

**APPENDIX A:  
Federal Register Notices**

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This Appendix contains Federal Register Notices for the Intent to Prepare this PEIS and two notices for the implementation of aspects of the BCAP. The notices contained in this Appendix are:

- USDA 2008. Notice of Intent to Prepare an Environmental Impact Statement for the Biomass Crop Assistance Program. Federal Register, Vol. 73, No. 191, page 57047. USDA, Commodity Credit Corporation: Washington, D.C.
- USDA 2009. Amended Notice of Intent to Prepare an Environmental Impact Statement for the Biomass Crop Assistance Program. Federal Register, Vol. 74, No. 91, page 22510. USDA, Commodity Credit Corporation: Washington, D.C.
- USDA 2009. Notice of Funds Availability (NOFA) for the Collection, Harvest, Storage, and Transportation of Eligible Material. Federal Register, Vol. 74, No. 111, page 27767. USDA, Commodity Credit Corporation: Washington, D.C.
- USDA FSA 2009. Notice BCAP-2: Implementing the Biomass Crop Assistance Program's (BCAP's) Collection, Harvest, Storage, and Transportation (CHST) Matching Payment Program. USDA, Farm Service Agency: Washington, D.C.

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USDA 2008. Notice of Intent to Prepare an Environmental Impact Statement for the Biomass Crop Assistance Program. Federal Register, Vol. 73, No. 191, page 57047. USDA, Commodity Credit Corporation: Washington, D.C.

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**Notices**

Federal Register

Vol. 73, No. 191

Wednesday, October 1, 2008

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

**AGENCY FOR INTERNATIONAL DEVELOPMENT**

**Office of Inspector General; Senior Executive Services (SES) Performance Review Board: Update**

**AGENCY:** Office of Inspector General, U.S. Agency for International Development.

**ACTION:** Notice.

**SUMMARY:** This notice is hereby given of the appointment of members of the updated USAID OIG SES Performance Review Board.

**DATES:** September 21, 2008.

**FOR FURTHER INFORMATION CONTACT:** Paula F. Hayes, Assistant Inspector General for Management, Office of Inspector General, U.S. Agency for International Development, 1300 Pennsylvania Avenue, NW., Room 8.08-029, Washington, DC 20523-8700; telephone 202-712-0010; FAX 202-216-3392; Internet E-mail address: [phayes@usaid.gov](mailto:phayes@usaid.gov) (for E-mail messages, the subject line should include the following reference—USAID OIG SES Performance Review Board).

**SUPPLEMENTARY INFORMATION:** 5 U.S.C. 4314(b)(c) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management at 5 CFR part 430, subpart C and Section 430.307 thereof in particular, one or more Senior Executive Service Performance Review Boards. The board shall review and evaluate the initial appraisal of each USAID OIG senior executive's performance by his or her supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive. This notice updates the membership of the USAID OIG's SES Performance Review Board as it was last published on November 20, 2007.

*Approved:* September 21, 2008.  
The following have been selected as regular members of the SES

Performance Review Board of the U.S. Agency for International Development, Office of Inspector General:  
Michael G. Carroll, Deputy Inspector General;  
Adrienne Rish, Assistant Inspector General for Investigations;  
Paula F. Hayes, Assistant Inspector General for Management;  
Lisa S. Goldfluss, Legal Counsel;  
Alvin A. Brown, Assistant Inspector General, Millennium Challenge Corporation;  
Howard I. Hendershot, Deputy Assistant Inspector General for Investigations;  
Winona Varnon, Director, Security Services, Department of Education;  
Pauline K. Brunelli, Director, Federal Voting Assistance Program Department of Defense;  
Aletha Brown, Inspector General, Equal Employment Opportunity Commission;  
Mark Bialek, Counsel to the Inspector General, Environmental Protection Agency;  
Theodore P. Alves, Assistant Inspector General Financial Information, Department of Transportation.

Dated: September 17, 2008.  
**Donald A. Gambatesa,**  
*Inspector General.*  
[FR Doc. E8-23099 Filed 9-30-08; 8:45 am]  
BILLING CODE 6116-01-P

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**Notice of Intent To Prepare an Environmental Impact Statement for the Biomass Crop Assistance Program**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Commodity Credit Corporation (CCC) intends to prepare an Environmental Impact Statement (EIS) for the Biomass Crop Assistance Program (BCAP). BCAP is a new program authorized by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill). The EIS will assess the potential environmental impacts of alternatives for administration and implementation of BCAP. BCAP is a CCC program administered by the Farm Service Agency (FSA) with the support

of other Federal and local agencies. As part of the EIS process, CCC is now soliciting input about potential alternatives for program implementation as well as potential environmental concerns associated with program implementation. CCC will develop and analyze a range of BCAP implementation alternatives. This Notice of Intent (NOI) informs the public of CCC's intent to solicit public comment on potential program alternatives and environmental concerns.

**DATES:** FSA, on behalf of CCC, invites comments on alternatives and environmental concerns related to BCAP. Submit comments by close of business on October 31, 2008, to ensure full consideration. We will consider comments submitted after this date, to the extent possible.

**ADDRESSES:** We invite you to submit comments on alternatives and environmental concerns related to BCAP. In your comments, include the volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *E-Mail:*  
[Matthew.Ponish@wdc.usda.gov](mailto:Matthew.Ponish@wdc.usda.gov).
- *Fax:* (202) 720-4619.
- *Mail:* Matthew T. Ponish, National Environmental Compliance Manager, USDA, FSA, CEPD, Stop 0513, 1400 Independence Ave., SW., Washington, DC 20250-0513.
- *Hand Delivery or Courier:* Deliver comments to the above address.

Comments may be inspected in the Office of the Director, CEPD, FSA, USDA, Room 4709 South Building, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A copy of this notice is available through the FSA home page at <http://www.fsa.usda.gov>.

**FOR FURTHER INFORMATION CONTACT:** Matthew T. Ponish, (202) 720-6853. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

**SUPPLEMENTARY INFORMATION:** BCAP is authorized by section 9001 of the 2008

Farm Bill (Pub. L. 110-246); the 2008 Farm Bill amended Title IX (Section 9011) of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171, commonly known as the 2002 Farm Bill). BCAP is intended to support the establishment and production of crops for conversion to bio-energy in project areas (locations) and to assist with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

As a new energy program, BCAP presents an opportunity to encourage landowners and operators to produce biomass for commercial energy production in ways that both are economically and environmentally sound. CCC plans to implement BCAP by approving the best-qualifying project proposals from project sponsors and then entering into contracts with individual producers in the approved project locations.

Under the National Environmental Policy Act (NEPA), the EIS process provides a means for the public to provide input on implementation alternatives and on environmental concerns. This notice informs the public of CCC's intention to prepare an EIS for BCAP.

Signed in Washington, DC, on September 24, 2008.

**Glen L. Keppy,**  
*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. E8-22990 Filed 9-30-08; 8:45 am]  
BILLING CODE 9410-05-P

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**DEPARTMENT OF AGRICULTURE**

**Forest Service**

[NV912-1640-PH-006F; 08-08807;  
TAS:14X1109]

**Notice of Public Meeting: Recreation Subcommittee of the Sierra Front-Northwestern Great Basin, Northeastern Great Basin, and Mojave-Southern Great Basin Resource Advisory Councils, Nevada**

**AGENCIES:** Bureau of Land Management, Interior and Forest Service, Agriculture.

**ACTION:** Notice of Recreation Advisory Subcommittee Meeting.

**SUMMARY:** In accordance with the Federal Lands Recreation Enhancement Act of 2004 (FLREA) (Pub. L. 108-447), the Recreation Subcommittee of the Bureau of Land Management's (BLM)

Nevada Resource Advisory Committees will hold a meeting to discuss fee proposals to increase fees at campgrounds managed by the Forest Service in the Ely area, increase fees at Red Rock Canyon National Conservation Area, and to initiate a meeting room reservation fee at the California National Historic Trail Interpretive Center managed by the BLM Nevada Elko District Office.

**DATES AND TIMES:** The Recreation Subcommittee will meet on Wed., Nov. 12, 2008, from 12:30 p.m. to 4:30 p.m. A general public comment period, where the public may submit oral or written comments to the Recreation Subcommittee will begin at 4 p.m. unless otherwise listed in the final meeting agenda.

**ADDRESSES:** Gold Coast Hotel Casino, 4000 W. Flamingo, Las Vegas, Nevada.

**FOR FURTHER INFORMATION CONTACT:** Barbara Keleher, Outdoor Recreation Planner, telephone (775) 861-6628, at the BLM Nevada State Office, 1340 Financial Blvd., Reno, Nevada.

**SUPPLEMENTARY INFORMATION:** FLREA directs the Secretaries of the Interior and Agriculture to establish Recreation Resource Advisory Committees to provide advice and recommendations on recreation fees and fee areas in each State or region for Federal recreational lands and waters managed by the BLM or Forest Service. Nevada's recreation subcommittee includes members of the three existing BLM RACs and has responsibilities pertaining to both BLM and Forest Service managed Federal lands and waters according to a national interagency agreement between the Forest Service and BLM. This subcommittee will recommend new amenity fees and fee change proposals to the respective RAC(s) for each geographic region.

All meetings are open to the public. A final agenda will be available at <http://www.blm.gov/nv/st/en.html>. A news release will be sent to local and regional media at least 14 days before the meeting. Individuals who need special assistance such as sign language interpretation or other reasonable accommodations, or who wish a hard copy of each agenda, should contact Barbara Keleher no later than 10 days prior to the meeting.

Dated: September 18, 2008.

**Ron Wenker,**  
*BLM, Nevada State Director.*

Dated: September 18, 2008.

**Ed Monnig,**  
*USFS, Supervisor, Humboldt-Toiyabe National Forest.*

[FR Doc. E8-23112 Filed 9-30-08; 8:45 am]  
BILLING CODE 4310-HC-P

**DEPARTMENT OF AGRICULTURE**

**Natural Resources Conservation Service**

**New Creek Site 14 Rehabilitation Project, New Creek—Whites Run Subwatershed of the Potomac River Watershed, Grant County, WV**

**AGENCY:** Natural Resources Conservation Service.

**ACTION:** Notice of a Finding of No Significant Impact.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Natural Resources Conservation Service Regulations (7 CFR Part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the New Creek Site 14 Rehabilitation Project of the New Creek—Whites Run Subwatershed of the Potomac River Watershed, Grant County, West Virginia.

**FOR FURTHER INFORMATION CONTACT:** Kevin Wickey, State Conservationist, Natural Resources Conservation Service, 75 High Street, Room 301, Morgantown, WV 26505, Phone: 304-284-7540.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Kevin Wickey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purposes are to rehabilitate Site 14 to bring the site into compliance with current Natural Resources Conservation Service design criteria and performance standards. The planned works of improvement include: Raising the effective top of dam to prevent overtopping during the probable maximum precipitation (PMP) event; Installation of a new intake riser; Lining the principal spillway pipe; Installing

USDA 2009. Amended Notice of Intent to Prepare an Environmental Impact Statement for the Biomass Crop Assistance Program. Federal Register, Vol. 74, No. 91, page 22510. USDA, Commodity Credit Corporation: Washington, D.C.

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whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of burden of the proposed collection of information, including the validity of methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate, automated, electronic, mechanical or other technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**Summary of 2004 Comments**

A previous notice requesting comments on this information collection request was published in the **Federal Register** on June 23, 2004 (69 FR 34990–34991). The 60-day comment period for the notice closed on August 23, 2004; 6 comments were received. The scope of the request for information collection approval has been narrowed to initially focus on information collected by the three service center agencies, the Farm Service Agency (FSA), the National Resources Conservation Service (NRCS), and Rural Development (RD). None of the comments addressed any issues related to information collection by FSA, NRCS, or RD.

Signed at Washington, DC on May 7, 2009.  
**Joe Leonard, Jr.**,  
*Assistant Secretary for Civil Rights.*  
 [FR Doc. E9–11109 Filed 5–12–09; 8:45 am]  
 BILLING CODE 3410–98–P

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**Amended Notice of Intent To Prepare an Environmental Impact Statement for the Biomass Crop Assistance Program**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Commodity Credit Corporation (CCC) intends to prepare an Environmental Impact Statement (EIS) for the Biomass Crop Assistance Program (BCAP). BCAP is a new program authorized by the Food,

Conservation, and Energy Act of 2008 (the 2008 Farm Bill). The EIS will assess the potential environmental impacts of alternatives for administration and implementation of BCAP. Through this notice and public meetings, CCC is requesting the public to provide comments and inputs on the preliminary proposed program alternatives and environmental concerns associated with the implementation of BCAP.

**DATES:** See the **SUPPLEMENTARY INFORMATION** section for dates of the six public meetings.

**Comments:** We will consider comments that we receive by June 12, 2009. We will consider comments submitted after that date, to the extent possible.

**ADDRESSES:** We invite you to submit comments and to participate in public meetings on the proposed alternatives related to BCAP. If you e-mail, fax, or mail your comments, include the volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- Go through the established public comments Web site located at <http://public.geo-marine.com>.
- *E-Mail:* [bcapcis@geo-marine.com](mailto:bcapcis@geo-marine.com).
- *Fax:* (757) 873–3703.
- *Mail:* BCAP EIS c/o Geo-Marine, Inc., 2713 Magruder Boulevard, Suite D, Hampton, Virginia 23666.
- *Hand Delivery or Courier:* Deliver comments to the above address.
- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Comments may be inspected in the Office of the Director, CEPD, FSA, USDA, 1400 Independence Ave., SW., Room 4709 South Building, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

See the **SUPPLEMENTARY INFORMATION** section for addresses for the six public meetings.

**FOR FURTHER INFORMATION CONTACT:** Matthew T. Ponish, FSA National Environmental Compliance Manager at (202) 720–6853 or [matthew.ponish@wdc.usda.gov](mailto:matthew.ponish@wdc.usda.gov). Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

**SUPPLEMENTARY INFORMATION:** BCAP is authorized by Title IX of the 2008 Farm Bill (Pub. L. 110–246). The 2008 Farm Bill amends Title IX of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171); specifically, for BCAP, the 2008 Farm Bill adds section 9011 (7 U.S.C. 8111) to Title IX. BCAP is intended to support the establishment and production of crops for conversion to bio-energy in project areas (locations) and to assist with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

As a new energy program, BCAP presents an opportunity to encourage landowners and operators to produce biomass for commercial energy production in ways that both are economically and environmentally sound. CCC plans to implement BCAP by approving the best-qualifying project proposals from project sponsors (producers or facilities) and then entering into contracts with individual producers in the approved project locations. BCAP is a CCC program administered by the Farm Service Agency (FSA) with the support of other Federal and local agencies.

Under the National Environmental Policy Act (NEPA), the EIS process provides a means for the public to provide input on program implementation alternatives and on environmental concerns. This notice informs the public of CCC's intention to prepare an EIS for BCAP. CCC initially solicited public input and comments on the proposed EIS for BCAP from the notice published in the **Federal Register** on October 1, 2008 (72 FR 5704–57047).

When we received comments and inputs from the public and through internal agency scoping, CCC developed the following alternatives for the BCAP analysis to be considered as part of the regulatory requirements under NEPA process:

(1) *No Action Alternative*—addresses the potential effects from not implementing BCAP.

(2) *Action Alternative 1*—addresses a targeted implementation of BCAP to specific areas or regions of the United States.

(3) *Action Alternative 2*—addresses a broad national implementation of BCAP.

The public meetings will be scoping meetings and will provide public input for the development of the alternatives.

| Date                | Time                                 | Location information   |
|---------------------|--------------------------------------|--|
| May 28, 2009 .....  | 6:30 p.m. to 8:30 p.m. local time .. | Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, Washington 98501, Ph: 360-252-0972, Fax: 360-753-9651.       |
| June 2, 2009 .....  | 6:30 p.m. to 8:30 p.m. local time .. | Hilton Garden Inn, 9000 Interstate 40 West, Amarillo, Texas 79124, Ph: 806-355-4400, Fax: 806-355-4411.          |
| June 4, 2009 .....  | 6:30 p.m. to 8:30 p.m. local time .. | Alexander Fulton Hotel & Convention Center, 701 4th Street, Alexandria, Louisiana 71301, Ph 318-442-9000.        |
| June 8, 2009 .....  | 6:30 p.m. to 8:30 p.m. local time .. | Renaissance Savery Hotel, 401 Locust Street, Des Moines, Iowa 50309, Ph: 515-365-7232, Fax: 515-244-1228.        |
| June 10, 2009 ..... | 6:30 p.m. to 8:30 p.m. local time .. | Hilton Garden Inn, 101 S. Front Street, Albany, Georgia 31701, Phone: 229-518-5003, Fax: 229-878-4862.           |
| June 11, 2009 ..... | 6:30 p.m. to 8:30 p.m. local time .. | Hilton Garden Inn Syracuse, 6004 Fair Lakes Road, Syracuse, New York 13057, Ph: 315-431-4800, Fax: 315-431-4999. |

Signed in Washington, DC on May 7, 2009.  
**Doug Caruso,**  
*Executive Vice President, Commodity Credit Corporation.*  
 [FR Doc. E9-11094 Filed 5-12-09; 8:45 am]  
**BILLING CODE 3410-05-P**

**DEPARTMENT OF AGRICULTURE**

**Forest Service**

**Cibola National Forest, Mount Taylor Ranger District, NM, La Jara Mesa Mine**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to prepare an environmental impact statement.

**SUMMARY:** Laramide Resources (USA) Inc. has submitted a Plan of Operations (the Plan) proposing to develop and conduct underground uranium mining operations on their mining claims on La Jara Mesa on the Mount Taylor Ranger District of the Cibola National Forest. La Jara Mesa is located approximately 10 miles northeast of the town of Grants in Cibola County, New Mexico. The mine portal facilities would be located on claims controlled by the applicant on national forest lands at the base of the La Jara Mesa at an elevation of 7,300 feet in the NE¼, Section 15, T12N, R9W, NMPM. The mineralized zones that would be accessed from the portal are located in portions of Sections 1, 2, 11, 12, 13, and 14, T12N, R9W, NMPM. The escape shaft would be located on Forest Service administered lands on top of La Jara Mesa in Section 11, T12N, R9W, NMPM. The Cibola National Forest will prepare an environmental impact statement to assess the development of a uranium exploration and mining operation on the Mount Taylor Ranger District.

**DATES:** Comments concerning the scope of the analysis must be received by 30 days after the publication of the NOI. Public scoping open houses will be held during the scoping period in Grants and Gallup New Mexico. The schedule for the open houses is as follows:

Wednesday, May 20, 2009 in Grants, New Mexico, from 6 p.m. to 9 p.m. at the Cibola County Convention Center and Thursday, May 21, 2009 in Gallup, New Mexico from 6 p.m. to 9 p.m. at the Gallup Community Service Center. Times and locations of these meetings will be announced by public notice and will be available on the Cibola National Forest Web site. The draft environmental impact statement is expected before the end of 2009 and the final environmental impact statement and Record of Decision (ROD) is expected in spring/summer, 2010.

**ADDRESSES:** Send written comments to Rodney Byers, Minerals Program Manager, Cibola National Forest, 2113 Osuna Road, NE., Albuquerque, NM 87113.

**FOR FURTHER INFORMATION CONTACT:** For further information, mail correspondence to Rodney Byers, Minerals Program Manager, Cibola National Forest, 2113 Osuna Road, NE., Albuquerque, NM 87113.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

**Purpose and Need for Action**

Laramide Resources (USA), Inc. has submitted a Plan of Operations for development of a uranium mine at the La Jara Mesa property. The purpose of the EIS is to evaluate the environmental impacts of the proposed Plan of Operations and determine whether to approve the Plan as proposed or to require additional mitigation measures to protect the environment (in accordance with Forest Service regulations for locatable minerals).

The need for action is to allow Laramide Resources (USA), Inc. to exercise their rights under U.S. mining laws. Laramide Resources (USA), Inc. has a right to develop and remove the mineral resources as set forth by the

General Mining Law of 1872 as amended. These laws provide that the public has a statutory right to conduct prospecting, exploration, development and production activities (1872 Mining Law and 1897 Organic Act), provided they are reasonably incident (1955 Multiple Use Mining Act and case law) to mining and comply with other Federal laws.

The Forest Service has the responsibility to protect surface resources. Mining regulations state that "operations shall be conducted so as, where feasible, to minimize adverse environmental effects on National Forest System surface resources (36 CFR 228.8)" provided such regulation does not endanger or materially interfere with prospecting, mining, or processing operations or reasonably incidental uses (1955 Multiple Use Mining Act and case law).

Laramide Resources (USA), Inc.'s need is to provide uranium ore for processing to meet national and international market demands for uranium on the open market. Such demand is created by a current need for uranium for nuclear power plant fuel to generate electricity or for commercial and other uses. The Forest Service has concluded that the underlying need for this mining activity is to provide uranium for U.S. and world markets.

**Proposed Action**

The proposed action is an underground uranium mine consisting of a 15-16 acre footprint on the surface which will be comprised of waste rock, temporary ore storage, a new water line and electrical transmission line following the existing private and Forest roads to the site. The mine will include two audit portals and, after active mining is initiated, a vertical escape shaft to the top of the mesa to provide air circulation and an escape route in the event of an accident. The shaft opening and supporting power and equipment will lie inside a fenced area of approximately 0.1 acre. Additional

USDA 2009. Notice of Funds Availability (NOFA) for the Collection, Harvest, Storage, and Transportation of Eligible Material. Federal Register, Vol. 74, No. 111, page 27767. USDA, Commodity Credit Corporation: Washington, D.C.

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## Notices

Federal Register

Vol. 74, No. 111

Thursday, June 11, 2009

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Commodity Credit Corporation

RIN 0560-AH92

#### Notice of Funds Availability (NOFA) for the Collection, Harvest, Storage, and Transportation of Eligible Material

**AGENCY:** Commodity Credit Corporation and Farm Service Agency, USDA.

**ACTION:** Notice.

**SUMMARY:** This NOFA announces that funds are being made available beginning in 2009 for certain provisions of the Biomass Crop Assistance Program (BCAP) established by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), in order to provide matching payments to certain persons or entities for the collection, harvest, storage, and transportation (CHST) of eligible material delivered to qualified biomass conversion facilities.

**DATES:** We will consider comments on the information collection that we receive by August 10, 2009.

**ADDRESSES:** We invite you to submit comments on the NOFA and the related information collection that is described in the Paperwork Reduction Act section. In your comment, include the date, volume, and page number of this issue of the *Federal Register*. All comments will become a matter of public record.

You may submit comments by any of the following methods:

- **Mail:** Farm Service Agency (FSA), USDA, ATTN: Mike Linsinbigler, Acting Director, Conservation and Environmental Programs Division, STOP 0513, 1400 Independence Ave., SW., Washington, DC 20250.

- **E-mail:** Send comment to: [mike.linsinbigler@wdc.usda.gov](mailto:mike.linsinbigler@wdc.usda.gov).

- **Fax:** (202) 720-4619.

For comments on the information collection, you may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory

Affairs, Office of Management and Budget, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Mike Linsinbigler, (202) 720-6221.

**SUPPLEMENTARY INFORMATION:** Section 9001 of the 2008 Farm Bill (Pub. L. 110-246) amends Title IX of the Farm Security and Rural Investment Act of 2002 by adding section 9011 to authorize BCAP. The purpose of BCAP is to assist agricultural and forest land owners and operators with the collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility and to support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas.

On May 5, 2009, the President issued a Presidential Directive to Secretary of Agriculture Tomas R. Vilsack to aggressively accelerate the investment in and production of biofuels (published in the *Federal Register* on May 7, 2009 (74 FR 21531-21532)). Secretary Vilsack also announced that he will help lead an unprecedented interagency effort to increase America's energy independence and spur rural economic development.

The Presidential directive requests that Secretary Vilsack take steps to the extent permitted by law to expedite and increase production of and investment in biofuel development efforts by, among other things, making renewable energy financing opportunities from the 2008 Farm Bill available within 30 days, which includes guidance and support for collection, harvest, storage, and transportation assistance of eligible materials for use in biomass conversion facilities.

This NOFA represents the first in a multi-step process to implement BCAP and is published to provide guidance for interested parties on CHST pursuant to the Presidential Directive. In conjunction with this NOFA, FSA will be undertaking public meetings pursuant to the notice published on May 13, 2009, for the preparation of an Environmental Impact Statement (EIS) for BCAP (74 FR 22510-22511). FSA requested public comments and is holding six public meetings throughout the nation. Comments for consideration must be received by June 12, 2009. Comments may be e-mailed to [bcapais@geo-marine.com](mailto:bcapais@geo-marine.com) or faxed to (757) 873-3703. Mail comments to:

BCAP EIS c/o Geo-Marine, Inc., 2713 Magruder Boulevard, Suite D, Hampton, Virginia 23566. CCC initially solicited comments on a proposed EIS in the *Federal Register* on October 1, 2008 (73 FR 57047-57048). FSA will be incorporating the public comments from the public meetings, other public comments previously submitted and those comments submitted in response to this NOFA into rulemaking for CHST later this year. Finally, the full EIS and all comments and lessons learned from three BCAP notices (including this NOFA) will be incorporated into the rulemaking for the entire BCAP program, which will include CHST.

#### General Discussion

This NOFA provides a general discussion of the provisions that will be used to administer payments for the collection, harvest, storage, and transportation of eligible material delivered to qualified biomass conversion facilities in advance of the rule on BCAP (including CHST). In particular it provides policies and processes for (1) providing payments for the collection, harvest, storage, and transportation of eligible material to qualified biomass conversion facilities and (2) qualifying CHST biomass conversion facilities. The CHST matching payment program as established in this NOFA will be implemented under the general direction and supervision of the Executive Vice President, CCC, and the Deputy Administrator for Farm Programs, FSA (Deputy Administrator). On an individual case basis, the Deputy Administrator may consider granting an exception to requirements of this NOFA if the exception is not inconsistent with the 2008 Farm Bill requirements or other applicable law and it will not adversely affect the CHST matching payments program. Section 9011 (d) and (f) provides authority to use such sums as necessary of CCC funds to carry out BCAP, including for CHST matching payments.

