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**Wyoming Association of Conservation Districts**  
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January 26, 2009

*Via Facsimile: 202-720-2998*

Conservation Technical Assistance Programs Division  
US Department of Agriculture  
Natural Resource Conservation Service  
1400 Independence Avenue, SW Room 6015-S  
Washington, DC 20250-2890

**RE: Docket Number NRCS-EFR-08010**

Dear Sir/Madam,

The Wyoming Association of Conservation Districts (WACD) appreciates the opportunity to comment on the State Technical Committee regulation that was published in the Federal Register on November 25, 2008. WACD represents Wyoming's 34 local conservation districts, local political subdivisions of state government, with statutory responsibilities and authorities for natural resource conservation programs.

The WACD incorporates by reference herein the comments submitted by the National Association of Conservation Districts on December 16, 2008 and further offers the comments below.

1. 610.22 State Technical Committee membership.

**COMMENT:** WACD would request and recommend that subparagraph (d) be modified to include the language indicated below:

“In accordance with the guidelines in paragraphs (a), (b) and (c) of this section, the State Conservationist establishes membership on the State Technical Committee. **It is the State Conservationists responsibility to ensure equal representation of all interests.** Individuals or groups wanting to participate on a State Technical Committee within a specific State may submit to the State Conservationist of that particular State a request that explains their interest and outlines their credentials which they believe are relevant to becoming a member of the State Technical Committee. “

This language is consistent with current policy for operations of the State Technical Committees in the NRCS Manual, 501.11 Roles and Responsibilities of State Technical Committees. WACD believes that this is a significant enough issue to warrant being included in this rule. It will be imperative that balance and equal representation on the State Technical Committee be maintained to avoid any question of bias and maintain the integrity of the process.

2. 610.23 State Technical Committee meetings.

**COMMENT:** In addition to the input provided by NACD, WACD requests that the 14 day meeting notice be modified to a 30 day meeting notice. This would allow for less conflict and more participation in State Technical Committee meetings.

3. 610.24 Responsibilities of State Technical Committees.

**COMMENT:** WACD recommends that subparagraph (b) be modified to include a requirement that if the State Conservationist does indeed reject the State Committee's recommendation that rationale as to the basis for that rejection be communicated to the State Technical Committee.

In addition, WACD understands that the language contained in subparagraph (c) "State Technical Committees shall review whether Local Working Groups are addressing State priorities", is based on language in the Act. WACD would recommend that either in this rule or in the implementing policies that some recognition be given to the fact that many state's and/or local districts may have a number of different program resources at its disposal, subsequently what may appear as a failure to address State Priorities may merely be a case of using a variety different programs to more effectively meet local priorities. For example, in Wyoming the state legislature has created a "Wildlife & Natural Resource Trust Fund" which provides a significant source of funding for wildlife and natural resource improvement efforts. Obviously, as the name denotes the priority for this funding is placed on wildlife habitat protection and improvement. If the State Technical Committee establishes a state priority, for example, to address Sage Grouse habitat issues, a local Conservation District may have obtained a sizeable grant for addressing this priority and subsequently the local workgroup may feel that the use of EQIP funding would be more effectively used in addressing other resource priorities that are unmet, such as irrigation efficiency or animal feeding operation projects. This provision of the Act and rule should not be applied in a blanket fashion without regard to

local circumstances. WACD requests that some language be included in this section to clarify that in addition to the review of whether state priorities are met that some consideration be given to the use and application of other funding sources outside of the farm bill conservation program fund implementation.

4. 610.25 Subcommittees and Local Working Groups

**COMMENT:** WACD recommends that paragraph (b) (2) of this section be modified to allow for local working groups to not only provide recommendations on local natural resource priorities and criteria for conservation activities and programs, but to also provide input to the State Technical Committee for their consideration in establishing state priorities. WACD is concerned that the absence of such language, combined with the requirement in 610.24 discussed above that requires State Technical Committee review of whether local working groups are addressing State priorities, the input from the local level for State level consideration may not exist. For the process to work most effectively, it is imperative that two way communications occur from the local level to the State level as well as the State level to the local level.

Again, WACD appreciates the opportunity to provide comment and looks forward to working in partnership with NRCS in the implementation of the conservation programs to most effectively meet the natural resource needs of the private landowners of Wyoming.

Sincerely,



Ralph Brokaw  
President

Cc: Wyoming's Conservation Districts  
Wyoming Agriculture Organizations  
Wyoming Department of Agriculture