that the program can continue to be an effective partner in the future.

Sincerely,

William Hammond, Supervisor

CC: U.S. Senator Hillary Clinton
U.S. Senator Charles Schumer
U.S. Congressman James Walsh
Ron Alvarado, NRCS-NY State Conservationist
Marilyn Stephenson, NRCS-NY FRPP Program Manager
Patrick Brennan, Commissioner NYSDAM