

**DEPARTMENT OF AGRICULTURE**

**Natural Resources Conservation Service**

**7 CFR Chapter VI**

**Farm Service Agency**

**7 CFR Chapter VII**

**AGENCY:** Natural Resources Conservation Service and Farm Service Agency, USDA.

**ACTION:** Announcement of forums on proposed rules.

**SUMMARY:** The United States Department of Agriculture's, Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA) will conduct 54 public forums where interested individuals can provide comments and ideas on the implementation of the conservation provisions of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act), which

includes: Highly Erodible Land Compliance, Wetlands Conservation, Conservation Reserve Program (CRP), and the Environmental Quality Incentives Program (EQIP).

**DATES:** Written or faxed comments are due on or before October 22, 1996.

See the Supplementary Information section for the dates of the forums.

**ADDRESSES:** Send comments to:

For comments pertaining to Highly Erodible Land Compliance, Wetland Conservation, and EQIP: Lloyd Wright, Director, Conservation and Ecosystem Assistance Division, USDA/NRCS, P. O. Box 2890, Washington, DC. 20250, FAX: 202-720-4265

For comments pertaining to CRP: Cheryl Zavodny, Conservation and Environmental Protection Division, USDA/FSA, P. O. Box 2415, Washington, D. C. 20250, FAX: 202-690-3433.

See the Supplementary Information Section for the location of the forums.

**FOR FURTHER INFORMATION CONTACT:**

Lloyd Wright, USDA/NRCS, Phone: 202-720-1845

Cheryl Zavodny, USDA/FSA, Phone: 202-720-7333.

See the Supplementary Information section for forum contacts for each State.

**SUPPLEMENTARY INFORMATION:** The public is invited to attend the meetings to provide brief oral comments. All are encouraged to provide detailed written comments concerning the implementation of the Act of 1996.

Those who wish to speak at a meeting may make arrangements in advance by calling the state contact listed for the meeting. In addition, individuals wishing to provide oral presentations may sign-up at the forum, as time permits.

The forums will be held October 11-21 at the following locations on the dates listed:

Location	Date
Alabama Department of Agriculture and Industries, Richard Beard Building (Auditorium), 1445 Federal Drive, Montgomery, AL	October 17.
Cooperative Extension, 1514 South Cushman Avenue, Room 303, Fairbanks, AK	October 18.
Mesa Pavilion Hilton, 1011 W. Holmes Avenue, Mesa, AZ (Superstition Freeway and Alma School Road)	October 15.
Arkansas Cooperative Extension Service Auditorium, 2301 South University Avenue, Little Rock, AR	October 11.
Holiday Inn Capitol Plaza, 300 J Street, Sacramento, CA	October 15.
Elks Lodge in Longmont, CO, Coffman Street, Longmont, CO	October 16.
Windsor Public Library, 323 Broad Street, Basement Level, Windsor, CT	October 16.
Delaware Department of Agriculture Conference Room, 2320 S. duPont Highway, Dover, DE	October 15.
Holiday Inn West (Bay Room), 7417 W. Newberry Road, Gainesville, FL	October 16.
Sunbelt Agricultural Exposition, West Exhibitors Lounge, Highway 133, Gate 3, Spence Field, Moultrie, GA	October 17.
USDA/NRCS Conference Room, FHB Building, Suite 301, 400 Rt 8, Maite, GU	October 18 (via Peace Satellite)
Pacific Beach Hotel, 2490 Kalakaua Avenue, Honolulu, HI	October 15.
Nampa Civic Center, 311 3rd Street South (North Banquet Room), Nampa, ID	October 16.
Illinois Department of Agricultural Auditorium, State Fairgrounds, 801 East Sangamon Avenue, Springfield, IL	October 15.
Indiana Farm Bureau Building, Meeting Room Assembly Hall D, 225 South East Street, Indianapolis, IN	October 18.
Holiday Inn Downtown, 1050 6th Avenue, Des Moines, IA	October 18.
The Holidome, 1616 W. Crawford Street, Salina, KS	October 16.
NRCS State Office Conference Room, 771 Corporate Drive, Suite 110, Lexington, KY	October 17.
Ramada Inn Convention Centre, 2211 MacArthur Drive, Alexandria, LA	October 16.
Black Bear Inn, 4 Godfrey Drive, Orono, ME	October 17.
Chesapeake College, Kent Humanities Building, Room H117, US Route 50 and State Route 213, PO Box 8, Wye Mills, MD	October 15.
USDA/NRCS Conference Room, 451 West Street, Amherst, MA	October 15.
Ottawa Building, 611 West Ottawa Street, Conference Room 3, Upper Parking Level, Lansing, MI	October 15.
St. Cloud Civic Center, Stockinger Suite, 10 4th Avenue South, St. Cloud, MN	October 15.
Mississippi Agriculture and Forestry Museum, Ethnic Heritage Center, 1150 Lakeland Drive, Jackson, MS	October 15.
Holiday Inn Select, 2200 I-70 Drive S.W., Columbia, MO	October 15.
Eagles Lobby Conference Room, 24 North 8th, Miles City, MT	October 17.
Salvation Army Building Auditorium, 1000 17th Avenue South, Great Falls, MT	October 18.
I-80 Holiday Inn (Intersection of Highway 281 and I-80), Grand Island, NE	October 15.
Farm Service Agency State Office, 1755 E. Plumb Lane, Room 202, Reno, NV	October 17.
New Hampshire Department of Agriculture, Markets and Food, State House Annex Building, 2nd Floor, Room 201, Concord, NH	October 15.
Burlington County Board of Agriculture, 122 High Street, Mt. Holly, NJ	October 17.
USDA Conference Room, 6200 Jefferson NE, Albuquerque, NM	October 15.
Art & Home Center, New York State Fairgrounds, Syracuse, NY	October 15.
USDA/NRCS, 4405 Bland Road, Room 175, Raleigh, NC	October 18.
Hospitality Inn, 532 15th Street W, PO Box 1778, Dickinson, ND	October 15.
Dakota Inn, Junction 281 S & 194, PO Box 1865, Jamestown, ND, (701) 252-3611	October 16.
Holiday Inn (Formerly Sheraton Inn Riverside), 2200 Burdick Expressway East, PO Box 2228, Minot, ND	October 18.
Fairfield County Office, 831 College Avenue, Lancaster, OH	October 15.
Oklahoma City Hilton Northwest, 2945 Northwest Expressway, Oklahoma City, OK	October 15.
Red Lion North, 1415 NE Third Street, Bend, OR	October 18.
PA Game Commission Auditorium, 2001 Elmerton Avenue, Harrisburg, PA	October 17.