The purpose of the CHST matching payment program is to assist eligible persons or entities with the collection, harvest, storage, and transportation of eligible material delivered for use in a CHST-qualified biomass conversion facility in advance of full implementation of BCAP. Through the CHST matching payment program CCC

will provide payments at a rate of \$1 for each \$1 per dry ton paid by the CHST-qualified biomass conversion facility to the owner for delivery of eligible material to the facility in an amount not to exceed \$45 per dry ton. This program will be available to eligible material owners for a period of two years. These matching payments may be made to persons delivering eligible material to a CHST qualified biomass conversion facility who possess the right to collect or harvest eligible material and are considered the owners of the eligible material.

**Definitions**

The following definitions will be used for CHST:

*Arm's-length transaction* means a transaction between ready, willing, and able disinterested parties who are not affiliated with or related to each other and have no security, monetary, or stockholder interest in each other, with the exception that members of either (1) an association of agricultural producers or (2) farmer cooperative organizations, or (3) a farmer cooperative, may deliver and sell at market rates eligible material to such associations, organizations or cooperatives they have a monetary or stockholder interest in and such transaction may be considered arm's-length transactions.

*Bill of lading* means a document issued by a carrier to a shipper, acknowledging that specified goods have been received on board as cargo for conveyance to a named place for delivery to the consignee who is usually identified (also known as a "BOL" or "B/L").

*Biobased CHST product* means a product, determined by the Deputy Administrator to be a commercial or industrial product (other than food or feed) that is:

- (1) Composed in whole, or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials or
- (2) An intermediate ingredient or feedstock.

Biobased product does not mean commercially produced timber, lumber, wood pulp or other finished wood products.

*Biomass conversion facility* means a facility that converts or proposes to convert eligible material into:

- (1) Heat,
- (2) Power,
- (3) Biobased products, or
- (4) Advanced biofuels.

CCC stands for the Commodity Credit Corporation.

*CHST* stands for collection, harvest, storage, and transportation activities or, some combination thereof, for eligible material.

*CHST matching payments* means those CCC payments provided at a rate of \$1 for each \$1 per dry ton paid by the CHST-qualified biomass conversion facility to the owner for delivery of eligible material to the facility in an amount not to exceed \$45 per dry ton pursuant to this NOFA.

*CHST matching payment program* means the program established by this NOFA for the collection, harvest, storage, and transportation of eligible material delivered to a qualified biomass conversion facility.

*CHST qualified biomass conversion facility* means a biomass conversion facility that meets all the requirements for qualification outlined in this NOFA, for which the facility owners enters into a memorandum of understanding (MOU) for such facility qualification with the Deputy Administrator.

*Deputy administrator* refers to the FSA Deputy Administrator for Farm Programs, FSA, or a designee.

*Eligible material* is, for purposes of the CHST matching payment program, renewable biomass with the following exclusions:

- (1) Harvested grains, fiber, or other commodities eligible to receive payments under Title I of the 2008 Farm Bill;
- (2) Animal waste and animal waste-byproducts including fats, oils, greases, and manure;
- (3) Food waste and yard waste; or
- (4) Algae.

*Eligible material owner*, for purposes of the CHST matching payment program, means a person having the right to collect or harvest eligible material and that has delivered the eligible material to a CHST qualified biomass conversion facility and including:

- (1) For eligible material collected from private lands, including cropland, the owner of the land, the operator or producer conducting farming operations on the land, or any other person designated by the owner of the land and
- (2) For eligible material collected from public lands, those persons with the right to collect eligible material pursuant to a contract or permit with the Forest Service or other appropriate Federal agency, such as a timber sale contract, stewardship contract or agreement, service contract or permit, or related applicable Federal land permit or contract, and who have submitted the permit or contract authorizing such collection for reproduction by FSA.

*EPA* refers to the U.S. Environmental Protection Agency.

*Farm cooperative* means a farmer- or rancher-owned and controlled business from which benefits are derived and distributed equitably on the basis of use by each of the farmer or rancher owners.

*Farmer cooperative organization* means a cooperative organization or an entity, not chartered as a cooperative that operates as a cooperative in that it is owned and operated for the benefit of its members, including the manner in which it distributes its dividends and assets.

*Food waste* means a material composed primarily of food items, or originating from food items, or compounds from domestic, municipal, food service operations, or commercial sources, including food processing wastes, residues, or scraps.

*FSA* refers to the Farm Service Agency.

*Indian Tribe* has the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

*Institution of higher education* has the same meaning as in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

*Intermediate ingredient or feedstock* means an ingredient or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials), or forestry material that are subsequently used to make a more complex compound or product.

*Renewable biomass* is defined for purposes of the CHST matching payment program to include the following:

- (1) Materials, pre-commercial thinnings, or invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that:
  - (a) Are byproducts of preventive treatments that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health;
  - (b) Would not otherwise be used for higher-value products; and
  - (c) Are harvested in accordance with applicable law and land management plans and the requirements for old-growth maintenance, restoration, and management direction of section 102 (e)(2), (3), and (4) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512) and large-tree retention of subsection (f) or
- (2) Any organic matter that is available on a renewable or recurring

basis from non-Federal land or land belonging to an Indian or Indian Tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including: Renewable plant material (including feed grains, other agricultural commodities, other plants and trees, algae), and waste material (including crop residue, other vegetative waste material (including wood waste and wood residues), animal waste and byproducts (including fats, oils, greases, and manure), food waste, and yard waste).

*United States and Territories* means any of the 50 States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

*Yard waste* means material composed primarily of yard maintenance, cleanup materials, or debris removal items, originating from residential, municipal or commercial yards, lawns, landscaped areas, or related sites.

**The CHST Matching Payment Program**

*Eligibility Requirements*

Organic matter meets eligibility requirements to be considered renewable biomass when collected and harvested from:

- (1) The National Forest System;
- (a) Except from lands designated as components of the Wilderness Preservation System or the Wild and Scenic River System, or as a National Monument, or composed of inventoried roadless areas;
- (b) Except for biomass collection, harvesting, and transport conducted by an Eligible Material Owner who has an existing contract or grant, issued by the USDA Forest Service for the sale or removal of the material; and
- (c) Subject to all laws and regulations that apply to the Forest Service, including the Endangered Species Act and environmental analysis as required by the National Environmental Policy Act (NEPA). All required environmental analysis must be completed and approved by the responsible official. All renewable biomass collected or harvested from Federal lands must be conducted through a contract or permit;
- (2) Tribal, State, and other government locally owned land where biomass collection and harvesting is done within applicable environmental requirements, and all applicable Tribal, State or local government ordinances and permits;

(3) Cropland where biomass collection and harvesting is consistent with conservation plans required for highly erodible land under the Food Security Act of 1985, as amended;

(4) Non-industrial private forest land where biomass collection and harvesting is done in accordance with a forest stewardship plan, described in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a), another practice plan approved by the State Forester, or a Forest Stewardship Plan developed by the State Forester, in those locations where such plans are available from State foresters for non-industrial private forest land owners at no expense to CCC; or

(5) Privately owned land, other than cropland, including pastureland, rangeland, other non-cropland, or non-industrial forest land where biomass collection and harvesting is done within applicable environmental requirements, and all applicable Tribal, State or local ordinances and permits.

CHST matching payments are not authorized for:

- (1) Any eligible material delivery made before the publication of this NOFA;
- (2) Any eligible material delivery made before the initial application for CHST matching payments is received and approved by FSA-COC; or
- (3) Any scheme or device used to circumvent the provisions of this NOFA and related program requirements.

*Applying To Be an Eligible Material Owner*

A person who meets the definition of "eligible material owner" needs to apply to FSA; through the application, FSA will register the eligible material owner, make the determination that the person does meet the definition, and based on information provided in the application determine the amount of biomass for which the eligible material owner will be able to apply for CHST matching payments.

Eligible material owners may apply at the county FSA offices where their farm records are located. If farm records have not been established, the application must be filed with the county FSA office that is administratively responsible for the geographic location where the renewable biomass was harvested. (See <http://www.fsa.usda.gov/FSA/stateOffices?area=stoffice&subject=landing&topic=landing> for assistance in locating a county office).

Eligible material owners who deliver eligible material to multiple CHST qualified biomass conversion facilities must submit a separate application for

each facility for which eligible material is delivered.

Ineligible or incomplete applications will be denied. If an application is determined to be ineligible for any reason, the Agency will inform the applicant, in writing, of the reasons and provide any applicable appeal rights.

Eligible material owners must submit applications using form AD-245, page 1, to the applicable FSA county office. The request must be submitted and approved by the FSA county office before the eligible material is delivered and any payment received by the facility for the eligible material.

Applications must include the following estimates based on amounts obtained from contracts, agreements, and/or letters of intent required by this NOFA:

- (1) An estimate of the total tons of eligible material expected to be sold to a certified biomass conversion facility;
- (2) The type or types of eligible material that is expected to be sold;
- (3) The name of the CHST qualified biomass conversion facility that will purchase the eligible material;
- (4) The expected per ton price the owner plans to receive for the delivery of the eligible material; and
- (5) The date or dates the eligible material is expected to be delivered to the facility.

*Applying for CHST Matching Payments*

After delivery, eligible material owners must submit AD-245, page 2, to notify the FSA Office at the County USDA Service Center and request the CHST matching payment. CHST matching payments will be disbursed only after delivery is verified by the FSA Office at the County USDA Service Center. All CHST matching payments will be issued by direct deposit unless other arrangements are made by the FSA Office at the County USDA Service Center and eligible material owner.

To receive CHST matching payments, eligible material owners must submit an application at the county FSA office and include:

- (1) A copy of the original scale ticket (or tickets), clearly indicating the total actual tonnage delivered and signed by the manager or owner or of the CHST qualified biomass conversion facility, as well as a total dry-weight tonnage equivalent amount determined by the CHST qualified biomass conversion facility using accurate moisture measuring equipment;
- (2) A copy of each invoice or paper check, reflecting the total payment received for delivery of the eligible material; each invoice or check must also be annotated and initialed by the

manager or owners of the CHST qualified biomass conversion facility clearly indicating the per-ton payment rate the facility paid the owner for the eligible material delivery;

(3) If applicable, a copy of each bill of lading issued by any third party carrier for delivery of the eligible material to the certified biomass conversion facility;

(4) Any other additional documents or records determined necessary by the Deputy Administrator to verify eligibility for matching payment.

**CHST Matching Payment Provisions**

The CHST matching payment program will operate under the following provisions:

(1) Under the CHST matching payment program, CCC may make a payment for the delivery of eligible material to CHST qualified biomass conversion facilities to a person with the right to collect or harvest eligible material.

(2) CHST matching payments may be available only for a period of two years and will be paid at a rate of \$1 for each \$1 per ton received from the CHST qualified biomass conversion facility for the commercial sale of eligible material in an amount equal to not more than \$45 per ton. All CHST matching payments are subject to Federal claims, Federal taxes as established by the IRS, and all other Federal payment restrictions and laws.

(3) Any payment or portion thereof to any person will be made without regard to questions of title under State law and without regard to any claim or lien against the eligible material, or proceeds thereof, in favor of the owner or any other creditor except agencies of the U.S. Government. The regulations governing offsets and withholdings found in 7 CFR part 1403 will be applicable to the payments.

(4) Any participant who may be entitled to any payment under this program may assign the right to receive such payments, in whole or in part, as provided in 7 CFR part 1404.

(5) All policies and procedures used to administer the determinations and payments for the CHST matching payment program are subject to the provisions of this NOFA.

(6) CHST matching payments are available to an eligible material owner only for a 2-year duration. Only one owner will receive the CHST matching payment for any eligible material.

(7) Owners of eligible material will be allowed to request CHST matching payment for eligible material delivered to and purchased by a CHST qualified biomass conversion facility. Under the 2-year limit duration, the time period

will begin immediately after form AD-245 is first approved by the FSA county office for the CHST matching payment and will end 24 months later. No payments or other direct benefits are authorized to be paid to the CHST-qualified biomass conversion facilities under this NOFA, except when the facility owners are also an owner of eligible material and deliver and sell it to another facility under an arms-length transaction.

(8) Not more than twenty percent of the funds utilized under this Notice will be for matching payments to eligible material owners for the collection, harvest, storage and transportation of crop residue from commodities eligible to receive payments under Title I of the 2008 Farm Bill.

**CHST Qualified Biomass Conversion Facility Requirements**

To be considered a CHST qualified biomass conversion facility, the biomass conversion facility must enter into a Memorandum of Understanding with CCC and meet all these requirements as determined by CCC:

(1) The facility must meet the definition of a biomass conversion facility;

(2) The facility must meet all applicable regulatory and permitting requirements by applicable Federal, State, or local authorities;

(3) The facility owners and managers must agree in writing to:

(a) Maintain accurate records of all eligible material purchases and related documents regardless of whether CHST matching payments will be sought and

(b) Make available at one place and at all reasonable times for examination by representatives of USDA, all books, papers, records, contracts, scale tickets, settlement sheets, invoices, written price quotations, or other documents related to the program that are within the control of the facility for not less than 3 years from the application date;

(4) The facility must agree that post-qualification, general information about the facility and its eligible material will be made public by USDA and other entities;

(5) The facility must be an entirely separate legal entity from owners of eligible material who conduct purchases of eligible material from the owners for biomass acquisition using arms-length transactions;

(6) The facility must agree to clearly indicate on the scale ticket the actual tonnage delivered, have the manager or owner of the facility sign the scale ticket, and provide it to the eligible biomass owner. The facility must also agree to provide a total dry-weight

tonnage equivalent to the eligible biomass owner;

(7) The facility must have access to commercial freight scales that are certified for accuracy by applicable State or local authorities and accurate moisture measurement equipment to determine the dry ton weight equivalent of actual tonnage delivered; and

(8) When a biomass conversion facility meets these terms and enters into an MOU with CCC, FSA county offices will periodically inform the public including agricultural and forest land owners and operators that matching payments may be available for deliveries of eligible material to CHST qualified biomass conversion facilities. FSA county offices will also maintain a publicly available listing of CHST qualified biomass conversion facilities for general public access and distribution that may include general information about the facility and its eligible material needs to encourage the development of new and open markets for commercial eligible material sales transactions. This information will also be maintained on FSA's Internet site: <http://www.fsa.usda.gov/FSA/webapp?area=fsahome&subject=landing&topic=landing>.

**Appeals**

The administrative appeal regulations in 7 CFR parts 11 and 780 apply to this program.

**Administrative Procedure Act Statement**

This NOFA is being issued without advance rulemaking or public comment. The Administrative Procedure Act ("APA", 5 U.S.C. 553), has several exemptions to rulemaking requirements. Among them is an exemption for matters relating to Federal benefits, but under the provisions of the "Statement of Policy of the Secretary of Agriculture effective July 24, 1971," issued by Secretary Hardin in 1971 (36 FR 13804, the "Hardin Memorandum"), the Department will normally engage in rulemaking related to Federal benefits despite that exemption. However, the Hardin Memorandum does not waive certain other APA-contained exemptions, in particular the "good cause" exemption found at 5 U.S.C. 553(b)(3)(B), which allows effective government action without rulemaking procedures where withholding the action would be "impracticable, unnecessary, or contrary to the public interest." The Hardin memorandum specifically provides for the use of the "good cause" exemption, albeit sparingly, when a substantial basis for so doing exists, and where, as will be

described more fully below, that substantial basis is explained.

Such would be the case here, in that this NOFA provides guidance for the CHST matching payments program as part of a process that will include rulemaking later this year. Additionally, this NOFA simply makes funds available in accord with a statutory mandate. USDA has determined that making these funds available as soon as possible is in the public interest. Withholding this NOFA to provide for public notice and comment would unduly delay the provision of benefits associated with this program. Should the actual practice of the program produce reasons for program modifications, those modifications can be brought to the attention of the Department and changes made in the future rulemaking process. The CHST matching payment program provisions will be included, with potential modifications, in rulemaking later this year. Delay caused by normal rulemaking procedures under the APA would frustrate the accomplishment of the purposes of the statutory provisions and would not produce benefits for this fiscal year.

**Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1995, through this notice, FSA is requesting comments from all interested individuals and organizations on a new information collection for CHST; this notice opens a 60-day comment period for the information collection requirements in this NOFA. While this notice requests comments on the information collection activities required for CHST, in order to meet the time frames mandated by the Presidential Memorandum discussed above, FSA submitted the following information collection request to the Office of Management and Budget (OMB) under the emergency procedure in accordance with the Paperwork Reduction Act of 1995. As discussed above in the APA section, there is good cause to forgo any delay associated with the opportunity for advance public comment. After OMB approval, the approved burden hours will be incorporated into the existing approval under OMB control number 0560-0082, which includes much of the same information for other conservation programs. CHST will provide financial assistance for CHST of eligible material for use in a biomass conversion facility in accordance with the 2008 Farm Bill.

Copies of all forms, regulations, and instructions referenced in this NOFA may be obtained from FSA. Data furnished by the applicants will be used

to determine eligibility for program benefits. Furnishing the data is voluntary; however, the failure to provide data could result in program benefits being withheld or denied.

*Title:* BCAP CHST.

*OMB Control Number:* 0560-NEW.

*Type of Request:* New.

*Abstract:* This information collection is needed to comply with section 9011 (b)(2) of Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101-8113), which was added by the 2008 Farm Bill.

FSA employees will enter the application information from completed paper forms into the electronic AD-245 Application for Cost-Share form, which is currently approved under OMB control number 0560-0082 for other conservation programs. The AD-245 form will collect information about the owners of eligible material and estimated and actual biomass material sold and delivered to a qualified biomass conversion facility in order to approve applications for CHST matching payments and to calculate matching payments after sale and delivery. CHST will also use the existing AD-1047 Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions form. The AD-1047 form will help ensure that only those owners and managers of qualified biomass conversion facilities and those owners of eligible material who have not been disbarred, suspended, or otherwise made ineligible for Federal transactions are not qualified or determined eligible for BCAP. The AD-1047 will require the owners to certify that they are in compliance and not subject to disbarment or suspension. The information collection activities for CHST will include the following:

- (1) Applicants will request to be qualified as a CHST-qualified biomass conversion facility and
- (2) Applicants will register as an eligible material owner and then, after delivery of eligible material, request CHST matching payments for the collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

Specific descriptions of the information requirements are discussed in this NOFA above under the application sections. Applicants will submit estimated to register as eligible material owners and actual delivery information to request CHST matching payments. If the Deputy Administrator determines that additional information is necessary from an eligible material owner, it will be related information required to determine eligibility, ensure

the ability to make proper payments, or to otherwise legally provide benefits to an eligible material owner.

*Estimate of Burden:* Public reporting burden for the collection of information is estimated to average half an hour per response for applicants requesting (1) qualification as a CHST-qualified biomass conversion facility and (2) CHST matching payments for collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility. The estimate is based on estimated completion of applicable sections of a memorandum of understanding, preparation of an AD-1047, and attaching required copies of permits and related certifications. The average travel time, which is included in the total burden, is estimated to be 1 hour per respondent.

*Respondents:* Individuals, Indian Tribes, units of State or local government, partnerships, corporations, farm cooperatives, farmer cooperative organizations, associations of agricultural producers, national laboratories, institutions of higher education, rural electric cooperatives, public power entities, consortia of any of these entities, and any other legal entities.

*Estimated Number of Respondents:* 5,600.

*Estimated Number of Responses per Respondent:* 4.

*Estimated Total Annual Burden on Respondents:* 42,000.

We are requesting comments on all aspects of the information collection to help us to:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Other Provisions**

The CHST matching payments will be subject to environmental compliance including NEPA compliance for all eligible material removed from Federal lands pursuant to existing Forest Service procedures, Forest Stewardship

Plans for eligible material collected and harvested from private forest land, and Conservation plans and conservation compliance for eligible material collected or harvested from cropland.

Additionally, those lessons learned through operation of the CHST matching payment program will be combined with all comments, analysis, and other information and will be applied in rulemaking later this year.

**Scheme or device:** If it is determined by CCC that a person has employed a scheme or device to defeat the purposes of this program, any part of any program payment otherwise due or paid such person during the applicable period may be required to be refunded with interest as determined appropriate by CCC. Any eligibility determination of a biomass conversion facility that was based, in whole or part, on a scheme or device will be rescinded. A scheme or device includes, but is not limited to, coercion, fraud, misrepresentation, depriving any other person of a payment, or obtaining a payment that otherwise would not be payable.

**Filing of false documents:** If it is determined by CCC that any participant has knowingly supplied false information or has knowingly filed a false claim for payment or facility certification, such participant will be ineligible for payments or certification with respect to BCAP and a refund of all prior payments issued under BCAP, including CHST, may be demanded. False information or false claims include, but are not limited to: Claims for payment for eligible material delivery that are filed with incorrect factual information or do not match actual eligible material deliveries and claims for certification intentionally filed with incorrect information or with false or otherwise inaccurate information. Any amounts paid under these circumstances must be refunded, together with interest as determined by CCC, and any amounts otherwise due such participant will be withheld. The remedies provided for in this NOFA are in addition to any and all other remedies, criminal or civil that may apply.

**Federal Assistance Programs**

The title and number of the Federal assistance program in the Catalog of Federal Domestic Assistance to which this NOFA applies is 10.087—Biomass Crop Assistance Program.

Signed in Washington, DC, on June 8, 2009.

**Douglas J. Caruso,**  
*Executive Vice President, Commodity Credit Corporation.*  
[FR Doc. E9-13724 Filed 6-8-09; 4:15 pm]  
BILLING CODE 3410-05-P

**DEPARTMENT OF AGRICULTURE**

**Forest Service**

**Oregon Coast Provincial Advisory Committee**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Oregon Coast Province Advisory Committee will meet at the Grand Ronde Tribal Office. The agenda includes: Stimulus Project Update, Secure Rural Schools Update, Travel Management Update, Spotted Owl Plan Update, Round Robin, WOPR Update and Public Comments.

**DATES:** The meeting will be held June 18, 2009, beginning at 9:30 a.m.

**ADDRESSES:** Adult Educational Building, 9615 Grand Ronde Road, Grand Ronde, OR 07347. Google Map will put you in the correct parking lot.

**FOR FURTHER INFORMATION CONTACT:** Joni Quarnstrom, Public Affairs Specialist, Siuslaw National Forest, 541-750-7075, or write to Siuslaw National Forest Supervisor, 4077 SW. Research Way, Corvallis, OR 97339.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Council Discussion is limited to Forest Service/BLM staff and Council Members. Lunch will be on your own. A public input session will be at 2:45 p.m. for fifteen minutes. The meeting is expected to adjourn around 3 p.m.

Dated: June 3, 2009.

**Joni Quarnstrom,**  
*Public Affairs Specialist.*  
[FR Doc. E9-13583 Filed 6-10-09; 8:45 am]  
BILLING CODE M

**DEPARTMENT OF COMMERCE**

**Submission for OMB Review; Comment Request**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** National Oceanic and Atmospheric Administration (NOAA).

**Title:** Designation of Fishery Management Council Members and Application for Reinstatement of State Authority.

**OMB Control Number:** 0648-0314.  
**Form Number(s):** None.  
**Type of Request:** Regular submission.  
**Burden Hours:** 4,607.  
**Number of Respondents:** 146.  
**Average Hours per Response:** 58

hours average for a nomination package for one to three candidates; 16 hours for a nominee to provide background documentation, and 1 hour for application of State authority over a fishery.

**Needs and Uses:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended in 1996, provides for members of Fishery Management Councils by State governors and Indian treaty tribes, for the designation of a principal state fishery official for the purposes of the Act, and for a request by a state for reinstatement of state authority over a managed fishery. The information submitted with these actions will be used to ensure that the requirements of the Act are being met.

**Affected Public:** Individuals or households; State, Local or Tribal Government.

**Frequency:** Annually and on occasion.  
**Respondent's Obligation:** Mandatory.  
**OMB Desk Officer:** David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395-7285, or [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov).

Dated: June 8, 2009.

**Gwellnar Banks,**  
*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E9-13700 Filed 6-10-09; 8:45 am]  
BILLING CODE 3510-22-P

**DEPARTMENT OF COMMERCE**

**Submission for OMB Review; Comment Request**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the

USDA FSA 2009. Notice BCAP-2: Implementing the Biomass Crop Assistance Program's (BCAP's) Collection, Harvest, Storage, and Transportation (CHST) Matching Payment Program. USDA, Farm Service Agency: Washington, D.C.

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**UNITED STATES DEPARTMENT OF AGRICULTURE**  
 Farm Service Agency  
 Washington, DC 20250

**Notice BCAP-2**

**For:** State and County Offices

**Implementing the Biomass Crop Assistance Program’s (BCAP’s)  
 Collection, Harvest, Storage, and Transportation (CHST) Matching Payment Program**

**Approved by:** Acting Deputy Administrator, Farm Program



**1 Overview**

**A Background**

BCAP was authorized by Title IX of the Farm Security and Rural Investment Act of 2002, as amended by Title IX of the Food, Conservation, and Energy of 2008 (2008 Act). BCAP:

- assists agricultural and forest land owners and operators with CHST of eligible material for use in CHST-qualified Biomass Conversion Facilities (BCF’s)
- supports establishing and producing eligible crops for the conversion to bioenergy through project areas and through contracts on land of up to 5 years for annual/perennial crops or up to 15 years for woody biomass crops.

