

March 16, 2009

Technical Service Provider Team, FAXED 1-202-720-5334
Natural Resources Conservation Service
Technical Service Provider Assistant Comments
P.O. 2890, Room 5234-S
Washington, DC 20013

**RE: Docket Number NRCS – IFR – 08011
Federal Register Notice- January 16, 2009 7 CFR Part 652 RIN 0578-AA48
Technical Service Provider Assistance**

Dear Sirs/Madams,

The Utah Association of Conservation Districts represents Utah's 38 conservation districts that have assisted the federal NRCS with delivery of Farm Bill Programs to address agriculture and natural resource concerns. Our state association, a Utah nonprofit corporation, and member conservation districts have and expect to support the NRCS programs as Technical Service Providers (TSP). We support the National Association of Conservation Districts' recommendations regarding the referenced Federal Register Notice and give the following comments specific to Utah.

1. We strongly encourage the use of TSPs as allowed for in the 2008 Farm Bill and provided for in the referenced interim rule, that the NRCS enter into technical service contracts with eligible participants and third parties including landowners, conservation districts, private non-profit associations including conservation district state associations, and private for-profit business for the purpose of providing assistance in the planning, design, or installation for an eligible participant.
2. The ability of NRCS in Utah to enter into contracts with districts and the Utah Association of Conservation Districts has and is improving. Past obstacles, which are now being addressed through more experienced agency contracting personnel, hopefully will not continue to prohibit NRCS from entering into cooperative agreements and contracts with our member districts or the state association. When conservation district personnel are collocated at NRCS field offices the agency has been reluctant to enter into contracts to obtain the services of district personnel or so that new district personnel could be hired. When the only procurement vehicle is a contribution agreement most districts in Utah financially can not afford to offer their services and the Utah Association of Conservation Districts' services that can realistically be offered are severely limited. Non-federal technical assistance in Utah needs to increase! Conservation districts and the state association have the experience needed and relationship with producers, are available, dependable, and often operate at a much lower cost than could be found in the for-profit business. Current and potential future reductions in the Utah state budget will further limit and may eliminate the participation of districts

and our state association unless cooperative agreements and contracts are viable vehicles for procurement of TSP services.

3. We agree that TSP technical assistance should be available for eligible participants so that producers only needing technical assistance and who may not request financial assistance receive assistance from NRCS or a third party provider. For example, the Utah Agriculture Development Loan (ARDL) Program funds millions of dollars of conservation practices annually. In the past landowners that were willing to complete a conservation practice with their own and/or state loan funds have not been able to obtain needed technical assistance from NRCS or a TSP unless the project included NRCS financial assistance. Much more assistance is needed for conservation planning; conservation practice design, and layout. In the past TSP monies have been limited to assisting producers with implementation of planned projects for installation; and certification that the conservation practice meets NRCS standards and specifications. The future TSP could achieve a much larger need, conservation planning including planning projects paid for from other federal and state programs that use the NRCS FOTG standards and specifications.
4. We agreed cooperative agreements and contracts should be for a minimum 1 year and have additional option years. Our past experience with NRCS contribution agreements and contracts for TSP assistance has been agreements with narrow periods of performance, yet the producers' contracts with NRCS are multiple years. For example, our experience has been the NRCS has not had approved funding or authority to enter into agreements until March or April or perhaps an agreement is not finalized until May or June, yet the requirement is to complete all work by September 30 [end of the federal fiscal year], and if the work is substantially complete the agreement may be extended to December. Such an approach does not fit the producer's contract timelines or is it realistic for a TSP to provide a dependable continuous source of labor.

We have very much appreciated the past opportunities to assist the NRCS in the delivery of needed technical assistance under this program. We hope to continue to support the agency and our conservation district cooperators under an improved program.

Thank you in advance for your consideration.

Cordially



Bill Rasmussen
President

cc: UACD Presidency and Board of Directors
Leonard Blackham, Commissioner of Agriculture
Sylvia Gillen, State Conservationist