Location	Date
USDA Conference Room, 60 Quaker Lane, Warwick, RI .....	October 17.
Hampton Inn Harbison, 1-26 and Harbison Boulevard, Columbia, SC .....	October 17.
Crossroads Hotel and Convention Center, 100 4th Street SW, Huron, SD .....	October 17.
Milan Ag Museum Meeting Room, 3 Ledbetter Gate Road, Milan, TN .....	October 16.
Frank W. Mayborn Civic & Convention Center, 3303 North 3rd Street, Temple, TX .....	October 17.
Utah Department of Agriculture, 350 North Redwood Road, Salt Lake City, UT .....	October 15.
U.S. Forest Service, Northeastern Forest Experiment Station, 705 Spear Street, Burlington, VT .....	October 16.
Randolph Farm Pavilion, River Road, PO Box 9081, Virginia State University, Petersburg, VA .....	October 15.
Joint Center for Higher Education, 665 N. Riverpoint Boulevard, Spokane, WA .....	October 21.
Days Inn, 2000 Sutton Lane, Sutton, WV (Flatwoods Exit off I-79) .....	October 16.
USDA Conference Room, 6515 Watts Road, Room 209, Madison, WI .....	October 18.
Agricultural Learning Resource Center (Mills/Evansville Rooms), 2011 Fairgrounds Road, Casper, WY .....	October 18.

To obtain additional information about a specific forum, contact the following individual:

Location	Contact person	Phone	Address
Montgomery, AL .....	Ronnie D. Murphy .....	334-887-4535	USDA NRCS, 665 Opelika Road, P O Box 311, Auburn, AL 36830-0311.
	Robert Springer .....	334-279-3550	USDA FSA, Sterling Center, Suite 600, 4121 Carmichael Road, Montgomery, AL 36106.
Fairbanks, AK .....	Charles W. Bell .....	907-271-2424	USDA NRCS, 949 East 36th Avenue, Suite 400, Anchorage, AK 99508-4362.
	Karen O. Lee .....	907-745-7982	USDA FSA, 800 West Evergreen, Suite 216, Palmer, AK 99645-6389.
Mesa, AZ .....	Mike Somerville .....	602-280-8808	USDA NRCS, Suite 800, 3003 North Central Ave., Phoenix, AZ 85012-2945.
	Robert A. Picano .....	602-640-5200	USDA FSA, 77 East Thomas Rd., Suite 240, Phoenix, AZ 85012-3318.
Little Rock, AR .....	Thomas H. Wehri .....	501-324-5445	USDA NRCS, Federal Office Building, Rm. 5404, 700 West Capitol Ave., Little Rock, AR 72201-3228.
	Wayne Perryman .....	501-324-5220	USDA FSA, New Federal Bldg., Suite 5102, Little Rock, AR 72201-3225.
Sacramento, CA .....	Hershel R. Read .....	916-757-8215	USDA NRCS, 2121-C 2nd Street, Suite 102, Davis, CA 95616-5475.
	John G. Smythe .....	916-498-5311	USDA FSA, 1303 J Street, Suite 300, Sacramento, CA 95814-2916.
Longmont, CO .....	Duane L. Johnson .....	303-236-2886	USDA NRCS, 655 Parfet Street, Room E200C, Lakewood, CO 80215-5517.
	Robert L. Eisenach .....	303-236-2866	USDA FSA, 655 Parfet St., Suite E301, Lakewood, CO 80215.
Windsor, CT .....	Margo L. Wallace .....	203-487-4013	USDA NRCS, 16 Professional Park Road, Storrs, CT 06268-1299.
	Vincent Majchier .....	860-285-8483	USDA FSA, 88 Day Hill Road, Windsor, CT 06095-1778.
Dover, DE .....	Elesa K. Cottrell .....	302-678-4160	USDA NRCS, 1203 College Park Drive, Suite 101, Dover, DE 19904-8713.
	William D. Clifton .....	302-678-2547	USDA FSA, 1201 College Park Drive, Suite A, Dover, DE 19904-8713.
Gainesville, FL .....	T. Niles Glasgow .....	352-338-9500	USDA NRCS, 2614 NW 43rd Street, Gainesville, FL 32606-6611.
	Tim Manning .....	352-379-4500	USDA FSA, 4440 N.W. 25th Pl., Suite 1, Gainesville, FL 32606.
Moultrie, GA .....	Earl Cosby .....	706-546-2272	USDA NRCS, Federal Bldg. Box 13, 355 East Hancock Ave, Athens, GA 30601-2769.
	Grady Johnson .....	706-546-2266	USDA FSA, Federal Bldg., Room 102, 355 East Hancock Ave., Athens, GA 30601-2775.
Maite, GU .....	Joan Perry (Director)	9-011-671-472-7490	USDA NRCS, Suite 602 FHB Bldg., 400 Route 8, Maite, GU 96927.
Honolulu, HI .....	Jo-Anna Nakata .....	808-541-2644	USDA FSA.
	Kenneth M. Kaneshiro.	808-541-2601	USDA NRCS, 300 Ala Moana Blvd., Rm. 4316, P.O. Box 50004, Honolulu, HI 96850-0002.
Nampa, ID .....	Jo-Anna Nakata .....	808-541-2644	USDA FSA, 300 Ala Moana Blvd., Rm. 5106, P.O. Box 50008, Honolulu, HI 96850.
	Luana E. Kiger .....	208-334-1601	USDA NRCS, 3244 Elder Street, Rm. 124, Boise, ID 83705-4711.
Springfield, IL .....	Richard R. Rush .....	208-378-5650	USDA FSA, 3220 Elder Street, Boise, ID 83705-4771.
	Thomas W. Christensen.	217-398-5267	USDA NRCS, 1902 Fox Drive, Champaign, IL 61820-7335.
Indianapolis, IN .....	Stephen Scates .....	217-492-4180	USDA FSA, P.O. Box 19273, Springfield, IL 62794-9723.
	Robert L. Eddleman .....	317-290-3200	USDA NRCS, 6013 Lakeside Blvd., Indianapolis, IN 46278-2933.
Des Moines, IA .....	Robert Peacock .....	317-290-3030	USDA FSA, 5891 Lakeside Blvd., Indianapolis, IN 46278.
	Leroy Brown Jr .....	515-284-6655	USDA NRCS, 693 Federal Bldg., 210 Walnut Street, Des Moines, IA 50309.
Salina, KS .....	Tom Grau .....	515-254-1540	USDA FSA, 10500 Buena Vista Court, Des Moines, IA 50322.
	James Habiger .....	913-823-4565	USDA NRCS, 760 South Broadway, Salina, KS 67401.
Lexington, KY .....	Adrian Polansky .....	913-539-3531	USDA FSA, 3600 Anderson Avenue, Manhattan, KS 66503-2511.
	Billy W. Milliken .....	606-224-7350	USDA NRCS, 771 Corporate Drive, Suite 110, Lexington, KY 40503-5479.
	Hampton Henton .....	606-224-7601	USDA FSA, 771 Corporate Drive, Suite 100, Lexington, KY 40503-5478.