On May 5, 2009, the President directed USDA to aggressively accelerate investing in and producing biofuels which included a directive that the Secretary take steps to the extent permitted by law to expedite and increase producing and investing in biofuel development efforts. The biofuel development efforts include issuing guidance and support for CHST assistance for eligible materials for use in BCF’s.

The Notice of Funds Availability (NOFA) for BCAP’s CHST payments was published in Federal Register (FR) on June 11, 2009, and is available on FSA’s BCAP web site at <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=ener&topic=bcap>.

**B Purpose**

This notice provides policies and procedures to implement BCAP’s CHST Matching Payment Program.

|                      |   |
|----------------------|---|
| <b>Disposal Date</b> | <b>Distribution</b>   |
| June 1, 2010         | State Offices; State Offices relay to County Offices, State Forestry Agencies, State NRCS Offices, and State RD Renewable Energy Coordinators |

7-12-09

**Page 1**

**Notice BCAP-2**

**2 BCAP and CHST Matching Payment Program Overview**

**A BCAP Summary**

BCAP is:

- administered by FSA on behalf of CCC
- comprised of the following 2 components:
  - BCAP's CHST Matching Payment Program
  - BCAP's Project Areas Program.

**Note:** Future Federal Register publications and FSA directives will be published to support the BCAP's Project Areas Program.

**B CHST Matching Payment Program Overview**

The CHST Matching Payment Program will provide eligible material owners matching payments for the sale and delivery of eligible material to a CHST-qualified BCF. These payments will be available to eligible material owners at the rate of \$1 for each \$1 per dry ton paid by the CHST-qualified BCF to the eligible material owners, limited to a maximum of \$45 per dry ton and limited to a 2-year payment duration.

**Note:** One ton equals 2,000 lbs. The dry ton equivalent is the weight of the actual biomass with zero percent moisture. For example, 45.3 actual tons of biomass with an 11.6 percent total moisture content has a dry ton equivalent of 40.0 tons  $((45.3 \text{ actual tons} \times (1 - .116)) = 40.045 \text{ dry tons})$ .

Under the CHST Matching Payment Program, payments are available for eligible material owners with renewable biomass obtained from a variety of sources, including crop residues. However, not more than 20 percent of the total program payments to eligible material owners will be available for crop residues from those commodities that are also eligible to receive payments under Title I of the 2008 Act.

**Notes:** See 8-LP, paragraph 126 and 7-CN for Title I commodities that are ineligible for the CHST Matching Payment Program.

There are no other limits.

Under the CHST Matching Payment Program, no payments or other direct monetary benefits are available for BCF's except as provided by subparagraph 3 B.

**Notice BCAP-2**

**2 BCAP and CHST Matching Payment Program Overview (Continued)**

**C FSA's BCAP Web Site**

The following general CHST Matching Payment Program information will be available through FSA's BCAP web site at

**[www.fsa.usda.gov/FSA/webapp?area=home&subject=ener&topic=bcap](http://www.fsa.usda.gov/FSA/webapp?area=home&subject=ener&topic=bcap):**

- summary of the 2008 Act's BCAP statutory provisions in bullet format
- BCAP Federal Register documents and BCAP notices
- current BCAP CHST Eligible and Ineligible Materials List
- downloadable BCF Memorandum of Understanding (MOU) template and attachments
- AD-1047
- national list of CHST-qualified BCF's
- press releases, fact sheets, etc.
- related BCAP documents
- summary of enrollment statistics when available.

**D Eligible Material Requirements**

The following rules apply to eligible material for CHST matching payments, as verified by the FSA County Committee (COC) or designees.

- The eligible material must be listed as eligible on the official BCAP CHST Eligible and Ineligible Materials List. The current BCAP CHST Eligible and Ineligible Materials List will be maintained on FSA's BCAP web site. Only materials listed as eligible material are eligible for payment.
- Any material which is sold or delivered:
  - to any facility that is **not** a CHST-qualified BCF, is ineligible for payment
  - before the eligible material owner applies for payments and is approved for payment using AD-245, page 1, by COC, is ineligible for payment.
- Eligible material must be harvested or collected from sites in the U.S. or U.S. territories. Eligible material not originating from the U.S. or U.S. territories, including the source material used by intermediate factories/facilities, is ineligible for CHST payment.
- Eligible material for which a payment has already been applied, approved, earned, or is subject to a scheme or device to circumvent program rules or requirements, is ineligible for CHST matching payment.

**Notice BCAP-2**

**2 BCAP and CHST Matching Payment Program Overview (Continued)**

**D Eligible Material Requirements (Continued)**

- To qualify for the CHST Matching Payment Program, eligible material must be harvested or collected according to the following:

- if removed from U.S. National forests or Bureau of Land Management (BLM) public lands, the eligible material collection and harvesting must be done according to all laws and regulations that apply to the Forest Service or BLM, including adherence with all necessary contracts or permits issued by the responsible officials

**Note:** Materials removed from other Federal lands is ineligible material and ineligible for payment.

- if removed from Tribal, State, and other local Government-owned land, the eligible material collection and harvesting activities must be done within all applicable laws, ordinances, permit requirements, and other environmental requirements of the Federal, Tribal, State, or local Government
- if removed from privately-owned land, including cropland, pastureland, rangeland, and forestland, the eligible material's collection and harvesting must be done within all applicable laws, ordinances, permit requirements, and other environmental requirements of the Federal, Tribal, State, or local Government pertaining to private land in that jurisdiction
- if removed from private cropland, the eligible material collection and harvesting activities must be done consistent with conservation plans required for highly erodible land (HEL) as determined by NRCS under Title XII of the Food Security Act of 1985, as amended
- if removed from nonindustrial private forestland, the eligible material collection and harvesting activities must be done according to a new or amended Forest Stewardship Plan (FSP), or other practice plan approved by the State forester. FSP's need to be created or amended at no expense to CCC
- if eligible material is removed from CRP contract acreage, the material must be harvested or collected under CRP's managed haying and grazing requirements according to 2-CRP, Part 13
- if removed from land enrolled under any other Federal, State, or local private lands programs, the eligible material must have been harvested or collected in full compliance with those program rules and requirements
- eligible material must be collected and harvested in compliance with Executive Order 13112, February 3, 1999 (64 FR 25).

**Notice BCAP-2**

**3 Step 1, Qualifying BCF's**

**A BCF's**

BCF's are facilities that convert eligible material into heat, power, biobased CHST products, advanced biofuels, or any combination of these. FSA will only make CHST matching payments to eligible material owners who sell and deliver eligible material to a CHST-qualified BCF.

**Note:** See the BCAP CHST Eligible and Ineligible Materials List on FSA's BCAP web site for the specific types of biomass and biobased CHST products eligible for payment.

BCF is a facility that produces either of the following:

- heat, power, advanced bio-fuels, or bio-based CHST products at the facility itself
- fuel or other CHST biobased products from eligible material, for subsequent sale or transfer to other facilities.

**B Qualifying BCF's**

To become a CHST-qualified BCF, the authorized representative of the facility must complete and submit 3 original MOU's, in addition to other related forms and documents to the State Office for signature and approval. MOU and BCF CHST-qualification will go into effect when **both** parties sign MOU.

Each facility **must** enter into a separate MOU regardless of whether 1 owner has multiple BCF's.

**Notes:** The official MOU and instructions for completion and submission, when available, will be posted on FSA's BCAP web site at [www.fsa.usda.gov/FSA/webapp?area=home&subject=ener&topic=bcap](http://www.fsa.usda.gov/FSA/webapp?area=home&subject=ener&topic=bcap).

No changes are authorized to MOU unless pre-approved by DAFP.

CHST-qualified BCF's are required to operate BCF's and conduct all eligible material purchases according to terms and conditions in MOU and related forms.

**Notice BCAP-2**

**3 Step 1, Qualifying BCF's (Continued)**

**B Qualifying BCF's (Continued)**

To be determined a CHST-qualified BCF, the:

- facility must be:
  - BCF able to produce heat, power, bio-based products, advanced biofuels, or any combination of these items from eligible material
  - have the potential to produce heat, power, bio-based products, advanced biofuels, or any combination of these items from eligible materials as determined by STC
- facility must meet or be expected to meet, as determined by STC, all applicable regulatory and permitting requirements by applicable Federal, State, or local authorities
- facility's authorized representative or representatives must agree in writing to **both** of the following:
  - maintaining accurate records of all eligible material purchases and related documents regardless of whether CHST matching payments will be sought by the eligible material owners
  - making available at 1 place and at all reasonable times for examination by representatives of USDA, all spreadsheets, books, papers, records, contracts, scale tickets, settlement sheets, invoices, written price quotations, or other documents about the program that is within the control of the facility for not less than 3 years from the eligible material purchase date
- facility shall be located in the U.S. or U.S. territories and an entirely separate legal entity from eligible material owners and conduct purchases of the eligible material from the owners using arms-length transactions

**Notes:** An arm's-length transaction is a transaction between ready, willing, and able disinterested parties who are **not** affiliated with or related to each other and have **no** security, monetary, or stockholder interest in each other, except that members of an association of agricultural producers, farmer cooperative organizations, or a farmer cooperative, may deliver and sell, at market rates, eligible material to BCF's owned by such associations, organizations, or cooperatives notwithstanding whether they have a monetary or stockholder interest in and maybe considered arm's length transactions if determined by COC or designees.

**Notice BCAP-2**

**3 Step 1, Qualifying BCF's (Continued)**

**B Qualifying BCF's (Continued)**

BCF's which own or control eligible material are:

- prohibited from selling it to a third party for subsequent resale back to the same BCF to allow the third party to qualify for CHST matching payments

**Note:** This action is considered a scheme or device to violate BCAP CHST purposes.

- allowed to sell eligible material to other CHST-qualified BCF's, if the facility representative determines the material to be unsuitable for their uses and the transaction is arm's-length

**Note:** The CHST-qualified BCF selling the eligible material then qualifies as biomass owner and is eligible for CHST matching payment, provided the payment is **not** duplicative and according to payment restrictions in subparagraph 2 D.

- facility agrees to purchase eligible material only on a dollar per dry ton weight equivalent basis and must agree to provide the eligible material owner a signed scale ticket clearly indicating the following:
  - actual total tonnage delivered
  - total dry-weight tonnage equivalent purchased written on the scale ticket
  - authorized representative's signature written on the scale ticket

**Note:** There are **no** restrictions prohibiting BCF's from using biomass from their own sources of noneligible material biomass, or purchasing/acquiring other noneligible material biomass from other sources for use along with CHST eligible material in the conversion processes.

- facility has access to commercial weight scales that are certified for accuracy by applicable State or local authorities and accurate moisture measurement equipment to determine the total dry-weight tonnage equivalent of actual total tonnage delivered
- facility agrees to the terms and conditions of MOU, AD-1047, and related documents

**Note:** AD-1047 will require the owners of applying BCF's to certify that the applying facility and its principals are in compliance with 7 CFR Part 3017 and not subject to disbarment or suspension.

- facility agrees not to discriminate against eligible material sellers based on race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status, or affiliation/non-affiliation with farmer/producer cooperatives or other business arrangements.

**Notice BCAP-2**

**3 Step 1, Qualifying BCF's (Continued)**

**B Qualifying BCF's (Continued)**

BCF must provide the following to the State Office:

- copies of all environmental, health, and safety permits and licenses with MOU, if applicable
- completed and signed 3 original MOU's, with related forms and documents.

**Note:** Provide copies of related documents as indicated in the instructional materials posting on FSA's BCAP web site.

After the facility becomes CHST-qualified, BCF shall agree to allow USDA to promote the existence of the facility and make general information about the facility, and its biomass needs, available to the public to help foster development of open markets for renewable biomass.

**C State Office Review and Qualification**

State Offices shall review submissions for qualification according to instructional materials posted on FSA's BCAP web site and in this notice.

For BCF's that submit all necessary documents and meet all the requirements for qualification, as determined by FSA, SED is authorized to sign MOU.

If there is missing, incomplete, or inaccurate data, the State Office will notify BCF of the deficiencies. Only those submissions that are complete and accurate may be approved.

The State Office shall send electronic copies of all approved MOU's and attachments in a single e-mail to the National Office according to instructional material available on FSA's BCAP web site.

**Note:** E-mails shall be sent to [cepdmail@wdc.usda.gov](mailto:cepdmail@wdc.usda.gov).

The National Office will assign an unique identification number for the CHST-qualified BCF, after electronically receiving all required information.

**Notice BCAP-2**

**3 Step 1, Qualifying BCF's (Continued)**

**C State Office Review and Qualification (Continued)**

CEPD will, within 5 workdays of electronically receiving all required materials, add the CHST-qualified BCF to the National CHST-Qualified BCF List on FSA's BCAP web site.

After a facility ID number has been assigned by the National Office, the State Office shall:

- notify the owners of CHST-qualified BCF that MOU has been approved
- record the facility ID number from the BCAP web site on all 3 original MOU's
- return 1 signed original MOU to BCF
- notify applicable State and County Offices in the CHST-qualified BCF's region and sister USDA agencies about the CHST-qualified BCF
- initiate outreach and public information activities about CHST-qualified BCF.

**D BCF Disqualifications**

CHST-qualified BCF's can be removed upon BCF request or BCF violates the terms and conditions in MOU.

BCF's that falsify receipts, scale receipts, or other eligible material transaction documents may be disqualified and possibly subject to legal action.

If BCF is suspected of being in violation, the State Office shall:

- notify BCF of the suspected violation
- allow the facility 20 calendar days to respond in writing to the suspected violation
- review the response from BCF to determine a decision about recommendation for the appropriate response
- forward the review and decision recommendation to the National Office.

The National Office may disqualify BCF's permanently, or for a period of 30 calendar days to 2 years, depending on the nature of the violation.

State and County Offices shall notify CEPD, in writing, of any CHST-qualified BCF's for which factual grounds for possible disqualification exists and include copies of all related factual information in a case file.

**Notice BCAP-2**

**3 Step 1, Qualifying BCF's (Continued)**

**E CHST-Qualified BCF County Office Outreach**

All County Offices in the general region of CHST-qualified BCF is located shall:

- maintain a public register of CHST-qualified BCF's and related facility information in the County Office
- promote and notify the general public in areas where a new BCF has been CHST-qualified and release information about BCF to encourage market development for renewable biomass sales.

**4 Step 2, Eligible Material Owners and CHST-Qualified BCF's Enter into Sales Contracts, Purchase Commitment Agreements, or Nonbinding Letters of Intent for Eligible Material Sales and Delivery**

**A Required Copies and Content**

Copies of written sales contracts, purchase commitment agreements, or nonbinding letters of intent, for eligible material delivery and sale between the eligible material owners and a CHST-qualified BCF, must be submitted to the County Office **before** application for payment on AD-245, page 1, can be approved by COC.

These sales documents must contain all the estimated items according to subparagraph 5 F, for use by the County Office when eligible material owners apply for CHST matching payments.

**5 Step 3, Eligible Material Owners Apply for CHST Matching Payments**

**A County Office Preparation Before the Start of BCAP CHST Signup and Conducting Signups**

After BCF becomes qualified by the State Office, CEPD will allocate funds to applicable County Offices in the region based on projected annual eligible material needs for BCF's.

**Notes:** The following 2 separate CHST fund codes will exist for:

- agricultural resources
- Federal woody resources, non-Federal woody resources, herbaceous resources, and industrial and other resources.

State and County Offices do **not** have the authority to transfer funds between CHST fund codes.

**Notice BCAP-2**

**5 Step 3, Eligible Material Owners Apply for CHST Matching Payments (Continued)**

**A County Office Preparation Before the Start of BCAP CHST Signup and Conducting Signups (Continued)**

County Offices:

- will receive CCC-357 and maintain automated CRES ledgers to record matching payment approvals (obligations) and payments from AD-245 data
- **must** first obtain sufficient allocations of CHST funds from the State Office and post CHST funds, according to 1-CONSV, on the CRES ledger **before** approving requests for CHST matching payments
- shall notify State Offices of pending CHST Matching Payment Program requests for which additional allocations will likely be needed to help ensure that funds are re-allocated between County Offices optimally.

After an allocation has been received, CHST signup opportunities shall be announced for eligible material owners by applicable County Offices and shall continue indefinitely on a continuous signup year-round basis, provided allocations are available.

County Offices shall provide a copy of the CHST Matching Payment Program Fact Sheet, NOFA, this notice, and other appropriate materials to all individuals who inquire about BCAP.

**B Verifying Eligible Material Ownership before Approving CHST Matching Payment Applications**

An eligible material owner is a person or entity that has the legal right to collect or harvest eligible material and has legal ownership of such eligible material for delivery and sale to a CHST-qualified BCF.

COC or designees shall verify eligible material ownership on private lands.

If the applicant is not the owner of the land from which the eligible material was removed, the applicant must provide a copy of a written agreement that authorizes removal of the eligible material to the County Office.

**Notice BCAP-2**

**5 Step 3, Eligible Material Owners Apply for CHST Matching Payments (Continued)**

**B Verifying Eligible Material Ownership before Approving CHST Matching Payment Applications (Continued)**

The agreement shall:

- indicate the assignment of the legal right for collection or harvest to the applicant and contain the land owner's and tenant's signatures
- be submitted to the County Office for reproduction as a part of the applicant's application for CHST matching payments.

On all public lands, the person or entity must have the right to collect or harvest the eligible material according to a contract or permit with the appropriate authority.

Federal agencies, departments, or any other Federal entities are **not** eligible owners and **not** eligible to receive CHST matching payments. However, State, county, and other local governments, and other local governmental entities may themselves qualify as eligible material owners and receive CHST matching payments if all other eligibility criteria and program requirements are met.

**Exception:** Payments may be issued to Department of Interior, Bureau of Indian Affairs on behalf of an applicable Tribe according to 1-CM.

In cases where eligible material comes from intermediate BCF's, factories, industrial plants, or other related facilities, the ownership of the eligible material can be the intermediate BCF.

**Note:** Intermediate biomass conversion facility owners are **not** eligible to receive CHST matching payment for any eligible material for which CCC previously issued a CHST payment when previously sold and delivered according to subparagraph 2 D.

**C Pre-Application Requirements for CHST Matching Payments**

Owners with authority to sell eligible material must first apply for a CHST matching payment at the County Office **before** sale or delivery of the eligible material to qualify for CHST matching payment. Owners must apply by submitting AD-245, page 1, **before** delivering and selling eligible material to CHST-qualified BCF.

**Notice BCAP-2**

**5 Step 3, Eligible Material Owners Apply for CHST Matching Payments (Continued)**

**C Pre-Application Requirements for CHST Matching Payments (Continued)**

Eligible material owners who plan to deliver eligible material to multiple CHST-qualified BCF's are required to submit separate AD-245, page 1, applications for CHST matching payment for **each** CHST-qualified BCF for which eligible material is planned to be sold and delivered.

**Note:** Eligible material owners may plan to have more than 1 contract with each CHST-qualified BCF. Eligible material owners must submit separate AD-245, page 1 applications for each contract.

Eligible material owners who plan to deliver eligible material to one CHST-qualified BCF are required to submit AD-245, page 1, applications for CHST matching payment to the County Office with administrative authority over the private land from which the eligible material is removed, or for biomass harvested or collected from public lands, the County Office, nearest the CHST-qualified BCF, which has received an allocation of CHST funds.

**Note:** County Offices that receive an application for CHST matching payments and do **not** have a CHST allocation should contact the State Office and request any needed allocation.

**D Conservation Information for Eligible Material Owner Applicants**

County Offices shall inform eligible material owner applicants that remove eligible material from private lands about the compliance requirements for private lands according to subparagraph 2 D.

**E CHST Matching Payment Eligibility**

FSA will make CHST matching payments only to eligible material owners. AD-245, page 1's for CHST matching payments shall **only** be approved by COC for a person or entity that will be able to demonstrate that the person or entity has:

- legal control of the eligible material
- sold and delivered eligible material to a CHST-qualified BCF on a per dry-weight ton basis
- **not** exceeded the 2-year limit payment duration limit, which begins on the date of the initial AD-245, page 1 approval.

**Note:** Exactly 2 full calendar years after this date, COC shall **not** approve any additional AD-245, page 1's requests for the person or entity.

**Notice BCAP-2**

**5 Step 3, Eligible Material Owners Apply for CHST Matching Payments (Continued)**

**F Application for Payment Process**

An eligible material owner must submit AD-245, page 1, according to 1-CONSV, for CHST matching payment with information that includes the following:

- estimated quantity, in total actual tons, and estimated dry-weight tonnage equivalent, of eligible material expected to be sold and delivered, per the terms of the contract, agreement, or letter of intent
- expected types of eligible material to be delivered and sold
- expected names of the CHST-qualified BCF that will purchase the eligible material

**Note:** The County Office shall verify that the expected facility is a CHST-qualified facility at the beginning of the AD-245, page 1 application process.

- contracted, or agreed upon, price per dry ton expected to be received for each type of eligible material to be sold and delivered
- dates the eligible material is expected to be delivered to the facility
- expected eligible material delivery locations of the CHST-qualified BCF
- expected locations from which of the eligible material is to be harvested or collected.

**Notes:** CHST-qualified BCF's may designate acceptable delivery locations.

The County Office shall verify the expected eligible material point of origin (practice location) is CHST-eligible before AD-245, page 1 approval.

After COC or designee approves AD-245, page 1, the applicants must be provided a written copy of the signed AD-245.

Ineligible or incomplete AD-245, page 1 applications shall **not** be approved.

If an application is determined to be ineligible for any reason, the County Office shall provide the applicant with written notification that outlines the reasons for denial and communicates to the applicant the applicable appeal rights.

**Notice BCAP-2**

**6 Step 4, Eligible Material Owners With Approved Applications Submit Payment Requests After Selling and Delivering Eligible Material to CHST-Qualified BCF's**

**A CHST Matching Payment General Provisions**

After eligible material sales and deliveries under arms-length sale transactions, owners **must** submit AD-245, page 2 to notify the County Office and request CHST matching payment for approval by COC.

CHST matching payments shall be disbursed only **after** all required documents are submitted to the County Office.

**Note:** For any individual AD-245, page 2, that exceeds \$50,000, **before** payment approval, the County Office shall verify actual delivery and sale of the eligible material with an on-site inspection to verify actual biomass delivery and to review the CHST-qualified BCF's Eligible Material Purchase List for accurate record consistency.

**Before** payment approval, COC **must** determine that the eligible material was sold and delivered under all CHST Matching Payment Program requirements including the "arm's-length transaction" requirement in subparagraph 3 B.

**B Qualifying for CHST Matching Payments**

To receive CHST matching payments, eligible material owners must submit a "Request for Payment" using AD-245, page 2, to the County Office where the application was originally made and include the following.

- Copy of the original scale ticket or tickets, clearly indicating the total actual tonnage or actual pounds (lbs.), of eligible material sold, delivered, and signed by the authorized representatives of the CHST-qualified BCF, as well as a total dry-weight tonnage equivalent amount determined by the CHST-qualified BCF using accurate moisture measuring equipment.
- Copy of each invoice, paper check, or receipt, reflecting the total payment received for delivery of the eligible material; each invoice or check must also be annotated and initialed by the authorized representatives of the CHST-qualified BCF in pen and ink clearly indicating the per-dry ton payment rate the facility paid the owner for the eligible material delivery.

**Note:** The annotation for the invoice, paper check, or receipt shall contain the following:

- CHST-qualified BCF facility identification number and name
- names of the CHST-qualified BCF authorized representatives that purchased and received the eligible materials
- date of the actual delivery

**Notice BCAP-2**

**6 Step 4, Eligible Material Owners With Approved Applications Submit Payment Requests After Selling and Delivering Eligible Material to CHST-Qualified BCF's (Continued)**

**B Qualifying for CHST Matching Payments (Continued)**

- eligible material type by common use name
  - net weight recorded in total tons and the dry-ton (2,000 lb. ton basis) equivalent
  - payment total or price for each purchase
  - price per dry ton paid
  - person or entity that delivered the eligible material
  - eligible material owners name at the time of delivery.
- If applicable, a copy of each bill of lading issued by any third party carrier for delivery of the eligible material to the CHST-qualified BCF.
  - Points of origin (practice location) of the eligible material.  
**Note:** Points of origin (practice locations) are the physical locations of the land/sites, or intermediate facilities.
  - For eligible material harvested or collected from nonindustrial private forest land in locations for which State forestry agencies shall prepare FSP's according to subparagraph 2 D.
  - For eligible material harvested or collected from National Forest Systems, BLM lands, State, or locally-owned land copies of harvesting or collecting permits or agreements.

**C CHST Matching Payment Policies**

CHST matching payments:

- have no "per person" payment limits
- have no "AGI" payment eligibility requirements
- may be divided between landlords and tenants
- may be assigned to third parties, excluding the applicable CHST-qualified BCF's, if requested by the participant
- are subject to Federal claims and other valid set-offs, and Prompt Payment Act provisions
- are to be issued by direct deposit using the System 36/AS-400.

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**Notice BCAP-2**

**6 Step 4, Eligible Material Owners With Approved Applications Submit Payment Requests After Selling and Delivering Eligible Material to CHST-Qualified BCF's (Continued)**

**D County Offices CHST Matching Approval Requirements**

Before approving or issuing CHST matching payments, COC shall verify the following:

- authenticity of the receipts and other documents
- any individual payment request which exceeds \$50,000, actual delivery and sale of the eligible material with an on-site inspection, and, at-facility, review the CHST-qualified BCF's Eligible Material Purchase List.

**E Handling Payments and Performance Data**

COC shall:

- review the data and determine that participants have submitted all necessary documents
- approve the payment on AD-245, page 2, and certify practice performance on AD-862.

