



National Association of Conservation Districts

BCAP Proposed Rule
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Director of Conservation and Environmental Programs Division
USDA Farm Service Agency
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Re: Comments to the Biomass Crop Assistance Program Proposed Rule, 7 CFR Part 1450
(Feb. 8, 2010)

To Whom It May Concern:

The National Association of Conservation Districts (NACD) supports the Biomass Crop Assistance Program (BCAP), and submits the following comments in response to the USDA Farm Service Agency's proposed regulations to implement the program.

The National Association of Conservation Districts represents nearly 3,000 conservation districts, which work with local landowners to conserve land, water, forests, wildlife and related natural resources. We share a single mission: to coordinate assistance from all available sources—public and private, local, state and federal—in an effort to develop locally-driven solutions to natural resource concerns. More than 17,000 officials serve in elected or appointed positions on conservation districts' governing boards. Working directly with more than 2.3 million cooperating land managers and local communities nationwide, their efforts touch more than 1.6 billion acres of private land. We support voluntary, incentive-based programs that provide a range of options, providing both financial and technical assistance to guide landowners in the adoption of conservation practices, improving soil, air and water quality providing habitat and enhanced land.

NACD supports the development and use of renewable fuels from agriculture and forestry products. Biomass is plentiful, carbon-neutral and essential to meet our nation's renewable energy and climate objectives. NACD believes that BCAP can provide an important tool to stimulate the biomass supply chain and strengthen the current biomass infrastructure.

Further, conservation districts are uniquely positioned to provide the technical assistance and outreach landowners need for the effective implementation of the Biomass Crop Assistance Program (BCAP). Any promotion, outreach, and technical assistance activities should include TSPs and conservation districts.

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Conservation Plans and Forest Stewardship Plans

NACD strongly supports the requirement that a producer must implement a conservation plan, forest stewardship plan or equivalent plan that complies with Commodity Credit Corporation guidelines and is approved by the appropriate conservation district for the land to be entered in BCAP. These plans can help ensure not only the sustainable collection and harvest of biomass material but also maintain the health of the landscape.

Other aspects of site management should also be considered. We encourage the use of stewardship contracting as another tool to increase biomass production on federal land because it is accompanied by the use of conservation practices in conjunction with harvest.

Payments

NACD supports the proposed rule provision allowing for the two-year time period to receive matching payments to begin on the date of issue of the first matching payment. Participants should not be penalized if, through no fault of their own, delivery of eligible materials is delayed.

The conversion standards set for green ton to dry ton need to be consistent and based upon local or regional conditions, and not be left up to the biomass conversion facility to set the standards without input.

NACD recommends that the final rule not differentiate between conversion facilities, technologies, or energy products. Specifically, NACD does not support a lower rate payment for biomass that is utilized for other purposes than advanced biofuels, such as thermal or renewable energy.

Eligible Material Owner

Wording of the final rule should not exclude a stockholder of a biomass facility that owns land or the biomass facility owner who owns land and the legal title to the eligible material for collection or harvest as an eligible material owner.

Eligible Material

Market conditions should drive the eligibility of materials. For instance, mill waste in a BCAP project area that can be used for higher value products such as oriented strand board and fiber board should not be ineligible if there is currently no market for these higher value products.

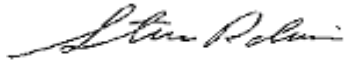
NACD supports including the designation of crop residue or other similar byproducts of crop production and harvesting to remain eligible materials for matching payments without further limitation or restriction in the final rule.

Additionalities

Small landowners would likely be excluded when competing with larger producers. Adding new sources rather than just supporting existing ones is important to ensure participation of small landowners. Further, conservation districts and TSPs have the potential to serve as project aggregators and increase the access of small landowners to the BCAP.

NACD appreciates the opportunity to comment on this proposed rule and looks forward to working with USDA to increase the production of renewable energy and job creation, while maintaining the forestry health and stewardship of natural resources.

Respectfully submitted,



Steve Robinson
NACD President