Location	Contact person	Phone	Address
Alexandria, LA .....	Donald W. Gohmert ...	318-473-7751	USDA NRCS, 3737 Government Street, Alexandria, LA 71302-3727.
	Willie Cooper .....	318-473-7721	USDA FSA, 3737 Government Street, Alexandria, LA 71302-3395.
Orono, ME .....	M. Darrel Dominick ....	207-866-7241	USDA NRCS, 5 Godfrey Drive, Orono, ME 04473.
	G. Arnold Roach .....	207-990-9140	USDA FSA, 444 Stillwater Avenue, P.O. Box 406, Bangor, ME 04402-0406.
Wye Mills, MD .....	Jeri Berc .....	410-757-0861	USDA NRCS, John Hanson Business Center, 339 Bush's Frontage Rd, Suite 301, Annapolis, MD 21401-5534.
	James Voss .....	410-381-4550	USDA FSA, 8335 E. Guilford Road, Suite E, Columbia, MD 21406.
Amherst, MA .....	Cecil Currin .....	413-253-4351	USDA NRCS, 451 West Street, Amherst, MA 01002-2995.
	Charles Costa .....	413-256-0232	USDA FSA, 445 West Street, Amherst, MA 01002-2957.
Lansing, MI .....	James R. Spacey .....	517-337-6701	USDA NRCS, Room 101, 1405 S. Harrison Road, East Lansing, MI 48823-5243.
	Chris White .....	517-337-6701	USDA FSA, 3001 Collidge Road, Suite 100, East Lansing, MI 48823-6321.
St. Cloud, MN .....	William Hunt .....	612-290-3675	USDA NRCS, 600 Farm Credit Services Bldg., 375 Jackson Street, St. Paul, MN 55101-1854.
	Wally Sparby .....	612-290-3675	USDA FSA, 400 Farm Credit Services Bldg., 375 Jackson Street, St. Paul, MN 55101-1854.
Jackson, MS .....	Homer L. Wilkes .....	601-965-5205	USDA NRCS, Suite 1321, Federal Bldg., 100 West Capitol Street, Jackson, MS 39629-1399.
	Norris Faust .....	601-965-4300	USDA FSA, 6310 I-55 North, Jackson, MS 39236-4995.
Columbia, MO .....	Roger Hansen .....	314-876-0901	USDA NRCS, Parkade Center Suite 250, 601 Business Loop 70W, Columbia, MO 65203-2546.
	Brad Epperson .....	573-876-0925	USDA FSA, 601 Business 70 W, Suite 225, Columbia, MO 65203.
Miles, City, MT Great Falls, MT.	Richard J. Gooby .....	406-587-6813	USDA NRCS, Federal Building, Rm. 443, 10 East Babcock St., Bozeman, MT 59715-4704.
	Bruce E. Nelson .....	406-587-6872	USDA FSA, 10 East Babcock St., Rm 557, Bozeman, MT 59715.
Grand Island, NE .....	Steven K. Chick .....	402-437-5302	USDA NRCS, Federal Bldg., Rm. 152, 100 Centennial Mall N., Lincoln, NE 68508-3866.
	Dan Steinkruger .....	402-437-5581	USDA FSA, 7131 A Street, Lincoln, NE 68510.
Reno, NV .....	William Goddard .....	702-784-5863	USDA NRCS, 301 Longley Lane, Building F, Suite 201, Reno, NV 89511.
	Wendell Newman .....	702-784-5411	USDA FSA, 1755 E. Plumb Lane, Suite 202, Reno, NV 89502.
Concord, NH .....	Dawn W. Genes .....	603-868-7581	USDA NRCS, Federal Building, Durham, NH 03824-1499.
	James McConaha .....	603-224-7941	USDA FSA, 22 Bridge St., 4th Floor, Concord, NH 03301-4987.
Mt. Holly, NJ .....	Wayne Maresch .....	908-246-1205	USDA NRCS, 1370 Hamilton Street, Somerset, NJ 08873-3157.
	Debra Borie-Holtz .....	609-298-3446	USDA FSA, 163 Route 130, Bordentown, NJ 08505.
Albuquerque, NM .....	Rosendo Trevino III ...	505-761-4400	USDA NRCS, 6200 Jefferson NE, Suite 305, Albuquerque, NM 27609-6293.
	Larry K. Burnett .....	505-761-4900	USDA FSA, 6200 Jefferson St., NE, Albuquerque, NM 27609-6296.
Raleigh, NC .....	Richard A. Gallo .....	919-873-2101	USDA NRCS, 4405 Bland Road, Suite 205, Raleigh, NC 27609.
	Sam Coley .....	919-790-2958	USDA FSA, 4407 Bland Road, Suite 175, Raleigh, NC 27609.
Dickinson, ND Jamestown, ND Minot, ND.	Scott Hoag .....	701-250-4421	USDA NRCS, Federal Building Room 278, 220E Rosser Avenue, P O Box 1458, Bismarck, ND 58502.
	Scott B. Stofferahn ....	701-239-5205	USDA FSA, 1025 28th St., SW, Fargo, ND 58103.
Syracuse, NY .....	Richard Swenson .....	315-477-6504	USDA NRCS, 441 South Salina Street, Suite 354, Syracuse, NY 13202-2450.
	Marc A. Smith .....	315-477-6303	USDA FSA, 441 South Salina Street, Suite 356, Syracuse, NY 13202.
Lancaster, OH .....	Daniel L. Conrad .....	614-469-6962	USDA NRCS, 200 North High Street, Room 522, Columbus, OH 43215.
	Steve Maurer .....	614-469-6735	USDA FSA, Rm 540 Federal Bldg., 299 North High St., Columbus, OH 43215.
Oklahoma City, OK .....	Ronnie C. Clark .....	405-742-1200	USDA NRCS, USDA Agriculture Bldg., Suite 203, Stillwater, OK 74074-2624.
	Terry L. Peach .....	405-742-1130	USDA FSA, 100 USDA, Suite 102, Stillwater, OK 74074-2653.
Bend, OR .....	Robert J. Graham .....	503-414-3201	USDA NRCS, 101 SW Main, Suite 1300, Portland, OR 97204-3221.
	Jack L. Sainsbury .....	503-692-6830	USDA FSA, 7620 SW Mohawk, Tualatin, OR 97062-8121.
Harrisburg, PA .....	Janet L. Oertly .....	717-782-2202	USDA NRCS, One Credit Union Place, Suite 340, Harrisburg, PA 17110-2993.
	William Baumgartner	717-782-4547	USDA FSA, One Credit Union Place, Suite 320, Harrisburg, PA 17110-2994.
Warwick, RI .....	Denis G. Nickel .....	401-828-1300	USDA NRCS, 60 Quaker Lane, Suite 46, Warwick, RI 02886-0111.
	Paul Brule .....	401-828-8232	USDA FSA, 60 Quaker Lane, Suite 40, Warwick, RI 02886-0111.
Columbia, SC .....	Mark W. Berkland .....	803-765-5681	USDA NRCS, 1835 Assembly Street, Strom Thurmond Federal Bldg., Columbia, SC 29201-2489.
	Laurie C. Lawson .....	803-806-3830	USDA FSA, 1927 Thurmod Mall, Suite 100, Columbia, SC 29201-2375.
Huron, SD .....	Dean F. Fisher .....	605-352-1200	USDA NRCS, Federal Building, 200 4th Street SW, Huron, SD 57350-2475.
	Michael W. O'Connor	605-352-1160	USDA FSA, 200 4th St., SW, Room 308, Huron, SD 57350-2478.
Milan, TN .....	Jerry S. Lee .....	615-736-5471	USDA NRCS, 675 US Courthouse, 801 Broadway, Nashville, TN 37203-3878.