County Offices shall record performance data on AD-862, including the following:

- CHST-qualified BCF identity number which purchased the eligible material
- when requested by owners, calculate and disburse CHST payments in CRES using multiple partial payments for a single approved AD-245, page 1, when eligible material is sold and delivered to CHST-qualified BCF in incremental short tonnage units limited to those payments within FY
- calculate payments based on actual (dry weight equivalent) tonnage of eligible material delivered and sold

**Note:** In the case of the delivery of different types of eligible materials **each type's** actual tonnage (dry weight equivalent) shall be calculated and the sum of these types will be the total calculated payment.

- round the dry weight equivalent short tonnage amount for payment calculation to the nearest 1/10th of a ton according to 3-CM, paragraph 3
- calculate payments to the nearest whole dollar according to 3-CM, paragraph 3.

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**APPENDIX B:  
BCAP – CHST Eligible Materials List**

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- USDA FSA 2009. BCAP – CHST Eligible Materials List. USDA, Farm Service Agency: Washington, D.C. [http://www.fsa.usda.gov/Internet/FSA\\_File/bcap\\_elig\\_mats\\_090714.pdf](http://www.fsa.usda.gov/Internet/FSA_File/bcap_elig_mats_090714.pdf). Retrieved July 26, 2009.

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## BCAP – CHST Eligible Materials List

### BCAP –CHST Eligible Materials Definitions

Renewable biomass is defined for purposes of the CHST matching payment program to include the following:

(1) Materials, pre-commercial thinnings, or invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that:

(a) Are byproducts of preventive treatments that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health;

(b) Would not otherwise be used for higher-value products; and

(c) Are harvested in accordance with applicable law and land management plans and the requirements for old-growth maintenance, restoration, and management direction of section 102 (e)(2), (3), and (4) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512) and large-tree retention of subsection (f) or

(2) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including: Renewable plant material (including feed grains, other agricultural commodities, other plants and trees, algae), and waste material (including crop residue, other vegetative waste material (including wood waste and wood residues), animal waste and byproducts (including fats, oils, greases, and manure), food waste, and yard waste).

Eligible Material is, for purposes of the CHST matching payment program, renewable biomass with the following exclusions:

(1) Harvested grains, fiber, or other commodities eligible to receive payments under Title I of the 2008 Farm Bill;

(2) Animal waste and animal waste-byproducts including fats, oils, greases, and manure;

(3) Food waste and yard waste; or

(4) Algae.

Biobased CHST product means a product, determined by the Deputy Administrator to be a commercial or industrial product (other than food or feed) that is:

(1) Composed in whole, or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials or

(2) An intermediate ingredient or feedstock.

Biobased product does not mean commercially produced timber, lumber, wood pulp or other finished wood products.

Food waste means a material composed primarily of food items, or originating from food items, or compounds from domestic, municipal, food service operations, or commercial sources, including food processing wastes, residues, or scraps.

Yard waste means material composed primarily of yard maintenance, cleanup materials, or debris removal items, originating from residential, municipal or commercial yards, lawns, landscaped areas, or related sites.



BCAP – CHST Eligible Materials List

| <b>National Forest System and BLM Lands</b>  |   |
|--|---|
| <b>Federal Woody Resources</b>   |   |
| <b>Eligible</b>  | <b>Ineligible</b>   |
| <p><u>Pre- &amp; Non-Commercially Valued Forest Materials (that WOULD NOT otherwise be used for higher-value products) including / 1:</u></p> <ul style="list-style-type: none"> <li>• Forest thinnings materials</li> <li>• Forest, harvest, and post-disaster slash (branches, tops, and disaster debris)</li> <li>• Hardwood chips</li> <li>• Softwood chips</li> <li>• Cutoffs</li> <li>• Bark</li> <li>• Tree and shrub species without timber, lumber, or wood pulp value</li> </ul> | <p><u>Commercial Forest Materials (that WOULD otherwise be used for higher-value products) including:</u></p> <ul style="list-style-type: none"> <li>• Timber</li> <li>• Lumber</li> <li>• Wood Pulp</li> <li>• Any other finished wood products such as:                             <ul style="list-style-type: none"> <li>○ Mulch</li> <li>○ Black liquor</li> <li>○ Paper products</li> </ul> </li> </ul>   |
| <p><b>Non-Federal Land</b><br/>(including land belonging to an Indian or Indian Tribe that is held in trust by the United States)</p>  |   |
| <b>Non-Federal Woody Resources</b>   |   |
| <b>Eligible</b>  | <b>Ineligible</b>   |
| <p><u>Renewable Plant Material including / 1:</u></p> <ul style="list-style-type: none"> <li>• Trees and Shrubs such as:                             <ul style="list-style-type: none"> <li>○ Forest thinnings materials</li> <li>○ Forest, harvest, and post-disaster slash (branches, tops, and disaster debris)</li> <li>○ Hardwood chips</li> <li>○ Softwood chips</li> <li>○ Cutoffs</li> <li>○ Bark</li> </ul> </li> </ul>   |   |
| <b>Agriculture Resources</b>   |   |
| <b>Eligible</b>  | <b>Ineligible</b>   |
| <p><u>Renewable Plant Material including:</u></p> <ul style="list-style-type: none"> <li>• Feed grains / 2</li> <li>• Other agricultural commodities / 2</li> </ul> <p><u>Waste Material including:</u></p> <ul style="list-style-type: none"> <li>• Crop residues / 3</li> </ul> <p>For example: corn stover, corn cobs, rice hulls, wheat straw and bagasse are eligible after the commodity crop is harvested from the plant</p> <p>Note: See endnotes at end of Table</p>              | <p>Any crop eligible to receive payments, including loans, under List 8-LP par. 126 or 7-CN (Title I of the Food, Conservation, and Energy Act of 2008), or an amendment made by that title, including, but not limited to:</p> <p><u>Grains, Kernels, Oilseeds, and other commodities such as:</u></p> <ul style="list-style-type: none"> <li>• <u>Row Crops/Small Grain Plants</u> <ul style="list-style-type: none"> <li>○ Corn</li> <li>○ Wheat</li> <li>○ Grain sorghum</li> <li>○ Barley</li> <li>○ Oats</li> <li>○ Cotton</li> <li>○ Rice</li> <li>○ Soybeans</li> </ul> </li> </ul> |

As of 7/14/2009



BCAP – CHST Eligible Materials List

| <b>Agriculture Resources (Continued)</b>   |   |
|--|---|
| <b>Eligible</b>  | <b>Ineligible</b>   |
|  | <ul style="list-style-type: none"> <li>• <u>Oilseed Plants</u> <ul style="list-style-type: none"> <li>○ Sunflower seed</li> <li>○ Rapeseed</li> <li>○ Canola</li> <li>○ Safflower</li> <li>○ Flaxseed</li> <li>○ Mustard seed</li> <li>○ Crambe</li> <li>○ Sesame seed</li> <li>○ Any other oilseed</li> </ul> </li> <li>• <u>Pulse Crops</u> <ul style="list-style-type: none"> <li>○ Dry peas</li> <li>○ Lentils</li> <li>○ Chickpeas</li> </ul> </li> <li>• <u>Other Products</u> <ul style="list-style-type: none"> <li>○ Peanuts</li> <li>○ Sugar</li> <li>○ Honey</li> <li>○ Wool</li> <li>○ Mohair</li> <li>○ Dairy products</li> </ul> </li> </ul> <p>For example: Hays and silage derived from the above Title I crops are ineligible because the commodity crop is not harvested from the plant</p> |
| <b>Herbaceous Resources</b>  |   |
| <b>Eligible</b>  | <b>Ineligible</b>   |
| <p><u>Renewable Plant Material including / 1:</u></p> <ul style="list-style-type: none"> <li>• Forbs</li> <li>• Legumes</li> <li>• Grasses</li> <li>• Vines</li> <li>• Mosses</li> </ul> |   |
| <b>Other Renewable Plant Material</b>  |   |
| <b>Eligible</b>  | <b>Ineligible</b>   |
|  | <p><u>Algae including:</u></p> <ul style="list-style-type: none"> <li>• Algal-residue or by-products</li> <li>• Algal-derived oils</li> <li>• Lichens composed, in part or whole, of algae</li> </ul>   |
|  |   |



BCAP – CHST Eligible Materials List

| <b>Waste Materials</b>   |   |
|--|---|
| <b>Eligible</b>  | <b>Ineligible</b>   |
| <p><u>Other Vegetative Waste Material including / 1:</u></p> <ul style="list-style-type: none"> <li>• Roadway maintenance cuttings</li> <li>• Non-edible food processing waste such as:                             <ul style="list-style-type: none"> <li>○ Corn cobs</li> <li>○ Corn husks</li> </ul> </li> <li>• Non-edible plant processing waste and scraps</li> <li>• Non-edible fats, oils, and greases derived from plants</li> <li>• Wood waste such as:                             <ul style="list-style-type: none"> <li>○ Orchard, vineyard, and related woody waste renewable biomass</li> </ul> </li> <li>• Wood residues such as:                             <ul style="list-style-type: none"> <li>○ Wood mill waste and scraps including:                                     <ul style="list-style-type: none"> <li>▪ Sawdust</li> </ul> </li> </ul> </li> <li>• Intermediately processed biomass derived from eligible sources such as:                             <ul style="list-style-type: none"> <li>○ Pellets</li> <li>○ Briquettes</li> <li>○ Other processed or condensed renewable biomass</li> </ul> </li> </ul> | <p><u>All Animal Waste &amp; Animal Waste Byproduct including:</u></p> <ul style="list-style-type: none"> <li>• Grease</li> <li>• Oil</li> <li>• Fats</li> <li>• Manure</li> </ul> <p><u>All Food Waste including:</u></p> <ul style="list-style-type: none"> <li>• Domestic/residential/municipal food waste</li> <li>• Other food service operations waste</li> <li>• Edible food processing waste</li> </ul> <p><u>All Yard Waste Derived from Domestic, Residential, or Municipal Sources including:</u></p> <ul style="list-style-type: none"> <li>• Municipal solid waste</li> <li>• Construction and demolition waste or salvage products</li> <li>• Leaves</li> <li>• Grass</li> <li>• Tree branches</li> </ul> |
| <p><u>/ 1</u> Renewable biomass derived from invasive or noxious species must be handled in accordance to <b>Executive Order 13112 of February 3, 1999 “Invasive Species.”</b> Hence, applicable CHST eligible materials cannot be collected, harvested, or transported during reproductive, or other, phases that may propagate their spread or establishment.</p> <p><u>/ 2</u> See ineligible agriculture resources for exclusions related any crop eligible to receive payments under Title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title.</p> <p><u>/ 3</u> Per the Notice of Funding Availability published in the Federal Register on June 11<sup>th</sup>, 2009, NOT more than twenty percent of the funds utilized under this Notice will be for matching payments to eligible material owners for the collection, harvest, storage and transportation of crop residue from commodities eligible to receive payments under Title I of the 2008 Farm Bill.</p>  |   |

As of 7/14/2009

**APPENDIX C:  
BCAP PEIS Scoping Comments**

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**Biomass Crop Assistance Program Public Comments**

| State                | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary   |
|----------------------|------------|-----------|----------|-------------|-----------------------|---|
| North Dakota         | Stephen    | Adair     | 58503    | Other       | Proposed Alternatives | <b>Ducks Unlimited</b> believes that Alternative 1 is not a viable option. BCAP is an excellent way to begin the process of rapid development of biomass-based systems, which is the future of renewable fuels and energy in the U.S.   |
| North Dakota         | Stephen    | Adair     | 58503    | Other       | Proposed Alternatives | <b>Ducks Unlimited</b> recommends an Alternative C, which combines aspects of both Alternative A and Alternative B. Alternative C would include the following: a) Established biomass conversion facilities that are supported by BCAP project areas are limited to producing energy and biofuels. b) Collection, harvest, storage, and transportation payments are limited to eligible material delivered to biomass conversion facilities included in the BCAP project area. C) No new non-agricultural lands allowed for BCAP project area crop production. D) Cropland acres enrolled in the program would not be capped. E) Advanced biofuels produced by biomass conversion facilities within BCAP project areas must meet the life-cycle greenhouse gas emissions test. F) New and existing biomass conversion facilities are allowed to be part of BCAP project areas but only newly established crops on BCAP contract acres are eligible. G) In addition to large, commercial-scale biomass conversion facilities, small and pilot biomass conversion facilities would also be eligible for BCAP project areas. H) Payments would completely replace lost potential income from non-BCAP crops. |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Proposed Alternatives | <b>National Wildlife Federation:</b> The differences between the alternatives seem arbitrary and do not have any basis in the statute. Some of the suggested items under these two alternatives are clearly contrary to the statutes, or are areas where USDA does not have discretion to act. Also, some very critical implementation factors that have enormous potential environmental consequences were not included in the notice.   |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Proposed Alternatives | <b>National Wildlife Federation:</b> Alternative A proposes to limit BCAP support to biomass produced for existing facilities and in another proposes to limit support for only new facilities and new crops. Given the Administration's clear goals to promote next generation biofuels and bioenergy, it makes little sense to limit  |

**Biomass Crop Assistance Program Public Comments**

| State                | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|----------------------|------------|-----------|----------|-------------|-----------------------|--|
|                      |            |           |          |             |                       | the program to existing facilities or to limit support to existing crops. Support should be provided to both existing and new facilities and existing and new crops. However, new crops will not need establishment or maintenance payments.   |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Proposed Alternatives | <b>National Wildlife Federation:</b> Alternative A proposes to limit BCAP support to biomass used for energy, while Alternative B proposed to allow BCAP support for all biobased products. NWF supports a middle ground between the 2 alternatives whereby the program is not used to support purely non-energy related uses, but is used to support the biomass that is used for multiple purposes that include energy.                                    |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Proposed Alternatives | <b>National Wildlife Federation:</b> Alternative B proposes to allow facilities outside of a BCAP project area to receive biomass supported by the program. Nowhere in the legislation are there provisions for allowing BCAP supported biomass to go outside the "specified boundaries" of the project area. The further biomass is transported from its production site, the more transportation-related greenhouse gas emissions associated with its use. |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Proposed Alternatives | <b>National Wildlife Federation:</b> Alternative B proposed to allow the use of new, non agricultural lands. The statute clearly states that "eligible land does not include land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008." This leaves little additional land, besides forest lands that could be considered, though NWF supports the inclusion of reclaimed mined lands.                         |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Proposed Alternatives | <b>National Wildlife Federation:</b> Alternative B proposes to allow BCAP support for biomass utilized by facilities that do not meet greenhouse gas tests for its product. It makes little sense to provide support to biomass that will not meet the RFS standard or to launch a new program that is not compatible with the goal of addressing global warming.  |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Proposed Alternatives | <b>National Wildlife Federation:</b> Nothing in the statute calls for limiting the program to large facilities, as one of the alternatives does. The program should support a range of types and sizes of biomass facilities. Instead of relying on a large amount of  |

**Biomass Crop Assistance Program Public Comments**

| State                | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|----------------------|------------|-----------|----------|-------------|-----------------------|--|
|                      |            |           |          |             |                       | biomass within a small radius of the plant, smaller scale facilities can rely on sustainable harvests from diverse ecosystems with low input and without sacrificing other ecosystem values.   |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Socio-economics       | <b>National Wildlife Federation</b> encourages an economic study to determine what type of payment structure will accomplish the objective of encouraging a wide variety of project types in all regions of the country without distorting land prices or fostering projects that clearly will never be economically viable without BCAP support.  |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Wildlife              | <b>National Wildlife Federation:</b> Conservation/forest stewardship planning is a critical issue not sufficiently addressed in the EIS. It is critically important to the long-term viability of the biomass energy/fuel industry that their practices be sustainable. The statute clearly requires a conservation or forest stewardship plan and these plans will be critical to ensuring protection of soil, water, and wildlife resources. Impacts to wildlife will largely depend on what and where biomass crops are planted or what existing habitats are harvested, and how and when the biomass crops are managed and harvested   |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Proposed Alternatives | <b>National Wildlife Federation:</b> The notice includes no mention of one of the greatest areas of program implementation with potential for environmental impacts--what types of forest lands will be eligible. NWF encourages an analysis of the soil, water, wildlife, biodiversity, and greenhouse gas emissions brought about by land use changes of forest land eligibility under the program. Projects that rely upon the conversion and clear-cutting of mature standing forests and forested wetlands for dedicated biomass crops should be ineligible for any support under the BCAP program. It should be taken into account that the ability of forests to provide biomass is highly dependent on forest type and the intensity of removals. Particular attention must be paid to soil disturbance, nutrient cycling, and provision of deadwood for wildlife habitat. |
| District of Columbia | Julie      | Sibbing   | 20004    | Other       | Other                 | <b>National Wildlife Federation:</b> The notice fails to discuss types of feedstocks to be supported, yet choices of feedstock will have great significance from an environmental perspective. NWF   |

**Biomass Crop Assistance Program Public Comments**

| State                | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary   |
|----------------------|------------|-----------|----------|-------------|-----------------------|---|
|                      |            |           |          |             |                       | believes that the program will foster the most sustainable industry if only perennial feedstocks are supported and if supported feedstocks do not require irrigation or substantial chemical inputs.  |
| Missouri             | Bill       | White     | 65102    | Other       | Vegetation            | <b>Northern Bobwhite Technical Committee</b> believes the use of non-native plants should be avoided as much as possible, and the use of invasive or potentially invasive plants must not be allowed.   |
| Missouri             | Bill       | White     | 65102    | Other       | Other                 | <b>Northern Bobwhite Technical Committee</b> believes BCAP should avoid working at cross purposes with, or otherwise negate the conservation gains of other farm bill provisions and other conservation programs with broad environmental benefits (CRP, WRP, and GRP).   |
| Missouri             | Bill       | White     | 65102    | Other       | Wildlife              | <b>Northern Bobwhite Technical Committee</b> believes that in order to limit negative impacts on fish and wildlife, especially for bobwhite quail and related grassland species that are in notable decline, BCAP must maintain diversity and ecological sustainability of native fish, wildlife, plants, and communities. Fish and wildlife should be recognized as a co-equal resource value with soil and water in terms of incorporation into the planning, management, and evaluation of biomass crops planted under the program.  |
| Missouri             | Bill       | White     | 65102    | Other       | Wildlife              | <b>Northern Bobwhite Technical Committee:</b> Fish and wildlife impacts and benefits will largely depend on what biomass crops are planted, where they are planted, and how they are managed and harvested; thus the net impact on fish and wildlife will be difficult to analyze unless the above environmental concerns are included and addressed in BCAP.   |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Proposed Alternatives | <b>Association of Fish and Wildlife Agencies:</b> The limitation of Alternative A to "only large commercial biomass facilities in the BCAP area" is baseless. The differences in the two alternatives in relation to the size of the conversion facilities are constructs of this analysis and appear to have been selected to shift support for the program from being targeted to being general. Targeted implementation of BCAP must allow small and pilot scale conversion facilities to qualify. This provision should be removed. |

**Biomass Crop Assistance Program Public Comments**

| State                | First Name | Last Name | Zip Code | Affiliation | Nature of Comment                 | Comment Summary   |
|----------------------|------------|-----------|----------|-------------|-----------------------------------|---|
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Proposed Alternatives             | <b>Association of Fish and Wildlife Agencies:</b> The limitation of cropland acres enrolled in the program being capped at 25% of the cropland acres within a given county under alternative A is a construct of this analysis and does not have a basis in statute. Full economic analysis of the impacts of higher cropland enrollments into conservation programs has not identified significant negative local economic impacts over the term of the contracts. This provision should be removed as a way to separate alternatives. |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Proposed Alternatives             | <b>Association of Fish and Wildlife Agencies:</b> Alternative B includes an allowance for new non-agricultural lands to be used for BCAP crop production. This allowance directly disregards the land eligibility definitions in the statute.   |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Proposed Alternatives             | <b>Association of Fish and Wildlife Agencies:</b> Alternative B is not within the statutes for the program and will likely have direct and long-term impacts on native fish, wildlife, plants, and insects.   |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Threatened and Endangered Species | <b>Association of Fish and Wildlife Agencies:</b> In certain locales, Alternative B could have negative impacts on threatened and endangered species that depend on native habitats (that are converted into BCAP crop production lands).   |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Proposed Alternatives             | <b>Association of Fish and Wildlife Agencies:</b> Alternative B includes allowances to expand eligibility beyond producing energy and biofuels. As part of the "Energy Title" in the 2008 Farm Bill, this program is designed to support and develop energy production.   |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Wildlife                          | <b>Association of Fish and Wildlife Agencies:</b> BCAP must maintain biodiversity and ecological sustainability of native fish, wildlife, plants, and communities. It must recognize fish and wildlife as co-equal resource values with soil and water in terms of incorporation into the planning, management, and evaluations of biomass crops planted under the program.   |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Vegetation                        | <b>Association of Fish and Wildlife Agencies:</b> The use of non-native plants should be avoided as much as possible, and the use of invasive or potentially invasive plants must not be allowed.   |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Proposed                          | <b>Association of Fish and Wildlife Agencies:</b> Avoid working at  |

**Biomass Crop Assistance Program Public Comments**

| State                | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary   |
|----------------------|------------|-----------|----------|-------------|-----------------------|---|
| Columbia             |            |           |          |             | Alternatives          | cross purposes with, or otherwise negate the conservation gains of other farm bill provisions and other conservation programs with broad environmental benefits.  |
| District of Columbia | Matt       | Hogan     | 20001    | Other       | Wildlife              | <b>Association of Fish and Wildlife Agencies:</b> Fish and wildlife impacts and benefits will largely depend on what biomass crops are planted, where they are planted, and how the biomass crops are managed and harvested; thus the net impact on fish and wildlife will be difficult to analyze unless environmental concerns are included and addressed directly in BCAP. |
| Texas                | Kyle       | Brazil    | 78363    | Other       | Wildlife              | The <b>Audubon Texas Quail and Grassland Bird Program</b> wants to ensure BCAP maintains bio diversity and ecological sustainability and treats wildlife as a co-equal resource value.  |
| Texas                | Kyle       | Brazil    | 78363    | Other       | Vegetation            | The <b>Audubon Texas Quail and Grassland Bird Program</b> opposes the use of any non-native or invasive plants in the BCAP program.   |
| Texas                | Kyle       | Brazil    | 78363    | Other       | Other                 | The <b>Audubon Texas Quail and Grassland Bird Program</b> does not want BCAP to work against the conservation gains of the farm bill and other conservation programs.   |
| Illinois             | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.:</b> The No Action Alternative is not a viable course of action, but rather a combination of Alternatives A and B is the best way to implement BCAP.   |
| Illinois             | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.</b> supports Alternative B on Section 1: BCAP should support the development of additional pilot and demonstration scale facilities, as well as the building of the first commercial scale facility.   |
| Illinois             | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.</b> supports Alternative A on Section 2: Collection, harvest, storage, and transportation payments should be tied to dedicated energy crops included in the BCAP project area. This maintains focus on the establishment and production of biomass crops for conversion and biotechnology.   |
| Illinois             | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.</b> supports the protection of federal and state owned land, native sod, conservation reserve lands, and wetlands and grasslands. However, they are already protected legislatively and do not need to be protected again.   |
| Illinois             | Frank      | Hardimon  | 61884    | Other       | Proposed              | <b>Ceres, Inc.</b> supports Alternative B for Section 4: a cap on the   |

**Biomass Crop Assistance Program Public Comments**

| State    | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary   |
|----------|------------|-----------|----------|-------------|-----------------------|---|
|          |            |           |          |             | Alternatives          | acreage that can be enrolled in the program would limit the operations of biomass conversion facilities.  |
| Illinois | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.</b> supports Alternative B for Section 5: USDA must guard against the application of greenhouse gas standards because these standards are complex, not specific, and not easily measurable.  |
| Illinois | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.</b> supports Alternative A for Section 6: Biomass acreage that are already established and have overcome the transition to dedicated energy crops for which BCAP was intended do not need the assistance of the program.   |
| Illinois | Frank      | Hardimon  | 61884    | Other       | Proposed Action       | <b>Ceres, Inc.:</b> The goal of this program should be to establish the maximum possible number of new dedicated energy crops in order to provide maximum benefit to this industry.   |
| Illinois | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.</b> recommends Alternative B on the issue of new biomass conversion facilities vs. existing facilities.  |
| Illinois | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.</b> recommends Alternative B on Section 7: Size should not be a criterion when determining which facilities qualify for BCAP project areas   |
| Illinois | Frank      | Hardimon  | 61884    | Other       | Proposed Alternatives | <b>Ceres, Inc.:</b> With regards to Section 8, a balance needs to be set between providing growers with sufficient support to transition to dedicated energy crops and while not spending too much to subsidize crops or propagation methods that would not be economical without this program. Providing a certain amount of risk mitigation is essential to encourage farmers to participate. Also, there should be a difference between annual and perennial crop payments in this area. For the establishment year for perennial crops, growers should be paid the full amount they would have received from growing a Title I crop on the same acreage; this would offset their opportunity cost of the establishment year. After the establishment year, growers of annual and perennial crops should be compensated for the difference between the amount they receive from the biorefineries and the amount they would have earned growing Title I crops during that same period. |
| Texas    | Hannah     | Lipps     | 79403    | Other       | Water                 | <b>National Sorghum Producers:</b> Forage crops use large amounts   |

