

April 8, 2010

Director of CEPD

USDA, FSA, CEPD

Via email: [cepdmail@wdc.usda.gov](mailto:cepdmail@wdc.usda.gov)

RE: Proposed Rule: 7 CFR Part 1450 Biomass Crop Assistance Program

Dear Sir or Madame,

The Theodore Roosevelt Conservation Partnership (TRCP) is pleased to submit comments in response to the proposed rule for the Biomass Crop Assistance Program (BCAP). The TRCP is a coalition of hunting, fishing and conservation organizations, labor unions and individual grassroots partners who represent the wide spectrum of America's outdoor community. We are dedicated to the foresighted stewardship of America's landscape, helping to expand fish and wildlife habitat and increasing public access to quality hunting and fishing.

The TRCP was actively involved in the 2008 Farm Bill and supported the BCAP program. Our Agriculture and Wildlife Working Group prepared the following recommendations for biofuels/biomass production. We support the development of the next generation of biofuels and renewable energy based on sustainable polycultures that are consistent with fish, wildlife, soil, nutrient management and water conservation. We do not think land enrolled in Farm Bill conservation programs should be used for biomass production unless credible research results provide documentable and verifiable evidence that the producing and harvesting biomass on this land can be accomplished without compromising existing statutory priorities to conserve and improve soil, water, and fish and wildlife resources. Biomass production policies such as stubble height, harvest frequency and vegetative composition should be developed in collaboration with federal and state fish and wildlife specialists and habitat and technical experts. An incentive-based biomass program should not displace existing conservation programs, and incentive payments should be offset when economic gain is realized from biomass, feedstock, seed or other production. Because of the large acreages needed and logistical limits for cost-effective biomass transportation, the environmental benefit index should not be used to determine eligibility. Opportunities for renewable energy and other renewable products from forests should be developed by

expanding research and authorizing pilot projects to test technology and equipment, providing incentives to initiate markets for renewable products, and improving incorporation for forest products into existing and new renewable energy incentives.

We offer the following specific comments on the proposed rule:

### **Eligible Land**

The rules need to be written more clearly to highlight the ineligibility of “native sod.”

### **Matching Payments**

Higher rates of payment should be made to those whose activities have been recognized as sustainable by the Forest Stewardship Council, or other sustainability certification systems since such systems offer the greatest hope for creating a sustainable biomass industry into the future, while protecting soil, water and wildlife resources.

### **Eligible Material**

Matching payments must be prohibited for any noxious or invasive plants that are cultivated for biomass production. Removal costs associated with the spread or establishment of invasive or noxious species should be paid by eligible material owners who have not strictly and completely followed all protocols for harvest, transportation and storage of biomass material composed of invasive or noxious species.

### **Eligibility for Establishment and Annual Payments:**

Conservation and stewardship should be rewarded with higher eligibility rankings.

### **Project Area Contract Acreage and Terms**

The conservation and forest stewardship plans developed for BCAP project area participants must be rigorously developed, fully implemented and updated periodically. CCC should defer authority over all conservation plans to NRCS.

Every participant should be required to have an NRCS-approved conservation plan. The plan must meet NRCS minimum standards, using a conservation measurement tool to determine minimum conservation performance for soil, water and wildlife. Self-certification of compliance with plans is not sufficient, especially if the only penalty for noncompliance is forfeiture of that year's payments, plus interest.

Conservation and Forest Stewardship plans should specifically include measures for ensuring conservation of wildlife resources, including specifying harvest timing to avoid primary nesting seasons established by USFWS, residual cover to be left post-harvest as winter cover, etc.

### **Making Annual Payments**

BCAP annual payments should not reach the level of CRP rental payments as the BCAP participant will retain economic use of the land to a degree that is much more significant than CRP participants and will retain significant economic value from that land even after completion of the project period due to participation in the program.

We support the use of incentive payments (premiums) as part of annual payments for BCAP project area participants. Establishment of perennials on highly erodible cropland in impaired watersheds, for example, should receive incentive payments. Those who are willing to go beyond the conservation requirements of the program and pilot truly sustainable biomass cropping systems that incorporate buffers for water resources, diversity of feedstocks, use of strip harvesting or retention 20 percent of the crop unharvested each year as a winter wildlife refuge, etc. Those choosing to plant native mixtures of perennials should receive the highest incentive payments. While strong conservation planning requirements should be included in all contracts, the incentive payments can be used to accomplish even greater benefits from BCAP project areas.

We thank you for the opportunity to provide these comments. Please contact me at (202) 654-4617 if you have questions about these comments.

Sincerely,

Thomas M. Franklin

Director of Policy and Government Relations