Location	Contact person	Phone	Address
Temple, TX .....	Dave McDole .....	615-736-5555	USDA FSA, 579 Federal Bldg., 801 Broadway, Nashville, TN 37203.
	Harry W. Oneth .....	817-774-1231	USDA NRCS, WR Poage Federal, Bldg. 101 S. Main Street, Temple, TX 76501-7682.
Salt Lake City, UT .....	Harold Bob Bennett ....	409-260-9207	USDA FSA, P O Box 2900, College Station, TX 77841.
	Phillip J. Nelson .....	801-524-5050	USDA NRCS, Wallace F Bennett Federal Bldg., Rm. 4402, 125 S. State Street, Salt Lake City, UT 84138.
Burlington, VT .....	James I. Humlicek .....	801-524-5013	USDA FSA, 125 S. State St., Room 4239, Salt Lake City, UT 84138-1189.
	John C. Titchner .....	802-951-6796	USDA NRCS, 69 Union Street, Winooski, VT 05404-1999.
Petersburg, VA .....	James W. Monahan ...	802-658-2803	USDA FSA 346 Shelburne St., Executive Square Office Bldg., Burlington, VT 05401-4995.
	Margaret Doetzer .....	804-287-1691	USDA NRCS, Culpeper Bldg., Suite 209, 1606 Sanata Rosa Road, Richmond, VA 23229-5014.
Spokane, WA .....	Donald Davis .....	804-287/1500	USDA FSA Culpeper Bldg., Suite 138, 1606 Santa Rosa Road, Richmond, VA23229.
	Lynn A. Brown .....	509-353-2337	USDA FSA, West 316 Boone Avenue, Suite 450, Spokane, WA 99201-2348.
Sutton, WV .....	Larry R. Albin .....	509-353-2307	USDA FSA, 316 West Boone Ave., Spokane, WA 99201-2350.
	Roger L. Bensey Jr ....	304-291-4153	USDA NRCS, 75 High Street, Room 301, Morgantown, WV 26505.
	Billy Burke .....	304-291-4351	USDA FSA, 75 High St., P O Box 1049, Morgantown, WV 26507-1049.
Madison, WI .....	Patricia S. Leavenworth.	608-264-5577	USDA NRCS, 6515 Watts Road, Suite 200, Madison, WI 53719-2726.
Casper, WY .....	Doug Caruso .....	608-276-8732	USDA FSA, 6515 Watts Road, Suite 100, Madison, WI 53719-2726.
	Lincoln E. Burton .....	307-261-6453	USDA NRCS, Federal Office Bldg., 100 East "B" Street, Rm. 3124, Casper, WY 82601-1911.
	Carl E. Jensen .....	307-261-5231	USDA NRCS, 951 Werner Court, Suite 130, Casper, WY 82601-1307.