**Biomass Crop Assistance Program Public Comments**

| State | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|-------|------------|-----------|----------|-------------|-----------------------|--|
|       |            |           |          |             | Quality and Quantity  | of water. Sorghum is a water-sipping crop and uses about one third less water than other forages while producing comparable tonnage. Locating a biomass conversion plant in semi-arid agricultural regions offers many benefits to the facility as excess moisture does not threaten to destroy the biomass during collection, harvest, storage, and transportation. So, a low water using cropping option is important to compliment the conversion facility and reduce negative impacts on local water supplies. |
| Texas | Hannah     | Lipps     | 79403    | Other       | Proposed Alternatives | <b>National Sorghum Producers:</b> Supports the aspect of Alternative B that encourages new plant establishment by including all cellulosic biofuels plants in BCAP. However, BCAP payments should be limited to entities that will be contributing to American energy independence. Non-biofuels products should not be supported by BCAP.  |
| Texas | Hannah     | Lipps     | 79403    | Other       | Proposed Alternatives | <b>National Sorghum Producers:</b> Supports the aspect of Alternative A that limits the payment of BCAP benefits to facilities included in the BCAP project area. However, project areas should be allowed to overlap to encourage rural business development. Also, only land currently in agricultural crops should be admissible for program payments (assumes CRP is considered land currently in agricultural crops).   |
| Texas | Hannah     | Lipps     | 79403    | Other       | Proposed Alternatives | <b>National Sorghum Producers:</b> Cropland acres in this program should not be capped to avoid limiting cellulosic biofuels development. The cellulosic biofuels industry will be directly limited by the amount of feedstocks available, so capping acreage would be counter-productive.   |
| Texas | Hannah     | Lipps     | 79403    | Other       | Proposed Alternatives | <b>National Sorghum Producers:</b> Supports the aspect of Alternative B that states that advanced biofuels produced by BCAP project area biomass conversion facilities should not have to meet the greenhouse gas test. The criteria and scoring for the GHG test is not permanently established, and waiting for them to be established could set the program implementation back by months or years.   |
| Texas | Hannah     | Lipps     | 79403    | Other       | Proposed Alternatives | <b>National Sorghum Producers:</b> Supports the aspect of Alternative B that states that existing facilities and crops should be admissible.   |

**Biomass Crop Assistance Program Public Comments**

| State                | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|----------------------|------------|-----------|----------|-------------|-----------------------|--|
| Texas                | Hannah     | Lipps     | 79403    | Other       | Proposed Alternatives | <b>National Sorghum Producers:</b> Pilot facilities should be supported by BCAP because smart investors will rarely invest in cellulosic technology if it is not proven in pilot facilities. Companies currently operating pilot cellulose plants will need feedstocks to expand their businesses and BCAP can help provide those if pilot plants are eligible.  |
| Texas                | Hannah     | Lipps     | 79403    | Other       | Proposed Alternatives | <b>National Sorghum Producers:</b> Supports a hybrid approach to "broad" and "targeted" implementation of BCAP. It is important to implement BCAP nationwide as soon as possible so feedstocks are available and the industry can begin working out how to complete the logistical aspect of production.   |
| Texas                | Hannah     | Lipps     | 79403    | Other       | Proposed Alternatives | <b>National Sorghum Producers:</b> USDA should target any BCAP payments to cover the risk a producer will incur from planting a new crop. BCAP should encourage production of biofuel feedstocks to the point that they are economically feasible and do not incur more cost than planting a Title I crop in the project area. So, reasonable risk incurred from planting a new crop should be covered, but all potential lost income should not be replaced.  |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition:</b> The overall scope of the BCAP PEIS must be guided by congressional intent for BCAP, including the statutory language and the 2008 Farm Bill Managers' Statement. Based on the Managers' Statement, the PEIS must include an assessment of perennial and annual bioenergy crops, excluding those prohibited by statute, to determine which crops have promise for commercial development over the lifetime of the 2008 Farm Bill and can also significantly increase the conservation performance of agriculture in the region in order to preserve natural resources. A prime example for perennial crops is switchgrass, while camelina is a prime example of an annual crop. This recommendation is not that BCAP be targeted exclusively to crops to be used for bioenergy production (both camelina and switchgrass can be used for other purposes). Also, the National Sustainable Agriculture Coalition is not recommending that all BCAP funding be directed to bioenergy crop production. In some regions, the development of forest-based energy feedstock may be more |

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|                      |            |           |          |             |                       | appropriate. And there may be non-fuel biomass crop feedstocks that can achieve improvement of the conservation performance of agricultural systems in a region.  |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition</b> recommends that an alternative be added that provides for BCAP implementation that allows only projects that involve mixed stands of native perennial crops of forest projects that increase the diversity of tree species in existing forests, with additional uses for crop such as rotational grazing. In many regions of the U.S., mixed native perennial stands may well provide both high economic performance and high environmental performance as biomass feedstocks for energy production. Research shows that 16 native prairie species on average yielded 238 percent more biomass than land planted to a single species. This greater diversity increased carbon sequestration, provided more stable annual yields, and significantly reduced the need for pesticides, herbicides, and fertilizer applications. Some economic return from the prairie may be available within 3 years of planting, and multiple uses of prairies could be managed to make them more hospitable for prairie wildlife. A priority for BCAP project that convert marginal land in row crops to native perennial systems may provide significant amounts of biomass with relatively low impacts, easily meet the GHG emission threshold of the RFS as row crop land is converted to perennial cropland, and overall exact relatively low costs to the program. |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition</b> recommends that an alternative be added that provides for BCAP implementation that would allow for annual biomass crops that are incorporated into resource conserving crop rotations. BCAP should consider projects for annual biomass crops, with these projects limited to annuals incorporated into existing row crop acreage to establish a resource conserving crop rotation. Incorporation of a crop such as camellina or a biodiesel producing legume could provide feedstock for bioenergy, while also improving the overall conservation performance of BCAP acreage formerly planted in a monoculture annual crop or a simple crop rotation. BCAP should   |

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|                      |            |           |          |             |                       | assess the relative environmental impacts of this alternative in comparison to production of biomass crops in continuous, monoculture production systems.   |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition</b> recommends that an alternative be added that provides for BCAP implementation targeted to organic farming systems. The choice of production system for bioenergy crops will have profound environmental impacts. Organic farming systems, with their reduced use of toxic pesticides and emphasis on carbon sequestration for increase soil health and structure should be assessed within the BCAP PEIS.   |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition</b> recommends that an alternative be added that provides for BCAP implementation with project for a wide range of production levels. BCAP should not be used to fund only a few large agricultural projects involving large-scale monoculture production. USDA should select an array of projects that focus on linking demonstration scale bioenergy plants with farmers willing to incorporate new bioenergy crops into existing systems, especially those that will also achieve both conservation and economic benefits from the addition of crops. The BCAP PEIS should compare environmental impacts from biorefineries at different scales of production, including demonstration plants and smaller plants that may be used to provide community level or regional biomass energy. |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Socio-economics       | <b>National Sustainable Agriculture Coalition:</b> The BCAP PEIS should assess economic and social factors related to the environmental impacts of a program. The USDA should give a high priority to BCAP projects involving bioenergy conversion facilities that provide an opportunity for local ownership, particularly ownership by the farmers providing agricultural feedstock. This assessment should consider the environmental and public health impacts associated with greater regional energy self-sufficiency and the retention of wealth at the local and regional level. USDA and other federal and state agencies have promoted bioenergy as a part of a long-term rural development   |

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|                      |            |           |          |             |                       | strategy. This strategy could result improvements to public health and even improve the environment of rural communities. But these benefits will result only if publicly funded incentives are targeted to projects that account for impacts on human health and wellbeing.  |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition:</b> For some of the alternative points of implementation under Alternatives A and B, the designation of "broad" or "targeted" makes no sense. Also, there is no rationale for assuming that BCAP must be implemented either as including all the points in Alternative A or all the points in Alternative B. For example, the issue of whether GHG emissions of a biofuel will be considered in selecting BCAP projects is an entirely separate issue from that of whether BCAP will be implemented to include only large scale biomass conversion facilities. The BCAP PEIS should address the alternatives for the individual points of implementation separately with the potential environmental impacts for each point considered separately. It will be up to the USDA to consider this environmental information for each point separately and then select a mix of features for the proposed regulation implementation BCAP. |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition:</b> The BCAP PEIS should consider the environmental impacts of the conversion facilities for biomass processing for projects that involve the siting of new biomass conversion facilities. An assessment would provide information on the potential consequences of funding projects for various scales of biomass conversion facilities.  |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Vegetation            | <b>National Sustainable Agriculture Coalition:</b> The BCAP PEIS should consider the environmental implications of funding BCAP projects involving the establishment of genetically engineered crops. Genetic engineering for many bioenergy crops is targeted at increasing characteristics such as rapid vegetative growth, tolerance for a wide array of ecological conditions and other features associated with invasive weed and tree species. The potential adverse effects of these new agrofuel crops (that have been deemed invasive species) on environmentally sensitive  |

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|                      |            |           |          |             |                       | ecosystems must be assessed and weighed before they are given widespread introduction. The economic costs for controlling GE crops if they "escape" from agricultural systems and invade local ecosystems should be considered too.  |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Soil Quality          | <b>National Sustainable Agriculture Coalition:</b> The BCAP PEIS should address the issue of soil quality when considering the use of crop residue for biomass. Funding should not be provided for crop residue collection unless there is research establishing maximum levels of residue removal without degrading soil quality.   |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition:</b> Participants in the crop residue portion of BCAP should be required to meet sustainability standards, including an NRCS-approved conservation plan for soil, water, air, and wildlife, or a Forest Stewardship plan to ensure harvest levels and practices are sustainable and protect the environment.   |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition</b> is concerned that the financial incentive for collection, harvest, storage, and transportation includes incentives to remove crop residues. Concerns have been raised about the use of crop residues for biomass, and there is a great need to further evaluate the validity of estimates of US cropland capacity to sustainably supply feedstock for the emerging cellulosic ethanol industry. There is a need to expand development of existing crops, discover and develop unconventional crops, and create advanced cropping systems that use the potential of all crops so that biomass production is sustainable and doesn't reduce soil organic matter. |
| District of Columbia | Martha     | Noble     | 20002    | Other       | Proposed Alternatives | <b>National Sustainable Agriculture Coalition:</b> The BCAP PEIS must address the impacts on soil quality, water quality, water availability, wildlife (including loss of wildlife habitat), air quality, greenhouse gas emissions (including GHG emissions related to land conversion), net energy balance, and other environmental impacts related to the establishment and harvest of the BCAP project crops.   |
| Louisiana            | Jim        | Simon     | 70563    | Other       | Other                 | <b>American Sugar Cane League:</b> The current long term (5 year) contractual obligation under BCAP could be a hindrance and a   |

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|           |            |           |          |             |                       | liability to a processor should his market dry up. This needs to be clarified and some way to cancel that contract should the market for his product no longer exist should be developed.  |
| Louisiana | Jim        | Simon     | 70563    | Other       | Proposed Alternatives | <b>American Sugar Cane League:</b> Based on the legislative language creating BCAP, sugarcane should be an eligible crop. Sugarcane, sugar, and bagasse are ineligible for payments under Title I. While Title I contains a marketing loan for sugar produced from sugarcane, this loan is not a "payment" as defined in Title I, nor does the loan cover the leftover bagasse.  |
| Louisiana | Jim        | Simon     | 70563    | Other       | Proposed Alternatives | <b>American Sugar Cane League:</b> BCAP represents a new opportunity for the Louisiana sugarcane industry to develop commercial energy production from the use of bagasse and leaf matter to the economic and environmental benefit of south Louisiana. At a minimum, ASCL urges that BCAP be implemented under Action Alternative 1, with the south Louisiana listed as a targeted area. However, ASCL urges consideration of adding the southeast region of the U.S. in any future expansion of the program. |
| Louisiana | Tom        | Spies     | 70810    | Other       | Proposed Alternatives | <b>Powell Group:</b> There should be further effort put in to defining "eligible crops". There is also concern about the difference between open loop and closed loop biomass.   |
| Louisiana | Tom        | Spies     | 70810    | Other       | Proposed Alternatives | <b>Powell Group:</b> Advocates for existing facilities being used.   |
| Illinois  | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center</b> supports a broad implementation of BCAP that evaluates applications based on performance outcomes such as project feasibility, reduced runoff and nutrient loadings to surface waters, and reduced global warming pollution. They oppose arbitrary limits on size and support a broad definition of "biofuel"   |
| Illinois  | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The "targeted" and "broad" implementation scenarios seem arbitrarily chosen and do not seem to address the main potential environmental concerns surrounding BCAP. Limits imposed on the types and sizes of biomass conversion facilities, new or existing crops and facilities, and county caps on land enrollment seem unlikely to influence   |

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|          |            |           |          |             |                       | environmental impacts of the program. Also, conservation requirements are not even addressed in the scenarios.   |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> Facilities producing all types of biofuels, heat, power, and biobased products and facilities of any size are included in the statute and should be eligible for BCAP. Funding a variety of sizes and technologies will offer the best chance of innovation and BCAP success. The ELPC supports the BCF definition in the NOFA for the CHST payments.  |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> Two types of marginal and degraded lands that might be suitable for BCAP include reclaimed and uncontaminated mine land and brownfield sites. Unbroken sod, wetlands, and other rare and protected lands should not be eligible under BCAP.  |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The statutory language does not specify whether a large or small share of biomass for a project should come from outside a project area. Selection criteria should favor those projects where a greater share of material is coming from within the project area.  |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Socio-economics       | <b>Environmental Law and Policy Center:</b> A project will lead to local and regional economic benefits. If the project includes crops with carbon sequestration potential, landowners participating in carbon markets could receive additional economic benefits. Both short- and long-term economic benefits ought to be taken into account, including the economic sustainability of a project once the BCAP subsidy for a project has expired. |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Socio-economics       | <b>Environmental Law and Policy Center</b> supports local ownership opportunities in biomass conversion facilities. Smaller and locally-owned project may provide some of the best opportunities for innovation in bioenergy production and use.   |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The impact on soil, water, and related resources should be a focus of the PEIS. The practices used on enrolled BCAP land will be a primary determinant of the environmental impacts resulting from the program.  |

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| Illinois | Kerri      | Johannsen | 60601    | Other       | Wildlife              | <b>Environmental Law and Policy Center:</b> The selection criteria should establish standards for wildlife protection as they relate to the timing of harvest, monoculture vs. polyculture, and other considerations.  |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> BCAP projects must provide superior environmental impacts as compared to the previous land use. Natural resource concerns should also encompass the need for funded BCAP projects to provide for a net reduction in global warming pollution.  |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The best projects will provide global warming benefits, enhanced soil conservation, reduced surface water pollution, and habitat protection combined with financial feasibility. Projects which result in land uses with opposite effects should not be supported.   |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> USDA should encourage a range of production approaches and eligible crops in projects across the country, since each project will contribute valuable knowledge about energy crops, but USDA should also not penalize BCAP project areas because they do not have a wide range of approaches and crops.      |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The program should encourage projects from a variety of geographic locations and a variety of land and soil types, and should encourage innovation related to agronomic practices, equipment, pre-processing, storage, or business models. Replicability should be a factor in choosing projects to support. |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> There are no criteria for determining the level of establishment payments. ELPC recommends that the payment level should be tied to the score on the selection criteria, with the highest scorers receiving the maximum of 75% and the lowest scorers receiving a minimum of perhaps 40%.                    |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The legislative language does not make clear what annual payments should cover. The best purpose of this payment seems to be risk-sharing  |

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|          |            |           |          |             |                       | with early adopters of this important technology. It may not be necessary to cover all opportunity cost for a participant, but the level of payments received under a land idling program like CRP likely will not be a great enough incentive for a working lands program like BCAP. Some version of a rental rate payment at a more appropriate level might be the simplest solution. If the purpose of the annual payment is risk mitigation, then any annual payment to a producer of an annual crop should be made only in the event of crop failure.   |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The statutory language regarding reduction in annual payments has a great deal of ambiguity. If a perennial crop is sold to a BCF, then the annual payment should be reduced or eliminated based on the amount of crop sold and revenue received. If a crop is used for purposes other than the production of energy at the biomass conversion facility, the reduction amount should be considered on a case-by-case basis. The rules should clarify how the establishment and annual payments are related. USDA should consider which payments to make on the basis of what level of risk mitigation is needed for individual projects. Once determined, the payments should be clear and predictable.  |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The requirement for forest stewardship plans for CHST payment eligibility in the recent NOFA is very good, though similar plans should be required for crop land and other types of eligible land listed in the NOFA. The findings from research done on appropriate amounts of agricultural residue that can be removed should be incorporated into conservation plans that should be required for BCAP CHST eligibility. The current NOFA requirement of simple highly-erodible land compliance is not enough. The rules should clarify that the eligibility for these payments extends to the costs to process eligible material. If a producer or other eligible entity is receiving support for collection and harvest then annual payments should be reduced by the amount of revenue received from the biomass conversion facility and CHST payments. |

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| Illinois | Kerri      | Johannsen | 60601    | Other       | Cumulative Impacts    | <b>Environmental Law and Policy Center:</b> This program should be linked to the Environmental Quality Incentives Program to assist farmers in developing conservation plans both for the purposes of growing bioenergy crops and for responsible collection of agricultural and forest residues. Farmers in the BCAP program may also be eligible for support through the Conservation Security Program.   |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The impact of biomass residue harvest from environmentally sensitive lands should also be very carefully considered and any harvest from these lands should be required to be limited to a frequency and intensity that maintains the value of the land.<br>The NOFA for CHST is not strong enough in this area and the conservation requirements should be increased.  |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> Standing native forests should not be converted to other uses for purposes of this program. If a landowner is growing and harvesting forest materials according to the forest stewardship plan required under the establishment portion of the statute and the CHST NOFA, then conversion should not occur. It is important that USDA see to it that forest owners are indeed following forest stewardship plans as required by law and regulation.                             |
| Illinois | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law and Policy Center:</b> The volume of eligible crops produced should be interpreted as volume relative to the proposed need of a biomass conversion facility, not as favoring larger projects over smaller ones. Supporting more projects on a smaller scale will increase chances of success compared to supporting only a few projects at a very large scale.   |
| Iowa     | Kerri      | Johannsen | 60601    | Other       | Proposed Alternatives | <b>Environmental Law Policy Center</b> in Des Moines. We need to get the rules right the first time to allow the greatest diversity of efforts and provide the greatest chance of success. BCAP should not focused on performance outcomes such as project feasibility, reduction of nutrient runoff into surface waters, and reduction of global warming pollutants. Innovations across fuel types, sizes, crops and regions should be a bonus. The USDA should not limit implementation in a way that would not allow the |

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|           |            |              |          |             |                       | field staff to be innovative. Congress did not limit funding, doing a limited implementation of the program does not seem to follow Congressional intent.   |
| Iowa      | Kerri      | Johannsen    | 60601    | Other       | Proposed Alternatives | <b>Environmental Law Policy Center:</b> 1) Risk sharing is an appropriate goal of BCAP annual payments, and in doing so can accelerate the development of this energy source. This payment should provide adequate incentive for the farmer to take the risk of converting working lands to new crops. 2) The broad statutory definition of biomass conversion facilities should be followed and include such things as biomass pellets and other solid or gaseous biofuels, along with a wide variety of facilities to apply at the start of the program to meet future innovations. 3) BCAP project sizes should not be limited; this would only limit participation to large organizations with no guarantee of innovation.  |
| Iowa      | Kerri      | Johannsen    | 60601    | Other       | Air Quality           | <b>Environmental Law Policy Center:</b> BCAP can be an important element in our nation's climate strategy by helping farmers transition to a low carbon economy. Farmers have more to gain than lose in pursuing global warming solutions. The USDA should only support projects with pure benefits for reducing global warming pollution. The best projects will provide global warming benefits and protect the soil, water, and wildlife while showing strong financial feasibility. Projects which do not demonstrate these benefits should not be supported. We hope the USDA will make their goal to have as many diverse and replicable biomass energy crop projects in operation as possible before deliberations begin on the next farm bill. USDA should undertake broad implementation reflecting the constitutional Congressional intent. |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy</b> is concerned that the implementation proposals deviate from the original legislative language, and that aspects of the proposed alternatives limit the scope of the program.  |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy</b> disagrees with the exclusion of support for non-fuel, bio-based products in Alternative A. They believe that non-fuel, bio-based products   |

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|           |            |              |          |             |                       | must be included because they are often a valuable co-product of renewable energy production, and can provide the profit margin that makes the entire industry feasible.   |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy</b> disagrees with the cap on cropland acreage enrollment in Alternative A. One of the most attractive features of the BCAP legislation was its intended support for all projects that meet eligibility requirements as set by USDA, and so this limitation could hinder development and/or require additional transportation.           |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy</b> disagrees with the exclusion of support for existing biomass conversion facilities and established crops in Alternative A. They support diversity of scale in BCAP so that many new technologies and promising pathways can be tested out and that pathways of success for local, small-scale ownership and sourcing may be created. |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy</b> disagrees with the limit on payment amounts under Alternative A. Payment levels will make or break BCAP and the farmers involved, so levels should motivate farmers to participate and cover risks, but they should be careful not to distort farm and land prices.  |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy</b> disagrees with allowing facilities outside a BCAP project area to receive BCAP supported materials under Alternative B. Rather, collections, harvest, storage, and transportation payments should be limited to BCAP project areas.  |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy</b> disagrees with exempting BCAP-supported advanced fuels from greenhouse gas requirements under Alternative B  |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy</b> disagrees with supporting existing biomass conversion facilities and crops already established that meet BCAP eligibility requirements under Alternative B. BCAP should only support those that are tied to new biomass crop acreages, or those that were under construction when the BCAP program was created.                      |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Proposed              | <b>Institute for Agriculture and Trade Policy</b> hopes that the entire  |

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|           |            | t            |          |             | Alternatives               | net lifecycle greenhouse gas emission of the proposed facilities would get close to zero carbon, with low emissions overall and high sequestration. Perennial feedstocks will perform this function better than annual feedstocks   |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Water Quality and Quantity | <b>Institute for Agriculture and Trade Policy</b> believes minimized fertilizer and pesticide use should be required. Erosion potential should be evaluated, giving consideration to the benefits of perennial feedstocks.  |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Vegetation                 | <b>Institute for Agriculture and Trade Policy</b> believes the EIS should evaluate whether GMO species should be barred. They have the potential for pollen drift and genetic contamination of prairie remnants, natural areas, and traditionally bred varieties. They could also have health effects on wildlife that would eat or depend on the biomass.  |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Vegetation                 | <b>Institute for Agriculture and Trade Policy</b> believes BCAP must give guidance to what "invasive and noxious species" means.  |
| Minnesota | Jim        | Kleinschmitt | 55404    | Other       | Wildlife                   | <b>Institute for Agriculture and Trade Policy</b> believes biomass has the potential to provide substantial wildlife benefits, and the EIS should compare the effects of different feedstocks on wildlife to ensure adverse effects are avoided.  |
| Minnesota | Julia      | Olmstead     | 55404    | Other       | Proposed Alternatives      | <b>Institute for Agriculture and Trade Policy:</b> We are concerned generally with the implementation proposals you have drafted deviate from the original legislative language and intent. Specifically we disagree with the following points in alternative A: (1) That already established biomass conversion facilities supported by BCAP project areas are limited to producing energy and biofuels. We believe that you must include nonfuel products from biomass because they're often a valuable co-product of renewable energy production and can provide the profit margin that makes the whole industry feasible. There is no environmental or economic reason to exclude co-products or sustainably produced biopolymers. Use of the USDA bio-preferred program guidelines for determining eligible products may be one approach that can also help spur production for this important USDA program; (2) That eligible cropland acreage would be capped at 25 percent within a given county. The law |

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|           |            |           |          |             |                       | does not envision any cap; each project must be able to decide its own acreage needs. The law requires geographic balance with no concentration in just one county; (3) That only large commercial biomass facilities would be allowed in BCAP project areas. It is important that small and pilot facilities are funded so that new technologies can be tested and create pathways of success for local small operations. We support diversity of the scale as one of the criteria for selection; and (4) That payments would be limited to provide some risk mitigation. The law gives the USDA freedom to devise payment amounts. Levels should be adequate to motivate farmers to participate and cover risks while not distorting farm and land prices.   |
| Minnesota | Julia      | Olmstead  | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy:</b> We believe the following options in Alternative B should be rejected: (1) That facilities outside the BCAP project area may receive BCAP support in eligible material. We think collection, harvest, storage and transportation payments should be limited to BCAP project areas; (2) That advanced biofuels produced by BCAP projects areas and biomass conversion facilities do not need to meet the greenhouse gas test. Biofuels have to meet the life cycle greenhouse gas test of the Energy Security Act; there's no authority in BCAP to sidestep this law; (3) That existing biomass conversion facilities that meet BCAP eligibility requirements are supported. BCAP should not support existing biomass conversion facilities except for those tied to the environmental crop acreages or those under construction when the BCAP program was created. |
| Minnesota | Julia      | Olmstead  | 55404    | Other       | Socio-economics       | <b>Institute for Agriculture and Trade Policy:</b> For the State biomass crop, there can by definition be no crop establishment payments, but if farmers have established biomass crops within recent years, they may be eligible for storage and delivery payments.   |
| Minnesota | Julia      | Olmstead  | 55404    | Other       | Proposed Alternatives | <b>Institute for Agriculture and Trade Policy:</b> We believe the criteria for evaluating BCAP must prioritize the benefits of local ownership, environmental sustainability, climatic performance of feedstocks, fuel production systems, water quality, wildlife   |

