



National Association of Conservation Districts

March 17, 2009

Team Leader
Technical Service Provider Team
NRCS
PO Box 2890
Washington, DC 20013-2890

Docket #NRCS-IFR-08011

The National Association of Conservation Districts (NACD) appreciates the opportunity to comment on the Technical Service Provider regulation published in the Federal Register on January 16, 2009. NACD represents the nation's 3000 conservation districts and their governing boards. Established under state law, conservation districts are local units of state government charged with carrying out programs for the protection and management of natural resources at the local level. Conservation districts work with federal, state, and other local agencies to provide programs and technical assistance to landowners and other partners to address natural resource issues.

NACD works cooperatively with other members of the Conservation Partnership to promote the adoption of conservation practices to protect natural resources. This partnership has existed for over 70 years and is critical to working with local landowners and community members to protect and improve environmental conditions. We look forward to continuing to strengthen the partnership we have with USDA at the local, state and national levels and providing technical assistance to all landowners and land managers. The comments we provide on the TSP provisions of the Food Conservation, and Energy Act of 2008 (Farm Bill) are just one avenue for working with eligible program participants, but we recognize that the Farm Bill will not reach everyone in need of technical assistance or guidance in the protection of natural resources.

Conservation districts look forward to working with farmers, ranchers and forest landowners through the conservation programs of the 2008 Farm Bill. The new Technical Service Provider provisions have the potential to greatly expand the reach of these Farm Bill programs through the new technical service contract. We know first hand that the limiting factor for some in the adoption of conservation practices on their operation is the technical knowledge and assistance in finding best management solutions. Providing program participants with the option of a traditional financial assistance contract or a technical service contract is important to servicing a conservation program customer's needs and utilizing financial resources wisely.

NACD believes that effective implementation of the conservation programs includes the outreach to potential program participants. The outreach to smaller farm operators and non-industrial private landowners has not been sufficient in previous years and NACD would encourage NRCS to reach out to these potential conservation program participants. Conservation districts can assist in these outreach efforts as well as other education efforts and/or application assistance to accelerate conservation program delivery (636.6(b)). Many districts are also willing to provide clerical assistance where that assistance would accelerate conservation program delivery such as contract file assembly and filing status records. This type of activity could free up an NRCS technical employee to perform more technical and in-the-field tasks while allowing others to assist with recordkeeping required by the programs.

NACD would like to stress the importance of NRCS flexibility in providing TSP contract options to an eligible participant. We believe that many producers feel more comfortable with NRCS contracting on behalf of the producer, "to deliver technical assistance . . . directly, through an agreement with a third party provider," (652.1(a)). This provision would allow NRCS to contract with conservation districts or others to provide technical assistance to an individual participant or a group of several program participants that might need the same type of assistance. The flexibility on these types of arrangements must remain with state and local NRCS offices as the needs will vary greatly across country.

Technical service (652.2) should also include work on maintenance contracts. With expanded provisions in conservation programs for maintenance of conservation practices, we believe this element of technical oversight should be an element for which NRCS could utilize the service of TSPs.

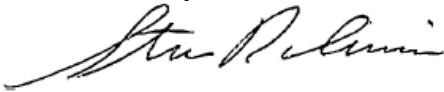
Conservation districts across the country have a variety of technical skill levels and expertise and a vast number have agreements with local NRCS offices to assist with conservation program delivery. Today, the timing of many of the agreements conservation districts enter into with NRCS to deliver elements of farm bill conservation programs is driven by the Congressional Appropriations/budget cycle. While ideally that cycle would begin on October 1 and end on September 30 of the following year, Congress has often delayed approval of those funding measures. This delay in turn has caused delays in conservation program delivery and providing technical assistance, leaving farmers, ranchers and forest landowners without a clear process to utilize conservation programs. For example, the final budget for fiscal year 2009 was just signed into law on Tuesday, March 10, 2009, over four months beyond the end of the previous fiscal appropriations year. This delay translates to the field operations by not allowing full implementation and planning program delivery throughout the entire year. Therefore while conservation districts would be very happy to enter into 1 year agreements, in the recent past, the appropriations and budget processes and the Office of Management and Budget's quarterly release of funds have precluded some agreements for that timeframe. Generally the agreements will be signed after the final

budget has been signed into law and will conclude at the end of the fiscal year, which if like this year, is less than 12 months. NACD addresses this issue because while not the ideal situation for implementation of the programs, it is the reality of the budget cycle. Conservation districts are ready to assist with the implementation of these programs and delivery of technical assistance and will continue to work with Congress, the Office of Management and Budget and the USDA regarding the release of funds to the local level to begin conservation program activities in a timely manner.

With regard to these agreements, we recommend that NRCS have the ability to enter into an agreement beyond the end of the fiscal year. Conservation districts can enter into agreements to provide technical assistance to a producer or group of producers, but the timing of providing that assistance might take longer than just a few months (if agreements are delayed as described above and activities are limited to a March – September timeframe). NRCS must be given the flexibility to enter into agreements that range in length from one year up to the three year maximum.

Conservation districts have a long history of partnership working with NRCS to provide technical assistance and deliver conservation programs. We look forward to continuing this relationship through our contribution and cooperative agreements at the local, state and national level.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Robinson", written in a cursive style.

Steve Robinson