The United States Department of Agriculture (the Department), Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA) will conduct 54 public forums whereby interested individuals can provide comments and ideas on the proposed rules that have been published in the Federal Register to implement the conservation provisions of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act). These rules include: Highly Erodible Land/Wetland Conservation (Federal Register, August 27, 1996. (Volume 61, No. 167) Rules and Regulations, pp. 43943-43946), Conservation Reserve Program (CRP)(Federal Register, September 23, 1996. (Volume 61, No. 185) Rules and Regulations, pp. 49697-49711), and Environmental Quality Incentives Program (EQIP).

The NRCS held nine public forums, located across the country, in July and August of 1994 to listen to the public's comments on changes that were needed in the 1995 Farm Bill and to better understand the needs of the public served by programs related to conservation of natural resources. The Department considered the comments and suggestions received in the 1994 forums when developing its recommendations for the 1995 Farm Bill. After lengthy debate within the Congress, the 1996 Farm Bill was passed by the Congress and was cited as the Federal Agriculture Improvement and

Reform Act of 1996 (the 1996 Act). The President signed into law the 1996 Act on April 4, 1996.

Following the passage of the 1996 Act, the NRCS conducted public forums in these same nine locations to gather ideas on ways to implement the conservation provisions of the 1996 Act. Now that the program rules have been published in the Federal Register for public comment, the Department wants to support the public comment process by conducting additional listening forums.

Summary of the 1996 Act and the Rules which will be Discussed at the Public Forums

#### *Conservation Reserve Program*

The Conservation Reserve Program(CRP) encourages farmers to plant permanent areas of grass and trees on land that is subject to erosion, to improve soil, water and wildlife resources.

The 1996 Act:

- Allows up to 36.4 million acres to be enrolled at any one time. New enrollments can replace expired or terminated contracts.
- Allows owners or operators who entered into a contract before 1995 to terminate contracts on certain acres after giving written notice. Contracts must have been in effect for at least five years. Lands with high environmental values are not eligible for early release.

The CRP Proposed Rule

- Allows owners or operators who entered into a contract before January 1, 1995, to terminate their contract, if the contract had been in effect for at least five years. Under the statute, there is a 60-day waiting period before the application to terminate is effective. This termination will not relieve the participant of liability for a pre-existing contract violation.
- Limits the amount of acreage enrolled with an Erodibility Index of less than 8 to the following which may be eligible:
  - Acreage devoted to special practices under the continuous sign-up.
  - Acreage designated as cropped wetlands.
  - Certain acreage enrolled in the Water Bank Program (WBP) during the last year of the WBP contract.
  - Acreage located in a conservation priority area.
  - Limits haying or grazing of acreage enrolled in the CRP to instances such as drought or similar emergencies.
  - Outlines lands which are not eligible for early termination. These lands include: filter strips, grass waterways, riparian areas, field windbreaks, shelterbelts, shallow water areas for wildlife, bottom land timber, acreage with an erodibility index of more than 15, lands within an average distance of 100 feet of a permanent stream or other body of water, lands with useful life easements, and other

lands of high environmental value (including wetlands) as determined by the Secretary.

- Expands the list of acreage ineligible for early termination to also include: all wetlands, not just those enrolled under sign-up 8 and 9 criteria, land subject to frequent flooding, any wetland buffers required to protect the functions and values for wetland acreage, and Environmental Protection Agency (EPA)-designated wellhead protection areas.

- Modifies existing criteria to include cropped wetlands and certain acreage enrolled in the Water Bank Program (WBP).

- Proposes to base rental rates on the relative productivity of soils within each county, and the average of the past three years of local dryland cash rent or the cash rent equivalent.

- Encourages restoration of wetlands by offering up to 25 percent of the costs incurred. This is in addition to the 50-percent cost share provided to establish approved cover.

- Proposes to restrict the total area in a State that may be designated as a conservation priority area to no more than 10 percent of the cropland in the State.

- Allows producers who want to restore wetlands enrolled in the CRP to transfer acreage from the Conservation Reserve Program to the Wetlands Reserve Program, without penalty, if the acreage is found to be suitable.