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|--------------|------------|-----------|----------|-------------|-----------------------|---|
|              |            |           |          |             |                       | benefits, and potential dangers of transgenic crops. Areas of high conservation value must be prioritized. BCAP should also be used to demonstrate different feedstock and conversion technology while including a representative variety of project types and scales while still meeting BCAP goals. The EIS should focus on carbon emissions and other actions on the planet as paramount goals.  |
| South Dakota | Mike       | Roth      | 57103    | Other       | Proposed Alternatives | <b>POET:</b> The energy title of the farm bill has the potential to serve as a launch pad for cellulosic ethanol, and we need to do it correctly and as Congress intended. Several things need to occur. It needs to be fully implemented and funded as quickly as possible. All cellulosic materials need to be eligible and all cellulosic areas need to be covered. We cannot restrict this opportunity by categorizing eligible base BCAP areas. Today we learned that the USDA is implementing the harvesting, storing, and transporting provision of the farm bill early. FSA is to put together directives and instructions to the state offices. We would like to look at the dialogue as to how biomass conversion facilities and producers can take the next step to take advantage of this program. Some questions are what are the final definitions of what biomass is included, what is a producer, and does this assume farmers are storing biomass? Is this assuming farmers are transporting biomass? What is the timeline for answering these questions for program implementation? |
| South Dakota | Scott      | Weishaer  | 57108    | Other       | Other                 | <b>POET:</b> The energy title of the farm bill will certainly springboard cellulosic ethanol forward. We will need it implemented as Congress had intended. BCAP plays an extremely vital role in providing a means for farmers to create revenue to buy the equipment to provide the biomass to biorefineries. There are many questions we have. When can biomass conversion facilities begin the application process, the farmer owners we have involved in our biomass conversion facilities are asking when they can apply. We need rules in place by early 2010 so we can begin the contracting process. We need clarification of the time frames between the five-year time frame and two-year time frame for matching funds of \$45 per ton.   |

**Biomass Crop Assistance Program Public Comments**

| State    | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary   |
|----------|------------|-----------|----------|-------------|-----------------------|---|
| Arkansas | Ron        | Bell      | 72501    | Other       | Proposed Alternatives | <b>Arkansas Association of Resource Conservation and Development Councils:</b> Mr. Bell represents a study area consisting of 98 counties in the five states of Missouri, Arkansas, Mississippi, Tennessee, and Kentucky. They would like to produce, process, and utilize high volumes of biomass to produce bio-based fuels, chemicals, and other bio-based products and to develop specialized procedures needed to move raw materials to production facilities and move finished products to other markets. They believe it is important to included forested areas in eligible contract acreage because it is already present and provides a long term, leveling effect on both feedstock availability and prices that will be important to biofuels producers. They would like multiple BCAP project areas to be proposed in the region. They do not envision a biofuels industry using one particular feedstock to produce one particular energy product, but rather use a variety of feedstocks. They would like to maintain a diverse production base that produces multiple agricultural and forest products of a variety of markets. |
| Arkansas | Ron        | Bell      | 72501    | Other       | Other                 | <b>Arkansas Association of Resource Conservation and Development Councils:</b> Given the effort needed to attain a project area status, a two phase selection process is suggested: 1) Pre-selection phase where an applicant could present a simplified packet that allows USDA to determine that key eligibility and area viability requirements are likely to be met in a full application; 2) Submission of a full application that includes key data from the present of proposed biorefinery and evidence of a successful producer sign up program.   |
| Arkansas | Ron        | Bell      | 72501    | Other       | Proposed Alternatives | <b>Arkansas Association of Resource Conservation and Development Councils:</b> Encourages USDA to make "seed money" available to sponsors conducting project area promotions and producer sign up campaigns.  |
| Arkansas | Ron        | Bell      | 72501    | Other       | Other                 | <b>Arkansas Association of Resource Conservation and Development Councils:</b> Suggests allowing joint sponsorship of a project area of both a producer group and a biorefinery wish to apply that way.   |
| Arkansas | Ron        | Bell      | 72501    | Other       | Proposed              | <b>Arkansas Association of Resource Conservation and</b>  |

**Biomass Crop Assistance Program Public Comments**

| State | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|-------|------------|-----------|----------|-------------|-----------------------|--|
|       |            |           |          |             | Alternatives          | <b>Development Councils:</b> Suggests that, under certain circumstances, USDA consider allowing lands under CRP contract to be converted to BCAP contract during a sign-up period, if it can be determined that bioenergy crop production would be a more environmentally beneficial use of the CRP land than letting it return to cropland production.  |
| Iowa  | Rick       | Robinson  | 50266    | Other       | Socio-economics       | <b>Iowa Farm Bureau:</b> Producers receiving CRP payments should not be allowed to produce nontraditional crops (biomass) on CRP acres because it provides CRP contract holders an economic advantage over other producers.  |
| Iowa  | Rick       | Robinson  | 50266    | Other       | Socio-economics       | <b>Iowa Farm Bureau</b> supports the development of a comprehensive state and national energy policy that includes research and development, the discovery of new technology, renewable energy sources, conservation, expanded exploration, infrastructure, and capital investment.  |
| Iowa  | Rick       | Robinson  | 50266    | Other       | Other                 | <b>Iowa Farm Bureau:</b> Programs that increase the use of renewable sources of energy should be designed to keep costs reasonable and affordable. Incentive programs and initiatives should be developed to increase use of renewable energy sources and facilitate local ownership of electrical generation. All electrical utilities should be encouraged to generate a percentage of electricity from renewable sources. |
| Iowa  | Rick       | Robinson  | 50266    | Other       | Socio-economics       | <b>Iowa Farm Bureau:</b> Any new biofuels or renewable energy production facilities that utilize public funding must offer a percentage of investment opportunity to local producers to keep gains realized in rural areas.  |
| Iowa  | Rick       | Robinson  | 50266    | Other       | Mitigation            | <b>Iowa Farm Bureau:</b> Reducing the risk to farmers of moving into new biomass operations is necessary for producing biomass feedstock.  |
| Iowa  | Rick       | Robinson  | 50266    | Other       | Proposed Alternatives | <b>Iowa Farm Bureau:</b> Many biomass crops require the use of valuable crop land, which adds to production expenses for the other methods and feedstocks. Corn stover does not, but the cost of hauling it is still too large. Assistance is also needed with on-farm storage costs.  |
| Iowa  | Rick       | Robinson  | 50266    | Other       | Socio-                | <b>Iowa Farm Bureau:</b> Helping farmers and regional biomass  |

**Biomass Crop Assistance Program Public Comments**

| State     | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|-----------|------------|-----------|----------|-------------|-----------------------|--|
|           |            |           |          |             | economic              | projects off-set the costs of establishing new crops, purchasing new equipment and establishing new marketing relationships will be necessary if biomass crop production is to increase rapidly enough to meet the goals of the Energy Independence and Security Act of 2007.  |
| Iowa      | Rick       | Robinson  | 50266    | Other       | Proposed Alternatives | <b>Iowa Farm Bureau</b> supports Alternative 1 - Targeted Implementation of BCAP. A program targeted at a limited number of regional projects that use different biomass feedstocks and document their costs, benefits, and environmental protection advantages will best be able to maximize limited program resources and support the establishment and production of biomass crops for conversion to bioenergy. Providing monetary assistance to a limited number of targeted, regional projects is critical at this point in the industry. |
| Iowa      | Rick       | Robinson  | 50266    | Other       | Proposed Alternatives | <b>Iowa Farm Bureau</b> urges the USDA to consider federal and state policies and research programs that support targeted implementation of BCAP when drafting an EIS that supports a focus on energy independence, a comprehensive energy policy, and research that provides for the production of traditional and renewable energy sources. It should also draw on the federal EISA and ARS research efforts to set realistic parameters for economically and socially sustainable economic opportunities for rural America.                 |
| Iowa      | Rick       | Robinson  | 50266    | Other       | Proposed Alternatives | <b>Iowa Farm Bureau</b> opposes declaring any potential biomass crop ineligible for use in any biomass energy incentive program simple because it is non-native.   |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau:</b> While the technology for converting some crops into energy is not fully perfected, the technology to convert timber and sugarcane biomass into fuel, heat, and power is already available. Sugarcane should be a BCAP eligible commodity since sugar is not a program payment crop like cotton, rice, corn, soybeans, or grain sorghum and receives no payments. Sugarcane does not meet the definition of "any crop that is eligible to receive payments"...as defined under the BCAP exclusion.                |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed              | <b>Louisiana Farm Bureau:</b> "Energy cane" needs to be completely   |

**Biomass Crop Assistance Program Public Comments**

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|-----------|------------|-----------|----------|-------------|-----------------------|---|
|           |            |           |          |             | Alternatives          | segregated from sugarcane when determining eligibility for annual payments, establishment payments and collection, storage transportation and storage payments. Energy cane should be eligible for annual payments since producers would experience a period of "lost opportunity costs" or "lost crop income" before income could be derived from bio-energy conversion.   |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau:</b> In selecting BCAP project areas, the Louisiana Farm Bureau Federation believes that regions with biomass crops that show potential for conversion to bio-energy should be included. A valid example would be for the entire Louisiana sugarcane producing regions to be included within a BCAP project area.  |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Other                 | <b>Louisiana Farm Bureau:</b> With regards to the contract terms, the LFBF is concerned that agricultural producers could be held in violation of the BCAP contract terms if their bioenergy processing facility shuts down during the contract period and their crop biomass cannot be delivered to another bioenergy conversion facility within a reasonable distance. The LFBF recommends that the BCAP contracted agricultural producer be allowed to cancel a BCAP contract if their bioenergy conversion facility closes or fails to operate. |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau</b> appreciates that USDA clearly stated that crop acreage bases are maintained and protected when a producer enrolls crops in the BCAP for bio-energy conversion. This is especially important for sugarcane since it has a separate crop acreage base.   |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau</b> recommends implementation of Alternative B to permit enrollment of more cropland acreage, participation of existing bio-energy conversion facilities and permit participation of both large and small facilities.  |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau</b> supports dedicated biomass production but believes that taking land out of pastures or transforming native land areas into biomass production creates environmental and food supply concerns. They recommend BCAP provide greater assistance toward assisting in the utilization of unused   |

**Biomass Crop Assistance Program Public Comments**

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|-----------|------------|-----------|----------|-------------|-----------------------|---|
|           |            |           |          |             |                       | agricultural biomass from crops currently being produced, such as sugarcane, rice, and timber. If utilization of this sugarcane biomass into bioenergy conversion is encouraged, there is little additional fuel and no additional cropland, fertilizer, or crop protection products used to produce and harvest the biomass used for bioenergy conversion. It would also eliminate the majority of agricultural burning by utilizing the unused biomass for bioenergy instead of burning it, thereby reducing air pollution. |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau:</b> If the majority of our crop biomass for bioenergy conversion is utilized, the major obstacle is the increase in volume and number of loads needed to haul the biomass to the conversion facility. LFBF recommends that BCAP transportation assistance apply to the increase in transportation costs attributed to hauling agricultural biomass for bioenergy conversion facility.   |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau:</b> The major obstacle in this program is getting high volume agricultural biomass transported to the bioenergy conversion facility. Transportation costs have stymied most previous bioenergy conversion projects. BCAP transportation assistance can greatly improve the economics of bioenergy conversion by helping with the costs of biomass transportation.   |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Transportation        | <b>Louisiana Farm Bureau:</b> Transportation costs can also be reduced by endorsing new trucking configurations that can haul greater volumes of biomass on our highways. Dual or tandem truck trailers can move much greater volumes of biomass while using the same fuel and employees used for a single truck trailer. This would reduce transportation costs, benefit the environment, and reduce the number of trucks on the highway.  |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Other                 | <b>Louisiana Farm Bureau:</b> BCAP denotes that transactions must be "arms-length" in nature, but some facility operators are also crop owners, and some producers do not maintain ownership of their crop biomass after harvest. So, LFBF recommends that agricultural producers be allowed to transfer or designate their rights to their biomass regarding BCAP contract participation to their biomass consolidator so that their biomass can be sold and   |

**Biomass Crop Assistance Program Public Comments**

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|-----------|------------|-----------|----------|-------------|-----------------------|---|
|           |            |           |          |             |                       | transported to the bioenergy conversion facility.   |
| Louisiana | Ronald     | Anderson  | 70895    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau</b> recommends that USDA avoid establishing a pre-determined "economically feasible distance" for biomass transportation to a bioenergy conversion facility. They recommend that USDA consider the biomass crop being transported; the boundary of the growing region of the biomass crop and the volume needed by the bioenergy conversion facility for profitability to determine the BCAP project area.   |
| Louisiana | Jim        | Harper    | 71325    | Other       | Transportation        | <b>Louisiana Farm Bureau:</b> The USDA and the Federal Highway Department should look at letting farmers use double trailers or some kind of innovative way to haul sugarcane biomass to the facilities.  |
| Louisiana | Brian      | Breaux    | 70818    | Other       | Other                 | <b>Louisiana Farm Bureau:</b> Farmers should be allowed to cancel the five year contract if necessary.  |
| Louisiana | Brian      | Breaux    | 70818    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau:</b> Sugarcane should be considered an eligible biomass crop.  |
| Louisiana | Brian      | Breaux    | 70818    | Other       | Proposed Alternatives | <b>Louisiana Farm Bureau:</b> Recommends either Alternative B or a combination of Alternatives A and B to allow existing facilities to participate in the program. Also, existing sugar mills should be allowed to be project sponsors; this would best utilize them for BCAP in southern Louisiana.  |
| Minnesota | Rebecca    | Baumann   | 55104    | Other       | Proposed Alternatives | <b>Minnesota Project:</b> It is the Minnesota Project's suggestion that the USDA generally pursue broad implementation guided by key policies designed to maximize the effectiveness of the program and efficiency of the biomass energy systems, while also meeting greenhouse gas reduction goals and maximizing economic opportunities for global communities. A targeted implementation would have a number of negative impacts: Limiting participation could restrict future growth since BCAP would play a vital role in establishing biomass facilities; and land participation caps at the county level could hinder the development of a robust biomass industry by denying the fact that some regions are better suited for biomass crops than others. However, under a broad implementation, in addition to addressing transitional costs farmers may experience the payment for formula must consider |

**Biomass Crop Assistance Program Public Comments**

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|-----------|------------|-----------|----------|-------------|-----------------------|---|
|           |            |           |          |             |                       | total biomass production. This will encourage producers to meet the growing demands for biomass. Without valuing the environmental impact the BCAP program could lead farmers down a dead-end path and delay an effective rural biomass industry.   |
| Minnesota | Rebecca    | Baumann   | 55104    | Other       | Air Quality           | <b>Minnesota Project:</b> To ignore or discount environmental qualities of various biomass production methods would leave producers in a difficult situation. The BCAP program must include accounting of the life-cycle greenhouse gas potentials for biomass crops. Biofuel producers need to account for the greenhouse gas emissions of the biofuels they produce. To fully achieve the goals of the BCAP program (increase biomass production for cleaner energy and provide stability to the biomass industry) the BCAP program must include the environmental impact of the ways biomass is raised, its greenhouse gas content, and cost and risk to the producer.   |
| Minnesota | Ryan       | Stockwell | 55104    | Other       | Proposed Alternatives | <b>Minnesota Project</b> suggests that USDA generally pursue broad implementation in order to maximize the effectiveness of the program and the efficiency of the biomass energy systems it is designed to establish, while meeting GHG reduction goals and maximizing economic opportunities for local communities.  |
| Minnesota | Ryan       | Stockwell | 55104    | Other       | Proposed Alternatives | <b>Minnesota Project:</b> Targeted implementation would have a number of negative impacts. Limiting participation would restrict future growth. Land participation caps at the county level would prove a hindrance to the development of a robust biomass industry by forcing biomass facilities to draw upon a larger area to meet their biomass supply needs and denying that some regions are better suited for growing biomass crops than others. Not allowing new non-agricultural lands to participate would inhibit growth of the industry because these lands hold potential for sustainably growing biomass crops without causing environmental impacts or reducing the availability of existing cropland for other crop production needs. Also, limits on facility participation would distort the growth and direction of the biomass industry. |
| Minnesota | Ryan       | Stockwell | 55104    | Other       | Proposed              | <b>Minnesota Project:</b> The opportunity cost replacement payments   |

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|-----------|------------|-----------|----------|-------------|-----------------------|--|
|           |            |           |          |             | Alternatives          | available under the broad implementation plan fails to reward biomass production. The CRP is better designed to provide farmers with secure replacement payments for taking land out of traditional commodity production and putting it into cover crops.  |
| Minnesota | Ryan       | Stockwell | 55104    | Other       | Proposed Alternatives | <b>Minnesota Project:</b> Payments to farmers must be based on the opportunity cost farmers experience with transitioning to biomass production, total biomass production, the environmental impacts and benefits of growing the crops, and the greenhouse gas potential of the crops.   |
| Minnesota | Ryan       | Stockwell | 55104    | Other       | Proposed Alternatives | <b>Minnesota Project:</b> Non-commodity biomass crops generally have improved environmental attributes over their traditional commodity counterparts. However, the way in which crops are grown have a large impact in their environmental attributes. As federal policy continues to move forward on establishing stronger methods of accounting and valuing improved environmental benefits of crop production methods, environmental qualities of various biomass production methods must be addressed. |
| Minnesota | Ryan       | Stockwell | 55104    | Other       | Air Quality           | <b>Minnesota Project:</b> BCAP must include accounting of the lifecycle greenhouse gas potentials of biomass crops. If we are to advance toward cleaner energy sources, and not just turn to biomass to diversify global warming energy sources, GHG potential of the biofuels raised through BCAP must be accounted for. In doing so, however, no assumptions should be made about indirect land use changes, which currently carry a great amount of uncertainty.  |
| Minnesota | Ryan       | Stockwell | 55104    | Other       | Proposed Alternatives | <b>Minnesota Project:</b> BCAP should place a priority on opening BCAP participation to facilities with majority ownership located within the region it serves. This maximizes the benefits to local residents and land owners who will most effectively work toward maintaining a stable conversion facility rather than look for a quick profit.   |
| New York  | Dan        | Conable   | 13331    | Other       | Proposed Alternatives | <b>New York Biomass Energy Alliance:</b> BCAP should implement the alternative of using any facility producing any bio-based products instead of just existing facilities limited to producing energy and biofuels. This will support the evolution of biofuels into a commodity with well known characteristics and well  |

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|----------|------------|-----------|----------|-------------|-----------------------|--|
|          |            |           |          |             |                       | understood price mechanisms. Also, any facility, rather than just facilities within the project area, should be used because the more limited option makes producers within a selected project area vulnerable to changes in the economic environment or technology that could make a single conversion enterprise within a project area infeasible.   |
| New York | Dan        | Conable   | 13331    | Other       | Proposed Alternatives | <b>New York Biomass Energy Alliance:</b> BCAP should utilize open land that is not presently producing any crops by putting it into service producing energy feedstock. It is essential to write rules that encourage the use of this type of land within BCAP.  |
| New York | Dan        | Conable   | 13331    | Other       | Proposed Alternatives | <b>New York Biomass Energy Alliance:</b> In regards to the alternative suggesting capping cropland acres, perhaps it would be better to implement a requirement that a proposed project show a positive net economic impact for the agricultural economy in the region, rather than an arbitrary acreage cap.  |
| New York | Dan        | Conable   | 13331    | Other       | Proposed Alternatives | <b>New York Biomass Energy Alliance:</b> In regards to the alternative requiring advanced biofuels produced from BCAP project area biomass meet the greenhouse gas test, while it is encouraged for BCAP to implement alternatives that have attractive net energy and relatively favorable greenhouse gas effects, there is no clear rationale for using BCAP to favor any particular biomass energy crop over another. |
| New York | Dan        | Conable   | 13331    | Other       | Proposed Alternatives | <b>New York Biomass Energy Alliance</b> favors the alternative supporting new conversion facilities and new crops, various sized facilities, and a "shared-risk" approach to the debate over payments limited vs. replacing all potential income.  |
| New York | Dan        | Conable   | 13331    | Other       | Vegetation            | <b>New York Biomass Energy Alliance:</b> The phrase "potential to be invasive" needs to be narrowed down and specify what constitutes an invasive species. There also needs to be a definition for "native sod".   |
| New York | Dan        | Conable   | 13331    | Other       | Proposed Alternatives | <b>New York Biomass Energy Alliance:</b> There are hundreds of thousands, probably millions or acres of land that could be producing biomass crops that are not producing food or supporting livestock. This is precisely the resource we need to put to work.   |

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| New York     | Dan        | Conable   | 13331    | Other       | Proposed Alternatives | <b>New York Biomass Energy Alliance:</b> If the USDA wants to see projects happening at a range of scales, using a broad range of feedstocks, the Northeast is a particularly appropriate place to do that kind of project. It's sustainable and ideal from an economic development point of view.  |
| Iowa         | Monte      | Shaw      | 50131    | Other       | Proposed Alternatives | <b>Iowa Renewal Fuels Association</b> representing Iowa's ethanol and biodiesel producers. It's important that the goal of this program help put cellulosic fuels and power on the way to commercialization successfully in an environmentally friendly manner. As we choose how to fund and what products are eligible we don't try to pick the best feedstocks as we see them now while excluding good feedstocks without considering their economic viability, particularly so early in the process. Therefore, we support Alternative B. Eligible materials should not be tied to being part of the crop establishment program, crop residues like corn cobs and stovers should be included for harvest and transportation payments. Preference should not be given to dedicated energy crops, that's the reason for the crop establishment program. This will allow us to get more food and fuel from each acre. If we don't do this, and exclude these feedstocks, we're going to have to take more food vulnerable acres not being used for production today and plant dedicated energy crops. Project Liberty is a perfect example of how early commercial success is going to be from cellulosic facilities being co-located with existing biofuel refineries. If that model is not successful, it may be hard to get the private sector to go along with some of the more exotic models. So certainly you have to look at feedstock producers that are close to a conversion facility or project. |
| North Dakota | Keith      | Trego     | 58501    | Other       | Proposed Alternatives | <b>North Dakota Natural Resources Trust</b> believes that attracting projects that produce cellulosic ethanol and other liquid fuels and that use biomass in conversion facilities to produce heat and electricity depend on demonstrating that perennial biomass and other sources of biomass can feasibly and economically be delivered to an energy plant. They recommend an Alternative C, which would offer the most flexibility to producers and facilities   |

**Biomass Crop Assistance Program Public Comments**

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|--------------|------------|-----------|----------|---------------------------|-----------------------|---|
|              |            |           |          |                           |                       | that foster development of the bioenergy industry. General provisions would include: 1) All bio-based products produced by any biomass conversion facility in BCAP project areas can be supported; 2) Facilities outside of a BCAP project area may receive BCAP supported eligible material; 3) Payments are limited to eligible material delivered to biomass conversion facilities; 4) Cropland acres enrolled in the program would not be capped; 5) Advanced biofuels produced by BCAP project area biomass conversion facilities must meet the GHG test; 6) New and existing biomass conversion facilities and new and already established crops that meet BCAP eligibility requirements are supported; 7) All facilities would be allowed in BCAP project areas; 8) Payments would completely replace lost potential income from non-BCAP crops. |
| North Dakota | Keith      | Trego     | 58501    | Other                     | Proposed Alternatives | <b>North Dakota Natural Resources Trust</b> supports identified exclusion of lands eligible for BCAP because North Dakota is experiencing landscape changes that include significant losses of native prairie and CRP grasslands and associated wetlands, population declines in wildlife species associated with grasslands, and loss of ecosystem goods and services such as carbon sequestration provided by native prairies and grasslands. Therefore, this provision will help minimize the impact of BCAP on these aspects of North Dakota's environment.   |
| Louisiana    | Willie     | Cooper    | 71302    | Federal Agency            | Proposed Alternatives | (Mr. Cooper is <b>Farm Service Agency SED</b> , and his comments address issues that others commented on during the meeting) Title I crops that receive a payment are not eligible. Sugarcane does not receive a payment, but it does receive a loan, so that raises an issue. Also, there needs to be a dividing line between sugarcane used for sugar purposes and that used for energy purposes. Also, because these are not typical crops, people could go a few years without doing their adjusted gross income. There are issues that need to be worked out on that topic as well.  |
| Kentucky     | Tim        | Hughes    | 40601    | State or Local Government | Proposed Alternatives | <b>Governor's Office of Agricultural Policy for Kentucky:</b> The potential eligibility for participation in BCAP should be very broad. Innovative producers of biomass crops need to be rewarded for taking risks, and processors of biomass crops need to be  |

**Biomass Crop Assistance Program Public Comments**

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|----------|------------|-----------|----------|---------------------------|-----------------------|---|
|          |            |           |          |                           |                       | encouraged to work with as many different scenarios as possible. Preference should be given via scoring criteria, bidding process, and/or acreage allocation and based upon the projected long term viability of growing a number of biomass crops within varying regions.  |
| Kentucky | Tim        | Hughes    | 40601    | State or Local Government | Other                 | <b>Governor's Office of Agricultural Policy for Kentucky:</b> The priorities of BCAP should be to create interest, foster innovation, provide demonstration sites, and increase production knowledge; this can be done by funding a variety of locales and production systems. Preference should be given to regions and projects that can demonstrate the best potential for sustainability. The selection criteria should evaluate current and near future marketing opportunities for the biomass crops, revenue generating options for the farmland within the area, beneficial and adverse economic impacts on other segments of agriculture, and general economic conditions for the rural areas under consideration. |
| Kentucky | Tim        | Hughes    | 40601    | State or Local Government | Socio-economics       | <b>Governor's Office of Agricultural Policy for Kentucky:</b> Economics should govern whether marginal or productive land is used to grow biomass crops. Producers need data that show them how to produce crops that provide the highest degree of profitability for their operations, achieve max productivity, and deal with the logistical challenges of producing high yield commodities.  |
| Kentucky | Tim        | Hughes    | 40601    | State or Local Government | Proposed Alternatives | <b>Governor's Office of Agricultural Policy for Kentucky:</b> BCAP payments should be targeted for small to mid size private landowners and farmers.  |
| Kentucky | Tim        | Hughes    | 40601    | State or Local Government | Proposed Alternatives | <b>Governor's Office of Agricultural Policy for Kentucky:</b> CRP and CREP land should be considered eligible for participation within this program if there is limited participation. Many of these farms are already in production of favorable biomass crops, and these crops could "jump start" the educational, research, and demonstration capacity.  |
| Kentucky | Tim        | Hughes    | 40601    | State or Local Government | Proposed Alternatives | <b>Governor's Office of Agricultural Policy for Kentucky:</b> Any requirements for additional conservation measures should consider common sense and economic consequences;   |