#### *Environmental Quality Incentives Program*

The Environmental Quality Incentives Program (EQIP) is a new program which combines the functions of the Agricultural Conservation Program, Water Quality Incentives Program, Great Plains Conservation Program, and the Colorado River Basin Salinity Control Program.

EQIP is funded at \$130 million in fiscal year 1996 and \$200 million annually thereafter. Livestock-related conservation practices will receive 50 percent of program funding.

#### The 1996 Act

- Establishes conservation priority areas where significant water, soil, and related natural resource problems exist, in cooperation with state and federal agencies and State Technical Committees.

- Gives higher priority to areas where state or local governments offer financial or technical assistance, or where agricultural improvements will help meet water quality objectives.

- Establishes 5- to 10-year contracts to provide technical assistance and pay

up to 75 percent of the costs of conservation practices such as manure management systems, pest management, and erosion control.

- Defines land eligible for EQIP contracts as agricultural land that poses a serious problem to soil, water, and/or related resources.

- Does not allow large livestock operations (to be defined through a public rule-making process) to be eligible for cost-share assistance for animal waste management facilities. However, they do remain eligible for technical assistance.

- Requires activities under the contract to be carried out according to a conservation plan.

- Limits total cost-share and incentive payments to any person to \$10,000 annually, and to \$50,000 for the life of the contract.

#### The Proposed EQIP Rule

- Sets forth that the purposes of the program will be achieved by farmers and ranchers who voluntarily develop conservation plans and enter into contracts with the Commodity Credit Corporation (CCC) to carry out the needed conservation practices and land-use adjustments within a specified time schedule.

- Allocates fifty percent of the EQIP funding available to practices relating to livestock production.

- Offers the program in priority areas throughout the Nation, using the services of the NRCS, county and state committees of the Farm Service Agency (FSA), and the Cooperative State Research, Education, and Extension Service (CSREES).

- Sets forth the requirements for participant eligibility and eligible land.

- Develops guidance for designation of priority areas.

- Outlines the process for selecting priority areas and conducting a needs assessment.

- Allows for program assistance to target other significant natural resource concerns outside of approved and funded priority areas.

- Allows for a continuous sign-up. CCC will rank and select the offers of producers during designated periods. To rank and select the highest priority applicants, NRCS on behalf of CCC, will evaluate using criteria that are based on national guidance and developed with the advice of a local work group to give a higher priority to projects that maximize environmental benefits per dollar expended.

- Outlines the producer's responsibilities in regards to a conservation plan and contract.

- Delegates the responsibility of determining what constitutes a large confined livestock operation to the State Technical Committee who will advise the State Conservationist. (CCC particularly solicits public comment on the definition of what constitutes a large confined livestock operation.)

- Describes eligible practices.

- Describes upcoming program outreach and educational efforts.

- Allows a producer to seek technical assistance from NRCS or other qualified sources which may include agricultural producers, certified crop advisors, agricultural cooperatives, and other technical consultants.

- Sets forth payment limitation criteria.

- Addresses the requirements for EQIP contracts.

- Addresses the participant's responsibility for conservation practice and operation maintenance.

- Addresses rates for cost-share and incentive payments.

- Addresses the procedures to be followed for contract violations and termination.

#### *Highly Erodible Land (HEL) Conservation Compliance*

##### The 1996 Act

- Directs USDA employees who are providing on-site technical assistance to work with landowners to correct an observed potential compliance problem. Landowners will have up to one year to take corrective action before a violation is reported.

- Encourages farmers to maintain records of residue measurement, including those provided by a third party. Where appropriate, NRCS will use these measurements when conducting annual status reviews to determine erosion levels.

- Authorizes county committees to provide relief in cases of undue economic hardship.

- Revises "good faith" to ensure penalties are commensurate with violations.

- Provides for expedited variances related to weather, pest, and disease problems and establishes a time period to render a decision on whether to grant those variances.

- Requires a measurement of soil erosion on a highly erodible field prior to the implementation of a conservation system, based on estimated average annual soil erosion rates.

- Provides for a revision or modification of a conservation plan by a person if the same level of treatment is maintained.

- Requires that highly erodible land exiting the Conservation Reserve

Program not be held to a higher conservation compliance standard than similar cropland in the same area.

#### The Interim Rule

- Lists factors that NRCS will consider when a landowner requests a variance related to weather, pest, or disease problems.
- Specifies that when fields are combined, the part of the new field that was previously a highly erodible field shall continue to be subject to the highly erodible land requirements.
- Clarifies that the adequacy of a conservation system will be evaluated according to whether it conforms to the NRCS field office technical guide in use at the time that the plan or system is developed or revised.
- Outlines procedures to be used to evaluate the adequacy of conservation systems for achieving substantial reduction in soil erosion on land with and without cropping history.
- Sets forth that conservation field trials included in a person's conservation plan must have prior approval by NRCS and must be documented in the person's conservation plan specifying the limited time period during which the field trial is in effect.
- Outlines the factors to be considered by the FSA State Committee in determining whether to grant a person's request for relief based on undue economic hardship in implementing a conservation system.