**Biomass Crop Assistance Program Public Comments**

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|----------|------------|-----------|----------|---------------------------|-----------------------|---|
|          |            |           |          |                           |                       | regulatory burdens should not be too cumbersome.  |
| Kentucky | Tim        | Hughes    | 40601    | State or Local Government | Socio-economics       | <b>Governor's Office of Agricultural Policy for Kentucky:</b> Payment calculations should be based on a hybrid system. If BCAP is purely yield based, there will be limited revenue in the early years to incentivize the initial investment.   |
| Kentucky | Tim        | Hughes    | 40601    | State or Local Government | Other                 | <b>Governor's Office of Agricultural Policy for Kentucky:</b> BCAP coordination should be facilitated within existing USDA agencies such as NRCS and FSA.   |
| Kentucky | Tim        | Hughes    | 40601    | State or Local Government | Proposed Alternatives | <b>Governor's Office of Agricultural Policy for Kentucky:</b> The ability to gain significant production of eligible crops within a region coupled with the potential economic viability of the proposed crops should be rated among the highest priorities for consideration for BCAP funding. Allied support from the private sector, university systems, and other governmental entities should be taken into consideration because they will be vital in commercializing the cropping programs. Diversity in the projects should consider geography, climate, uses, soil types, and scale.  |
| Texas    | Linda      | Campbell  | 78744    | State or Local Government | Proposed Alternatives | <b>Texas Park and Wildlife Department:</b> Neither Alternative A nor B meets the letter or intent of the statutory language covering BCAP found in the 2008 Farm Bill. Alternative A prevents proposed, small, or pilot biomass conversion facilities from applying for the program, limits payments, restricts eligible acres to 25% of the county cropland acres, eliminates the use of existing forest biomass and contradicts itself by both allowing existing biomass conversion facilities to produce energy and biofuels, but also saying only new biomass conversion facilities are allowed to be part of the BCAP project area. None of these restrictions are supported by the BCAP statutory language in the 2008 Farm Bill. Likewise, Alternative B allows the production of all bio-based products even though the law states BCAP is restricted to the production of bioenergy. It also allows new non agricultural land to be used for crop production even though the law restricts BCAP to agricultural land nonindustrial private forest land and strictly forbids planting on land that was in native sod when the farm bill was signed. |
| Texas    | Linda      | Campbell  | 78744    | State or Local            | Wildlife              | <b>Texas Park and Wildlife Department:</b> The proposal in  |

**Biomass Crop Assistance Program Public Comments**

| State   | First Name | Last Name | Zip Code | Affiliation               | Nature of Comment     | Comment Summary   |
|---------|------------|-----------|----------|---------------------------|-----------------------|---|
|         |            |           |          | Government                |                       | Alternative B that allows new nonagricultural land to be used for crop production will destroy native grasslands and would have tremendous negative impact on declining grassland wildlife species.   |
| Texas   | Linda      | Campbell  | 78744    | State or Local Government | Proposed Alternatives | <b>Texas Park and Wildlife Department</b> suggests an Alternative C with the following provisions: Proposed or established biomass conversion facilities are supported by defined BCAP project areas and limited to the production of bioenergy; payments are limited to eligible material delivered to biomass conversion facilities included in the BCAP project area; land eligible for BCAP includes agricultural and nonindustrial private forest land that is not federally or state owned, native sod as of 5/22/08, or land enrolled in CRP, WRP, or GRP; there is no county cap on the amount of cropland acres that can be enrolled in the program; existing and proposed pilot, small, or commercial conversion facilities can be part of BCAP project areas; newly established biomass crops on BCAP contract acres qualify for full establishment and annual payments; both newly and previously established biomass crops on BCAP contract areas qualify for payments; use of site appropriate diverse native species plant mixes will score the highest BCAP applications; the statutory ban on invasive or potentially invasive plants is strictly enforced; and fish and wildlife are considered co-equal resources with soil and water. |
| Texas   | Linda      | Campbell  | 78744    | State or Local Government | Wildlife              | <b>Texas Park and Wildlife Department:</b> Fish and wildlife impacts and benefits will largely depend on what biomass crops are used, where they are planted, and how they are managed and harvested. Fish and wildlife resources will be negatively impacted unless environmental concerns are addressed in BCAP.  |
| Georgia | Devon      | Dartnell  | 30605    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission</b> suggests that biomass from trees regenerated within privately owned and managed forests be considered acceptable biomass crops for BCAP. Biomass grown and harvested as part of long-rotation forest management systems can be produced sustainably, provide a higher degree of biodiversity and wildlife habitat, and provide water quality   |

**Biomass Crop Assistance Program Public Comments**

| State   | First Name | Last Name | Zip Code | Affiliation               | Nature of Comment     | Comment Summary   |
|---------|------------|-----------|----------|---------------------------|-----------------------|---|
|         |            |           |          |                           |                       | protection. Forest biomass could be harvested during the first thinning (approx. 15 years).   |
| Georgia | Devon      | Dartnell  | 30605    | State or Local Government | Socio-economics       | <b>Georgia Forestry Commission:</b> The use of biomass from trees regenerated in forests would increase income to landowners, which would provide incentive to continue forest retention on private land and achieve higher rates of reforestation on private lands.  |
| Georgia | Devon      | Dartnell  | 30605    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission</b> supports a combination of Alternatives A and B. BCAP should be implemented using a focused area approach to allow flexibility of biomass crop feedstock options and reduce unintended impacts on the pulp and paper industry. GHG support the following provisions: the requirement of a stewardship plan, but also those certified, private, non-industrial forest areas should quality; no restriction on the use of non-agricultural lands to grow another crop of forest biomass and timber, if the land remains non-agricultural.   |
| Georgia | Devon      | Dartnell  | 30605    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission:</b> BCAP payments can be administered in ways that encourage continues good forest management as well as production of forest biomass. In order to discourage the use of BCAP payments by forest landowners to convert forests to short rotation woody crops, the amount of BCAP payment per acre or the amount of biomass involved in BCAP payments per acre can be limited within the contract period to encourage the use of the appropriate volume that should be harvested during first thinning. This will allow for the use of biomass harvested during the first thinning and encourage long rotation forest management practices that provide numerous environmental benefits as well as timber for forest products. |
| Georgia | Devon      | Dartnell  | 30605    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission:</b> There are two suggested ways to minimize the competitive effects of the BCAP program on existing forest products manufacturing industries: 1) limit participants to those located within a max radius of the approved biomass conversion facility; 2) Limit BCAP tonnage and/or payments per acre for forestland biomass.   |
| Georgia | Devon      | Dartnell  | 30605    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission:</b> BCAP should include pellet mills that manufacture compressed pellet fuels.  |

**Biomass Crop Assistance Program Public Comments**

| State   | First Name | Last Name | Zip Code | Affiliation               | Nature of Comment     | Comment Summary   |
|---------|------------|-----------|----------|---------------------------|-----------------------|---|
| Georgia | Devon      | Dartnell  | 30605    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission</b> supports the alternative allowing both large and small biomass conversion facilities.  |
| Georgia | Nathan     | McClure   | 31020    | State or Local Government | Socio-economics       | <b>Georgia Forestry Commission:</b> The use of biomass from trees regenerated in forests would increase income to landowners, which would provide incentive to continue forest retention on private land and achieve higher rates of reforestation on private lands.  |
| Georgia | Nathan     | McClure   | 31020    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission</b> supports a combination of Alternatives A and B. BCAP should be implemented using a focused area approach to allow flexibility of biomass crop feedstock options and reduce unintended impacts on the pulp and paper industry. GHG support the following provisions: the requirement of a stewardship plan, but also that certified, private, non-industrial forest area should quality; no restriction on the use of non-agricultural lands to grow another crop of forest biomass and timber, if the land remains non-agricultural.   |
| Georgia | Nathan     | McClure   | 31020    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission:</b> BCAP payments can be administered in ways that encourage continues good forest management as well as production of forest biomass. In order to discourage the use of BCAP payments by forest landowners to convert forests to short rotation woody crops, the amount of BCAP payment per acre or the amount of biomass involved in BCAP payments per acre can be limited within the contract period to encourage the use of the appropriate volume that should be harvested during first thinning. This will allow for the use of biomass harvested during the first thinning and encourage long rotation forest management practices that provide numerous environmental benefits as well as timber for forest products. |
| Georgia | Nathan     | McClure   | 31020    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission:</b> There are two suggested ways to minimize the competitive effects of the BCAP program on existing forest products manufacturing industries: 1) limit participants to those located within a max radius of the approved biomass conversion facility; 2) Limit BCAP tonnage and/or payments per acre for forestland biomass.   |
| Georgia | Nathan     | McClure   | 31020    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission:</b> BCAP should include pellet mills that manufacture compressed pellet fuels.  |

**Biomass Crop Assistance Program Public Comments**

| State     | First Name  | Last Name    | Zip Code | Affiliation               | Nature of Comment     | Comment Summary  |
|-----------|-------------|--------------|----------|---------------------------|-----------------------|--|
| Georgia   | Nathan      | McClure      | 31020    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission</b> supports the alternative allowing both large and small biomass conversion facilities.   |
| Georgia   | Nathan      | McClure      | 31020    | State or Local Government | Socio-economics       | <b>Georgia Forestry Commission</b> , Chief of Forest Utilization and Marketing. We were working on encouraging bioenergy development for forestry biomass in the state for quite some time. We would like to see trees recognized as an energy crop through the BCAP program. We think that trees and perhaps other biomass that are an integral part of a managed forest be recognized if possible. Landowners who manage their forests in longer rotations can provide both a product for bioenergy, products for other industry, and is the best way to produce a bioenergy crop while simultaneously developing and preserving some bio-diversity and wildlife habitat. Landowners need to be able to sell large trees for logs and lumber because that increases their income and encourages them to manage their forests. Projects should be based on a local area to provide some flexibility to identify the appropriate feedstock for that area and prevent unintended effects to other industries. |
| Georgia   | Nathan      | McClure      | 31020    | State or Local Government | Proposed Alternatives | <b>Georgia Forestry Commission:</b> I'm not sure what the comment on non-agricultural lands being excluded from Alternative A means. If we're not converting these lands to agricultural lands, would they qualify? I would like to see that those non-agricultural lands qualify if they remain non-agricultural and produce wood biomass. In the case of pulp mills that will possibly convert to biorefinery facilities that produce both transportation fuels and other products such as paper products or other chemical products. Is there some way or some consideration this could be addressed by BCAP, there is a lot of interest.   |
| Georgia   | Nathan      | McClure      | 31020    | State or Local Government | Socio-economic        | <b>Georgia Forestry Commission:</b> The payments that are listed are based on the cost, dollar-for-dollar cost of growing, harvesting, and delivery, which was my interpretation. I think there might be some need to look at that a little closer on how that would be administered with woody biomass crops because of the procurement system that we have.  |
| Louisiana | C.A. "Buck" | Vandersteden | 71307    | Other                     | Proposed Alternatives | <b>Louisiana Forestry Association:</b> Supports Alternative B because it is broad-based and recognizes existing and new  |

**Biomass Crop Assistance Program Public Comments**

| State     | First Name  | Last Name   | Zip Code | Affiliation               | Nature of Comment     | Comment Summary  |
|-----------|-------------|-------------|----------|---------------------------|-----------------------|--|
|           |             |             |          |                           |                       | operations. Existing facilities like the forest industry are among the largest users of renewable energy in the country and can maximize the incentives of this program.   |
| Louisiana | C.A. "Buck" | Vandersteen | 71307    | Other                     | Proposed Alternatives | <b>Louisiana Forestry Association:</b> BCAP should direct its program to areas like the south/gulf coast region that have sunlight, water, and good soils, for maximum benefit. The definition of biomass should be broad and take into account the diverse array of biomass material produced in the area.  |
| Louisiana | C.A. "Buck" | Vandersteen | 71307    | Other                     | Proposed Alternatives | <b>Louisiana Forestry Association:</b> BCAP should focus its assistance on existing resources for biomass before moving to single use energy crops.  |
| Louisiana | C.A. "Buck" | Vandersteen | 71307    | Other                     | Proposed Alternatives | <b>Louisiana Forestry Association:</b> BCAP should be easy to implement, simple to use, and carry a minimum of regulations that would discourage participation in the program. Terms like "economically feasible distance" for biomass delivery should not be arbitrarily set by regulations. The terms of BCAP contracts should have escape clauses for if a processing plant closes and the next nearest facility is too far away. A landowner's income from their land for uses other than biomass production should not be considered in whether they are eligible to participate in the program. The Adjusted Gross Income of a landowner should have no bearing on their participation in BCAP, and the acreage or ownership of the land should not have a bearing on their eligibility in BCAP. |
| Tennessee | Mark        | Gudlin      | 37204    | State or Local Government | Wildlife              | <b>Tennessee Wildlife Resources Agency:</b> Fish and wildlife resources should be a co-equal objective. BCAP should strive to maintain biodiversity on our landscapes.   |
| Tennessee | Mark        | Gudlin      | 37204    | State or Local Government | Proposed Alternatives | <b>Tennessee Wildlife Resources Agency:</b> BCAP should not work at cross-purposes with or negate other conservation programs such as CRP, WHIP, EQIP, WRP, etc.   |
| Tennessee | Mark        | Gudlin      | 37204    | State or Local Government | Proposed Alternatives | <b>Tennessee Wildlife Resources Agency:</b> If Alternative B is chosen, new non-agricultural lands should not be eligible due to the potential to negatively impact native habitats and native fish, wildlife, plants, insects and pollinators.  |
| Tennessee | Mark        | Gudlin      | 37204    | State or Local            | Vegetation            | <b>Tennessee Wildlife Resources Agency:</b> BCAP should not  |

**Biomass Crop Assistance Program Public Comments**

| State          | First Name | Last Name | Zip Code | Affiliation               | Nature of Comment     | Comment Summary   |
|----------------|------------|-----------|----------|---------------------------|-----------------------|---|
|                |            |           |          | Government                |                       | utilize non-native or invasive plants.  |
| South Carolina | Judy       | Barnes    | 29202    | State or Local Government | Vegetation            | <b>South Carolina Department of Natural Resources</b> , Small Game Project, is opposed to invasive or non-native plants.  |
| South Carolina | Judy       | Barnes    | 29202    | State or Local Government | Wildlife              | <b>South Carolina Department of Natural Resources</b> , Small Game Project, believes it is important to maintain bio diversity and ecological sustainability. Wildlife should be a co-equal resource value.   |
| South Carolina | Judy       | Barnes    | 29202    | State or Local Government | Proposed Alternatives | <b>South Carolina Department of Natural Resources</b> , Small Game Project, opposes negating the conservation gains of the farm bill and other conservation programs, especially the CRP.   |
| Minnesota      | Mark       | Linguist  | 56073    | State or Local Government | Proposed Alternatives | <b>Minnesota Department of Natural Resources</b> supports a broad implementation of BCAP. MDNR encourages payment rates that provide incentives to use diverse native plant materials local to the region, state partnerships (like CREP) to provide additional funds to accelerate/amplify the ecological services provided by BCAP, and enhancement of environmental value through linkage to other programs like CSP, EQIP, and WHIP. BCAP will need to balance payment rates so that energy crops are economically viable but don't undermine conservation programs like CRP. |
| Minnesota      | Mark       | Linguist  | 56073    | State or Local Government | Proposed Alternatives | <b>Minnesota Department of Natural Resources:</b> The PEIS should address land use conversions and identify where enrolled acres will come from. The relationship of BCAP to expiring CRP should be included as part of the land use conversion analysis.   |
| Minnesota      | Mark       | Linguist  | 56073    | State or Local Government | Proposed Alternatives | <b>Minnesota Department of Natural Resources:</b> The PEIS should address impacts to air quality, soil quality, and water quality and availability. If BCAP includes crop residue removal practices, the PEIS should also address erosion and soil carbon issues.   |
| Minnesota      | Mark       | Linguist  | 56073    | State or Local Government | Vegetation            | <b>Minnesota Department of Natural Resources:</b> Native plant communities need to be addressed in the PEIS. There should be a careful assessment of how the program may create unintended incentives to damage or destroy native plant communities. The PEIS should also address positive environmental effects of expanded planting of native species or opportunities to buffer native plant communities with less intensive agronomic   |

**Biomass Crop Assistance Program Public Comments**

| State     | First Name | Last Name | Zip Code | Affiliation               | Nature of Comment     | Comment Summary  |
|-----------|------------|-----------|----------|---------------------------|-----------------------|--|
|           |            |           |          |                           |                       | production.  |
| Minnesota | Mark       | Linguist  | 56073    | State or Local Government | Wildlife              | <b>Minnesota Department of Natural Resources:</b> Surrogate grasslands (like pastures and hayfields) provide habitat for a number of grassland mammal, bird, reptile, and amphibian Species of Greatest Conservation Need. These grasslands must be protected from conversion to uses that reduce ecological value. There should be parameters on acres that qualify for Swampbuster or Sodbuster protections. |
| Minnesota | Mark       | Linguist  | 56073    | State or Local Government | Wildlife              | <b>Minnesota Department of Natural Resources:</b> The PEIS should address potential impacts to fish and wildlife populations. Consider priority for biofuels that will provide multiple benefits such as clean water, reduced soil erosion, limited herbicide requirements, and improved wildlife habitat benefits.  |
| Minnesota | Mark       | Linguist  | 56073    | State or Local Government | Mitigation            | <b>Minnesota Department of Natural Resources:</b> The EIS should assess the role of BMPs in management of energy crop production in order to minimize negative environmental impacts. BMPs may not be established for many energy crop systems of address all aspects of environmental impact.   |
| Minnesota | Mark       | Linguist  | 56073    | State or Local Government | Socio-economics       | <b>Minnesota Department of Natural Resources:</b> The PEIS should address potential impacts to the forest products industry and employment resulting from possible incentives to shift timber from traditional industries and uses to new industries and uses.   |
| Minnesota | Mark       | Linguist  | 56073    | State or Local Government | Cumulative Impacts    | <b>Minnesota Department of Natural Resources:</b> The PEIS should discuss the interaction with other federal policies and potential federal policies.  |
| Minnesota | Mark       | Linguist  | 56073    | State or Local Government | Proposed Alternatives | <b>Minnesota Department of Natural Resources:</b> The PIES should discuss what the effect is of BCAP project area biomass conversion facilities that do not need to meet the GHG test.   |
| Georgia   | Eric       | Darracq   | 30025    | State or Local Government | Wildlife              | <b>Georgia Department of Natural Resources:</b> Efforts should be made to maintain biodiversity and ecological sustainability. Wildlife should be considered a co-equal resource value. The use of non-native or invasive plants is opposed.   |
| Georgia   | Eric       | Darracq   | 30025    | State or Local Government | Proposed Alternatives | <b>Georgia Department of Natural Resources:</b> BCAP should not work at cross purposes or otherwise negate the conservation gains of the farm bill and other conservation programs.  |

**Biomass Crop Assistance Program Public Comments**

| State        | First Name | Last Name  | Zip Code | Affiliation               | Nature of Comment     | Comment Summary   |
|--------------|------------|------------|----------|---------------------------|-----------------------|---|
| Georgia      | Reggie     | Thackston  | 31029    | State or Local Government | Wildlife              | <b>Georgia Department of Natural Resources</b> Wildlife Resources Division: Efforts should be made to maintain biodiversity and ecological sustainability. Wildlife should be considered a co-equal resource value. The use of non-native or invasive plants is opposed.  |
| Georgia      | Reggie     | Thackston  | 31029    | State or Local Government | Proposed Alternatives | <b>Georgia Department of Natural Resources</b> Wildlife Resources Division: BCAP should not work at cross purposes or otherwise negate the conservation gains of the farm bill and other conservation programs.   |
| Georgia      | Reggie     | Thackston  | 31029    | State or Local Government | Proposed Alternatives | <b>Georgia Department of Natural Resources:</b> We are not at this point going to take a stand on either Alternative A or B. If either is implemented, we feel the maintenance of biodiversity and ecological sustainability should be a co-equal objective with other resource values, and that wildlife conservation in particular should be considered in the decision-making process within either of those programs. Many conservation gains have been made in recent years through a variety of other cost share and assistance programs, and that this program should not work at cross-purposes with those programs or any way negate those values that have been made through these other cost share and assistance programs funded with taxpayer money. A good example of one that's very pertinent to Georgia is the long-leaf pine Conservation Reserve Program, a conservation practice that is providing many benefits to wildlife, soil and water quality. This program should in no way negate or work at cross-purposes with that. |
| Georgia      | Reggie     | Thackston  | 31029    | State or Local Government | Vegetation            | <b>Georgia Department of Natural Resources:</b> We would encourage that as bioenergy crops are developed, that these are native and not non-native, invasive species, and that caution be used in that regard as new energy crops emerge and are developed or incentivized.   |
| Pennsylvania | William    | Capouillez | 17110    | State or Local Government | Proposed Alternatives | <b>Pennsylvania Game Commission:</b> Neither Alternative A nor B meets the letter or intent of the statutory language covering BCAP found in the 2008 Farm Bill. Alternative A prevents proposed, small, or pilot biomass conversion facilities from applying for the program, limits payments, restricts eligible acres  |

**Biomass Crop Assistance Program Public Comments**

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|--------------|------------|------------|----------|---------------------------|-----------------------|--|
|              |            |            |          |                           |                       | to 25% of the county cropland acres, eliminates the use of existing forest biomass and contradicts itself by both allowing existing biomass conversion facilities to produce energy and biofuels, but also saying only new biomass conversion facilities are allowed to be part of the BCAP project area. None of these restrictions are supported by the BCAP statutory language in the 2008 Farm Bill. Likewise, Alternative B allows the production of all bio-based products even though the law states BCAP is restricted to the production of bioenergy. It also allows new non agricultural land to be used for crop production even though the law restricts BCAP to agricultural land nonindustrial private forest land and strictly forbids planting on land that was in native sod when the farm bill was signed.   |
| Pennsylvania | William    | Capouillez | 17110    | State or Local Government | Proposed Alternatives | <b>Pennsylvania Game Commission:</b> The proposal in Alternative B that allows new nonagricultural land to be used for crop production will destroy native grasslands and would have tremendous negative impact on declining grassland wildlife species.   |
| Pennsylvania | William    | Capouillez | 17110    | State or Local Government | Proposed Alternatives | <b>Pennsylvania Game Commission</b> suggests an Alternative C with the following provisions: Proposed or established biomass conversion facilities are supported by defined BCAP project areas and limited to the production of bioenergy; payments are limited to eligible material delivered to biomass conversion facilities included in the BCAP project area; land eligible for BCAP includes agricultural and nonindustrial private forest land that is not federally or state owned, native sod as of 5/22/08, or land enrolled in CRP, WRP, or GRP; there is no county cap on the amount of cropland acres that can be enrolled in the program; existing and proposed pilot, small, or commercial conversion facilities can be part of BCAP project areas; newly established biomass crops on BCAP contract acres qualify for full establishment and annual payments; both newly and previously established biomass crops on BCAP contract areas qualify for payments; use of site appropriate diverse native species plant mixes will score the highest BCAP applications; the statutory ban on invasive or potentially invasive plants is strictly enforced; and |

**Biomass Crop Assistance Program Public Comments**

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|--------------|------------|------------|----------|---------------------------|-----------------------|---|
|              |            |            |          |                           |                       | fish and wildlife are considered co-equal resources with soil and water.  |
| Pennsylvania | William    | Capouillez | 17110    | State or Local Government | Wildlife              | <b>Pennsylvania Game Commission:</b> Fish and wildlife impacts and benefits will largely depend on what biomass crops are used, where they are planted, and how they are managed and harvested. Fish and wildlife resources will be negatively impacted unless environmental concerns are addressed in BCAP.  |
| Nebraska     | Tim        | McCoy      | 68503    | State or Local Government | Proposed Alternatives | <b>Nebraska Game and Parks Commission:</b> The differences between Alternative A and Alternative B in relation to the size of conversion facilities are baseless and should be removed; targeted implementation should include small and pilot scale conversion facilities.   |
| Nebraska     | Tim        | McCoy      | 68503    | State or Local Government | Proposed Alternatives | <b>Nebraska Game and Parks Commission:</b> The limitation of cropland acres enrolled in the program being capped at 25% of the cropland acres within a given county under Alternative A does not have a basis in statute and it only in place to make Alternative A seem more targeted. This provision should be removed as a way to separate alternative.                    |
| Nebraska     | Tim        | McCoy      | 68503    | State or Local Government | Proposed Alternatives | <b>Nebraska Game and Parks Commission:</b> The provision under Alternative B that allows new non-agricultural lands to be used for the program is not within the statutes for the program and will likely have direct and long-term impacts on native fish, wildlife, plants, and insects. It could also have negative impacts on T&E species that depend on native habitats. |
| Nebraska     | Tim        | McCoy      | 68503    | State or Local Government | Proposed Alternatives | <b>Nebraska Game and Parks Commission:</b> The allowance under Alternative B that would expand eligibility beyond producing energy and biofuels does not follow Congressional intent of this program, as the "Energy Title" in the Farm Bill indicates this program's design to develop energy production.  |
| Nebraska     | Tim        | McCoy      | 68503    | State or Local Government | Wildlife              | <b>Nebraska Game and Parks Commission:</b> The BCAP program must maintain biodiversity and ecological sustainability, avoid the use of non-native plants, forbid the use of invasive plants, and recognize fish and wildlife as co-equal resources with soil and water.   |