#### *Wetland Conservation (Swampbuster)*

#### The 1996 Act

- Expands areas where mitigation can be used. This allows individuals to work with producers, conservation districts or other relevant entities to select the best area for mitigating wetlands.
- Provides more options for mitigation, including restoration, enhancement, or creation, as long as wetland functions and values are maintained.
- Encourages effective and timely use of "minimal effect" determinations. This change allows the NRCS, working with State Technical Committees, to identify practices that have a minimal effect on the environment and put them on a "fast track."
- Stipulates that wetland conversion activities, authorized by a permit issued under Section 404 of the Clean Water Act, which make agriculture production possible, will be accepted for farm bill purposes if they were adequately mitigated.
- Revises the concept of "abandonment" to ensure that as long as

land is used for agriculture, a certified prior converted cropland designation remains in effect. When done under an approved plan, landowners with farmed wetlands (FW) and farmed wetland pasture (FWP) may allow an area to revert to wetland status, and convert it back to an FW or FWP for agricultural purposes without violating the Swampbuster provision.

- Provides that a certified wetland delineation will remain in effect until the person requests a new determination and certification.
- Ensures producers the right to request and appeal a certified wetland determination.
- Allows the Farm Service Agency (FSA) to waive a person's ineligibility for benefits if FSA believes the person acted in good faith and without intent to violate the wetland provisions.
- Provides the Secretary with authority to identify for individual producers which programs are affected by Swampbuster violations and how much the penalty is.
- Establishes a pilot program for wetland mitigation banking in order to allow USDA to assess how well mitigation banking works for agriculture.
- Expands the definition of agricultural land contained in the interagency wetlands memorandum of agreement to include not only cropland and pasture land, but also tree farms, rangeland, native pasture land, and other land used for livestock production.
- Repeals the requirements for consultation with the Fish and Wildlife Service (FWS).
- Provides that benefits of affiliates of a business enterprise who violate highly erodible land or wetland conservation provisions will be reduced in proportion to the interest held by the affiliate in the business enterprise.

#### The Interim Rule

- States more precisely the variety of wetland types found in the agricultural landscape.
- Describes how wetland types relate to particular exemptions from ineligibility.
- Provides that when a person requests relief on the basis of action that was conducted in good faith, USDA may consider whether the person has a record of violating the wetland provisions of these regulations or other Federal, State, or local wetland provisions.
- Adds that NRCS may accept the assistance of other Federal agencies to carry out the wetland responsibilities. For example, specific portions of the

rule state that NRCS will consult with FWS at the State level to develop a process for implementation of the wetland conservation provisions.

- Describes the procedure for certification of wetland determinations and specifies that certified wetland determinations will meet current Federal mapping conventions.
- Amends to provide that the determination of prevalence of hydrophytic vegetation will be made in accordance with the current Federal wetland delineation methodology in use at the time of the determination. This change assures that the NRCS, FWS, Environmental Protection Agency and Army Corps of Engineers will utilize consistent and up-to-date technical standards and criteria.
- Creates a new exemption for land that was certified as having been converted prior to December 23, 1985 (prior converted croplands), but had returned to wetland characteristics after that date. This exemption provides that if certain requirements are met, a prior converted cropland will not be considered abandoned for purposes of implementation of these provisions.
- Allows areas that NRCS determined to be manipulated but were not completely converted prior to December 23, 1985 (farmed wetlands and farmed wetland pastures), and which may revert to wetland status through a voluntary restoration, enhancement or creation action, will not be considered abandoned for purposes of implementing these regulations.
- Provides that a person who received an individual permit under section 404 of the Clean Water Act after December 23, 1985, and met certain sequencing requirements, is exempt from the ineligibility provisions of these regulations. However, this rule, provides that a person whose conversion activity is encompassed by a nationwide or regional general permit issued pursuant to section 404 of the Clean Water Act may not be exempt under these regulations. USDA will evaluate whether any mitigation was required, and whether the wetland functions and values lost by the conversion activity were adequately replaced before USDA decides whether the conversion activity is exempt from ineligibility under these regulations.
- Provides that a person may remain eligible if the wetland functions and values are adequately mitigated in accordance with several requirements, including that the person implement a mitigation plan approved by NRCS.
- Sets forth that NRCS may accept the assistance of the memorandum of

agreement agencies in implementing these regulations.

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