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| State     | First Name | Last Name | Zip Code | Affiliation               | Nature of Comment     | Comment Summary   |
|-----------|------------|-----------|----------|---------------------------|-----------------------|---|
| Nebraska  | Tim        | McCoy     | 68503    | State or Local Government | Proposed Alternatives | <b>Nebraska Game and Parks Commission:</b> BCAP should not work at cross purposes or otherwise negate the conservation gains of the farm bill and other conservation programs.  |
| Missouri  | Bill       | McGuire   | 65102    | State or Local Government | Vegetation            | <b>Missouri Department of Conservation</b> believes the use of non-native plants should be avoided as much as possible, and the use of invasive or potentially invasive plants must not be allowed.   |
| Missouri  | Bill       | McGuire   | 65102    | State or Local Government | Proposed Alternatives | <b>Missouri Department of Conservation</b> believes BCAP should avoid working at cross purposes with, or otherwise negate the conservation gains of other farm bill provisions and other conservation programs with broad environmental benefits (CRP, WRP, GRP).   |
| Missouri  | Bill       | McGuire   | 65102    | State or Local Government | Wildlife              | <b>Missouri Department of Conservation</b> believes that in order to limit negative impacts on fish and wildlife, BCAP must maintain diversity and ecological sustainability of native fish, wildlife, plants, and communities. Fish and wildlife should be recognized as a co-equal resource value with soil and water in terms of incorporation into the planning, management, and evaluation of biomass crops planted under the program. |
| Missouri  | Bill       | McGuire   | 65102    | State or Local Government | Wildlife              | <b>Missouri Department of Conservation:</b> Fish and wildlife impacts and benefits will largely depend on what biomass crops are planted, where they are planted, and how they are managed and harvested; thus the net impact on fish and wildlife will be difficult to analyze unless the above environmental concerns are included and addressed in BCAP.   |
| Virginia  | Marc       | Puckett   | 23958    | State or Local Government | Wildlife              | <b>Virginia Department of Game and Inland Fisheries:</b> Efforts should be made to maintain biodiversity and ecological sustainability. Wildlife should be considered a co-equal resource value. The use of non-native or invasive plants is opposed.   |
| Virginia  | Marc       | Puckett   | 23958    | State or Local Government | Proposed Alternatives | <b>Virginia Department of Game and Inland Fisheries:</b> BCAP should not work at cross purposes or otherwise negate the conservation gains of the farm bill and other conservation programs.  |
| Louisiana | Mike       | Strain    | 70821    | State or Local Government | Proposed Action       | <b>Louisiana Department of Agriculture and Forestry</b> supports the full implementation of BCAP.   |
| Louisiana | Mike       | Strain    | 70821    | State or Local            | Other                 | <b>Louisiana Department of Agriculture and Forestry:</b> Louisiana  |

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|-----------|------------|-----------|----------|---------------------------|-----------------------|--|
|           |            |           |          | Government                |                       | has a comparative advantage in that its extended growing season allows for the possibility of producing a variety of potential feedstock crops. The Louisiana sugarcane and forestry industries have begun making advancements toward the production of biomass feedstock. Louisiana rice industry also has great potential in the use of rice hulls as a conversion material. Also, Louisiana has existing facilities in place that are capable of converting biomass materials into power through co-generation. |
| Wisconsin | Judy       | Ziewacz   | 53702    | State or Local Government | Other                 | <b>The Wisconsin Office of Energy Independence</b> urges consideration of Wisconsin for a BCAP demonstration project or candidate for first round funding under a NOFA.  |
| Wisconsin | Judy       | Ziewacz   | 53702    | State or Local Government | Proposed Alternatives | <b>The Wisconsin Office of Energy Independence</b> sees merit in both Alternatives A and B and encourages the CCC to consider combinations of both with a focus on projects that are fully commercial and have immediate impacts for reducing global warming emissions while enhancing soil conservation, water quality, and wildlife benefits. A focus on perennial cropping systems that offer maximum soil conservation, water quality, and wildlife advantages should be emphasized.                           |
| Wisconsin | Judy       | Ziewacz   | 53702    | State or Local Government | Proposed Alternatives | <b>The Wisconsin Office of Energy Independence:</b> BCAP must be implemented in a manner consistent with the decades of progress toward soil, water, and wildlife conservation and enhancement.  |
| Wisconsin | Judy       | Ziewacz   | 53702    | State or Local Government | Other                 | <b>The Wisconsin Office of Energy Independence:</b> There is great potential to expand the use of biomass energy in the Midwest because of the abundance of highly erodible and marginal agricultural land not suited for continuous row cropping and the large number of facilities that can be converted from fossil fuel to biomass fuel at relatively low cost.  |
| Wisconsin | Judy       | Ziewacz   | 53702    | State or Local Government | Other                 | <b>The Wisconsin Office of Energy Independence:</b> Wisconsin is ready to work with land owners in agriculture and forestry to plant energy crops. Wisconsin has biomass for heat and energy project that are ready to move ahead now with various companies.  |
| Iowa      | Brian      | Crowe     | 50310    | State or Local            | Proposed              | <b>Iowa Office of Energy Independence</b> , established in 2007 by   |

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| State          | First Name | Last Name | Zip Code | Affiliation               | Nature of Comment     | Comment Summary   |
|----------------|------------|-----------|----------|---------------------------|-----------------------|---|
|                |            |           |          | Government                | Alternatives          | Governor Culver and the state legislature to fund research and development in new energy areas, to promote what the state has done this far in areas of biofuels and wind and other technology innovation. My recommendation for the BCAP program would be to not pick a winner as far as specific biomass feedstocks, but to look towards a variety of different options. Leave it as open as possible to invite the private sector to innovate and develop methods to quicken our ability to get to new areas of development. |
| New York       | Jonathan   | Barter    |          | State or local government | Other                 | <b>Soil and Water Conservation District:</b> Assuming that BCAP will start planting perennial crops in the spring of 2010, it would be helpful to commence start up/sign up by the fall of 2009 in order to enable soil sampling, lime applications, seed purchases, etc.   |
| New York       | Jonathan   | Barter    |          | State or local government | Proposed Alternatives | <b>Soil and Water Conservation District:</b> Can the perennial crops to be planted be either cool-season or warm-season grasses, and do they need to be identified as "biomass crops"?  |
| New York       | Jonathan   | Barter    |          | State or local government | Proposed Alternatives | <b>Soil and Water Conservation District:</b> Does the end use of the biomass material need to meet a certain criteria? (i.e., might there be end uses that would not be in compliance?)   |
| Georgia        | Roderick   | Gilbert   | 31793    | State or Local Government | Proposed Alternatives | <b>(No Agency Identified)</b> The amount of cropland that can be enrolled in the program under Alternative A should be increased from 25% to 35% in order to meet the supply demand for biomass conversion facilities.  |
| Georgia        | Roderick   | Gilbert   | 31793    | State or Local Government | Proposed Alternatives | <b>(No Agency Identified)</b> Impacts of Alternative B: 1) It may impact the amount of crop dedicated to food production, 2) Farmers may be discouraged from planting bioenergy crops because of the input costs of greenhouse gas testing, 3) Exclusionary measures on types and sizes of facilities will limit market potential for farmers, 4) all bio-based products produced by a biomass conversion facility should be eligible for this program unless they introduce environmental or ecological problems.              |
| Georgia        | Roderick   | Gilbert   | 31793    | State or Local Government | Proposed Alternatives | <b>(No Agency Identified)</b> The environmental review by FSA should minimize the impact on the planting schedule for farmers   |
| North Carolina | Mark       | Jones     | 28530    | State or Local            | Wildlife              | <b>(No Agency Identified)</b> Efforts should be made to maintain  |

**Biomass Crop Assistance Program Public Comments**

| State          | First Name | Last Name | Zip Code | Affiliation               | Nature of Comment     | Comment Summary  |
|----------------|------------|-----------|----------|---------------------------|-----------------------|--|
|                |            |           |          | Government                |                       | biodiversity and ecological sustainability. Wildlife should be considered a co-equal resource value. The use of non-native or invasive plants is opposed.  |
| North Carolina | Mark       | Jones     | 28530    | State or Local Government | Proposed Alternatives | <b>(No Agency Identified)</b> BCAP should not work at cross purposes or otherwise negate the conservation gains of the farm bill and other conservation programs.  |
| North Carolina | Benjy      | Strope    | 28399    | State or Local Government | Wildlife              | <b>(No Agency Identified)</b> Wildlife needs to have equal consideration   |
| North Carolina | Benjy      | Strope    | 28399    | State or Local Government | Vegetation            | <b>(No Agency Identified)</b> Only native vegetation should be used.   |
| Louisiana      | John       | Broussard | 71302    | State or Local Government | Proposed Action       | <b>(No Agency Identified)</b> BCAP should be implemented and is very important in helping develop alternative energy in Louisiana. Efforts have been made to implement other alternative energy programs under rural development but have had difficulties with eligibility and capital. BCAP should be able to make headway where they have not.  |
| Georgia        | Deborah    | Baker     | 30348    | Other                     | Proposed Alternatives | <b>Georgia-Pacific</b> recommends evaluating the environmental impacts of increased demand for wood supply for biomass facilities on forests' structure and wildlife habitats.   |
| Georgia        | Deborah    | Baker     | 30348    | Other                     | Proposed Alternatives | <b>Georgia-Pacific</b> believes RFS mandates have the potential for significant negative impacts to forestation levels, forest sustainability, and existing domestic industry. It is best to provide incentives that broaden the availability of sustainable forestlands in order to meet RFS requirements.  |
| Georgia        | Deborah    | Baker     | 30348    | Other                     | Proposed Alternatives | <b>Georgia-Pacific:</b> Alternative B is better positioned to broaden the availability of supply by not limiting the acres of cropland that can be enrolled in BCAP; by allowing all bio-based products produced including traditional biomass uses to energy such as CHP from the same fuel for use at a facility such as CHP of any biomass conversion facility in BCAP to be supported; by allowing new non-agricultural lands for BCAP project area crop production; and by allowing existing biomass conversion facilities and crops already established that meet BCAP eligibility requirements to be supported. |
| Georgia        | Deborah    | Baker     | 30348    | Other                     | Other                 | <b>Georgia-Pacific</b> recommends developing incentives for the  |

**Biomass Crop Assistance Program Public Comments**

| State     | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary   |
|-----------|------------|-----------|----------|-------------|-----------------------|---|
|           |            |           |          |             |                       | establishment and production of eligible crops that are coupled with requirements for improving growth and yield rates through intensive management of forests and mitigating potential changes in existing forest structure.   |
| Georgia   | Deborah    | Baker     | 30348    | Other       | Socio-economics       | <b>Georgia-Pacific</b> recommends evaluating the primary market effects on wood supply and pricing and the secondary market effects upon supply and pricing of lumber and consumer paper products. Include the impact on the wood supply through biomass growth/drain rations at the current level and at future demand levels.   |
| Minnesota | Andy       | Zurn      | 56215    | Other       | Proposed Alternatives | <b>The Chippewa Valley Ethanol Company</b> believes corn cobs should be included as eligible material for the purpose of CHST matching payments.  |
| Minnesota | Andy       | Zurn      | 56215    | Other       | Proposed Alternatives | <b>The Chippewa Valley Ethanol Company:</b> Corn cobs are a widely available and unutilized biomass having excellent material handling properties and BTU content. Corn cobs offer the best opportunity for near-term renewable energy impact. Corn cob CHST systems are being developed and capital investment needs to be incentivized to promote supply to new conversion facilities.  |
| Minnesota | Bill       | Lee       | 56215    | Other       | Proposed Alternatives | <b>The Chippewa Valley Ethanol Company</b> believes corn cob biomass should remain an eligible material for CHST matching payments.   |
| Minnesota | Bill       | Lee       | 56215    | Other       | Other                 | <b>The Chippewa Valley Ethanol Company</b> appreciates the provision for a coop exemption to the arm's length transaction requirement.  |
| Minnesota | Bill       | Lee       | 56215    | Other       | Proposed Alternatives | <b>The Chippewa Valley Ethanol Company:</b> biomass gasification system qualifies as a conversion facility.   |
| Iowa      | Bill       | Belden    | 52571    | Other       | Proposed Action       | <b>Prairie Lands Bio-Products, Inc.</b> encourages the implementation of BCAP as it was intended. Without an underpinning like BCAP provides, it will be virtually impossible for farmers to commit resources to develop a biomass fuel or feedstock supply given today's production technology. BCAP provides the needed incentives to encourage farmers to shift production on their land to a more sustainable production base |

**Biomass Crop Assistance Program Public Comments**

| State | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|-------|------------|-----------|----------|-------------|-----------------------|--|
|       |            |           |          |             |                       | where it makes sense for a biomass conversion facility to be located.  |
| Iowa  | Bill       | Belden    | 52571    | Other       | Proposed Alternatives | <b>Prairie Lands Bio-Products, Inc.</b> supports targeted implementation laid out in Action Alternative #1 as a pilot implementation strategy. These projects will offer USDA the best opportunity to quickly monitor and evaluate the effectiveness of BCAP.  |
| Iowa  | Bill       | Belden    | 52571    | Other       | Other                 | <b>Prairie Lands Bio-Products, Inc.:</b> Doing a full EIS on the acres that will be used in a pilot BCAP setting will provide long delays in implementing BCAP. Instead, there is practical value in using pilot BCAP projects to closely monitor the implementation of sustainable practices, document the techniques and practices used to achieve sustainability, and evaluate changes needed to achieve the goals of the RFS.  |
| Iowa  | Bill       | Belden    | 52571    | Other       | Proposed Alternatives | <b>Prairie Lands Bio-Products, Inc.:</b> BCAP should: 1) Promote feedstocks that are dedicated energy crops; 2) Not fund residue crops; 3) limit the collection, harvesting, storage, and transportation payments to eligible material delivered to biomass conversion facilities included in a BCAP area with a fuel shed of less than a 100 mile radius; 4) Allow all biomass conversion facilities to be eligible; 5) Allow technology and business plans to drive which facilities are selected to participate in the pilot BCAP project areas; 6) Incentivize landowners to cover their risk to plant a new crop in large enough quantities to support biomass conversion facilities.               |
| Iowa  | Bill       | Belden    | 52571    | Other       | Socio-economics       | <b>Prairie Lands Bio-Products, Inc.:</b> the producer group that provides the biomass for the Chariton Valley Biomass Project, the DOE-USDA research and development project who co-fire switchgrass with coal to produce electricity. We encourage the implementation of the BCAP program as it was intended. For business-planning purposes and without the underpinning BCAP provides it would be virtually impossible for farmers and landowners to commit resources to developing biomass fuel and feedstock supply given today's production technology. The risks associated; seeding the new crop, costs for the land while the proper statute is taking place, and equipment shifts to support a |

**Biomass Crop Assistance Program Public Comments**

| State     | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary   |
|-----------|------------|-----------|----------|-------------|-----------------------|---|
|           |            |           |          |             |                       | conversion facility are huge. BCAP provides the incentives to encourage farmers and landowners to shift their production base where it makes sense for a conversion facility to locate. It provides financial assistance to establish the energy crop that would not offer economic returns for two to three years. The harvesting, storing, and transportation component will mitigate the risks associated with the purchase of equipment, storage space needed for large quantities of biomass.  |
| Iowa      | Bill       | Belden    | 52571    | Other       | Proposed Alternatives | <b>Prairie Lands Bio-Products, Inc.:</b> We think it is wise to target and implement initially in the specific areas or regions as proposed by alternative 1, using a pilot implementation strategy. Targeting those areas where there are current business relationships between producers and cellulose refiners or power companies makes good sense. These shovel-ready or nearly shovel-ready products will allow the USDA to quickly monitor and evaluate the program's effectiveness. The collection, harvesting, and transportation payments should be limited to eligible material delivered to biomass conversion facilities within the BCAP fuel-shed area, probably not more than a 100-mile radius. |
| Iowa      | Bill       | Belden    | 52571    | Other       | Other                 | <b>Prairie Lands Bio-Products, Inc.:</b> Our organization believes the USDA and FSA should evaluate the environmental impact criteria of the rules. Doing a full-line EIS could lead to long delays in implementing the BCAP project. Instead we believe it is practical to use BCAP projects to monitor implementation of sustainable practices, document the techniques and practices used to achieve sustainability, and evaluate changes needed to achieve the goals from a producer's perspective. We believe the BCAP program should promote feedstocks that are for dedicated energy crops, funding resources should not be directed towards residue crops like corn stover.                             |
| Louisiana | Neville    | Dolan     | 70394    | Other       | Proposed Alternatives | <b>Raceland Raw Sugar Corporation:</b> Sugar cane bagasse and cane leaf matter should be eligible crops. These renewable fibrous materials are used solely to provide energy for the conversion facility with all excess being converted to biofuels.   |
| Louisiana | Neville    | Dolan     | 70394    | Other       | Proposed Alternatives | <b>Raceland Raw Sugar Corporation:</b> BCAP selection criteria should ensure enough acreage is available in surrounding areas   |

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| State         | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|---------------|------------|-----------|----------|-------------|-----------------------|--|
|               |            |           |          |             |                       | of the conversion facility to meet the feedstock requirements. New high volume box trailers will solve this problem.   |
| Louisiana     | Neville    | Dolan     | 70394    | Other       | Proposed Alternatives | <b>Raceland Raw Sugar Corporation:</b> The five year contract term should include a provision to allow the producer and the conversion facility to cancel in the case of extraordinary circumstances (e.g., collapse of biomass or bio-fuels market, catastrophic weather conditions, conversion facility failure, etc).   |
| Louisiana     | Neville    | Dolan     | 70394    | Other       | Proposed Alternatives | <b>Raceland Raw Sugar Corporation:</b> The cost for the separation of sugarcane and cane leaf matter should be considered in the program. This process complements collection, harvest, storage, and transportation of the biomass.  |
| Louisiana     | Neville    | Dolan     | 70394    | Other       | Proposed Alternatives | <b>Raceland Raw Sugar Corporation:</b> A provision should be included to extend the matching payment amount period to allow for the program to be fully established before any payments are reduced or stopped.  |
| Louisiana     | Neville    | Dolan     | 70394    | Other       | Proposed Alternatives | <b>Raceland Raw Sugar Corporation</b> supports Alternative B because: 1) A federal program like BCAP is essential to ensure that a continued feedstock is available to conversion facilities to allow for the required throughputs which are necessary to meet the scales of economies for such entities; 2) There is a need to redesign the current feedstock transport system from field to conversion facility; 3) Sugar factories in Louisiana operate for 3 months per year, and the economic advantage of operating equipment for longer continuous production periods is obvious. |
| Massachusetts | John       | Howe      | 02142    | Other       | Proposed Alternatives | <b>Verenium</b> recommends that both "targeted" and "broad" EIS scenarios consider a full range of dedicated energy crops. In particular, FSA should encourage the use of highly promising but non-traditional crops that have not been produced in large volume, and for which no other USDA crop support programs exist. These include high-biomass grasses such as energy vane, switchgrass, Napiergrass, miscanthus, and high-biomass sorghum.   |
| Massachusetts | John       | Howe      | 02142    | Other       | Cumulative Impacts    | <b>Verenium:</b> The EIS process should evaluate the cumulative effect of BCAP implementation on the government's ability to meet its broader policy objectives. The production of biofuels  |

**Biomass Crop Assistance Program Public Comments**

| State         | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary  |
|---------------|------------|-----------|----------|-------------|-----------------------|--|
|               |            |           |          |             |                       | from domestically-sourced biomass feedstocks can contribute to local and global environmental improvement, enhanced national energy security, rural economic development, and more effective and optimal overall use of land resources.  |
| Massachusetts | John       | Howe      | 02142    | Other       | Mitigation            | <b>Verenium:</b> BCAP can contribute to climate change risk mitigation by promoting significant reduction of greenhouse gas emissions. The cultivation of perennial, low- or no-till energy crops can be used as a technique to sequester carbon in the soil on a long-term basis. The high per-acre yields can free up acreage elsewhere for food crop production and alleviate concerns about potential pressure for indirect land use change. BCAP can support the achievement of national biofuels production while sidestepping the "food vs. fuel" issue. BCAP can help minimize fossil fuel-based inputs involved in biofuels production. |
| Massachusetts | John       | Howe      | 02142    | Other       | Socio-economics       | <b>Verenium:</b> By providing support to growers to move into non-traditional crops, BCAP can bolster economic development opportunities and stimulate a major new wave of job creation in rural communities nationwide where cellulosic biomass can be grown. BCAP will generate skilled jobs across the value chain, and investment in advanced biofuels production is also expected to drive a powerful "multiplier effect", stimulating the formation of additional service-related jobs in and around communities where these production activities are based.  |
| Massachusetts | John       | Howe      | 02142    | Other       | Other                 | <b>Verenium:</b> BCAP can be used as an important tool to help to preserve and maintain domestic land in long-term agricultural use, creating an "option value" in open land that is lost when it is converted to other uses.  |
| Massachusetts | John       | Howe      | 02142    | Other       | Soil Quality          | <b>Verenium:</b> BCAP can create the option to be able to use marginal lands for multiple valuable purposes. Establishing perennial bioenergy crops on such lands can keep those lands open for the long term and restore their fertility by enhancing soil organic carbon, regulating a healthy nitrogen cycle, and promoting robust hydrological systems.  |
| New York      | Tom        | Lindberg  | 13021    | Other       | Proposed Alternatives | <b>Mesa Reduction, Engineering, and Processing</b> supports broad implementation of BCAP. Given the range of feedstocks and the  |

**Biomass Crop Assistance Program Public Comments**

| State    | First Name | Last Name | Zip Code | Affiliation | Nature of Comment     | Comment Summary   |
|----------|------------|-----------|----------|-------------|-----------------------|---|
|          |            |           |          |             |                       | range of different uses both for conventional power production and second generation biofuels, BCAP should be as open as possible in allowing for as many different things as possible.   |
| New York | Tom        | Lindberg  | 13021    | Other       | Vegetation            | <b>Mesa Reduction, Engineering, and Processing</b> notes that many of the biomass crops that are attracting interest from the company can be characterized as invasive, and it would be a shame for such plants like canthus to go to waste because they are characterized as invasive.   |
| New York | Tom        | Lindberg  | 13021    | Other       | Proposed Alternatives | <b>Mesa Reduction, Engineering, and Processing</b> supports new nonagricultural lands in BCAP. In order for BCAP to be effective in New York, nonagricultural lands must be utilized. Idle and fallow agriculture lands in New York are going to be very important for both short rotation woody crops and agriculture crops.   |
| New York | Tom        | Lindberg  | 13021    | Other       | Proposed Alternatives | <b>Mesa Reduction, Engineering, and Processing</b> recommends allowing existing facilities and small pilot facilities. There is no "one size fits all" industry for biomass in New York State. Given the range of sizes for biomass conversion facilities in New York, no facility should be excluded from BCAP.  |
| New York | Tom        | Lindberg  | 13021    | Other       | Socio-economics       | <b>Mesa Reduction, Engineering, and Processing</b> supports flexibility in determining the economic radius for the BCAP project area. The definition of a project supply area can shrink or expand depending on the price of fuel and other factors.  |
| New York | Richard    | Alexander | 14063    | Other       | Proposed Alternatives | <b>Double A Willow</b> is strongly in favor of Action Alternative 2, a broad national implementation of BCAP, as long as there are sufficient resources available to do so.   |
| New York | Richard    | Alexander | 14063    | Other       | Proposed Alternatives | <b>Double A Willow</b> is concerned that it takes about \$1000 per acre to develop a willow plantation, an investment that produces at least 10 tons of biomass per year for at least 21 years. Willow should be available as the biomass crop of choice at a number of different locations throughout the country, and we do not want to see that limited by this scoping session. |
| New York | Richard    | Alexander | 14063    | Other       | Proposed Alternatives | <b>Double A Willow:</b> We need to look at optimizing the production of food and biomass feedstocks from the lands that support each other most effectively. Double A Willow feels that willow  |

**Biomass Crop Assistance Program Public Comments**

| State      | First Name | Last Name | Zip Code | Affiliation     | Nature of Comment     | Comment Summary   |
|------------|------------|-----------|----------|-----------------|-----------------------|---|
|            |            |           |          |                 |                       | production is well adapted to environmentally sustainable production methods and is encouraged by the yield results from marginal and previously underutilized farmland. Double A Willow believes that this is the type of land resource best utilized to produce renewable biomass energy feedstock.   |
| California | Jack       | Oswald    | 94133    | Other           | Proposed Alternatives | <b>SynGest, Inc.</b> concludes that the quickest way to encourage the largest possible commodity market for the collection and distribution of biomass is to include the collection of all environmentally sustainable crop residue in the BCAP program. "Crop waste" and not just pure "energy crops" should be included for all provisions. A reasonable and economically viable limit can be removed for every crop. Removal will be economical as long as it is collected at the time of primary crop harvest. A study should be conducted on the maximum amount of each crop residue that can be safely removed from the land and the effects from residue removal (including corn cobs, corn stover, wheat chaff, oat hulls, rice hulls, rice straw, wood waster, and sugar cane bagasse). If the biorefinery that processes crop residue is able to easily capture and return nutrients to the farmer, the amounts of allowable residue removal should be adjusted upward. Also, they recommend that the biomass part of the corn plant, not the food/kernel part, be eligible for all of the BCAP provisions. |
| California | Jack       | Oswald    | 94133    | Other           | Proposed Alternatives | <b>SynGest, Inc.:</b> "Establishment payments" would apply to the necessary equipment needed to harvest the food as well as the biomass portion of a crop. In most cases, existing harvesting equipment can easily be modified or enhanced to establish this production. However, the BCAP provision for per ton delivered matching payments is insufficient alone to provide the incentive needed to rapidly develop the market for biomass for renewable biofuels and bioproducts.  |
| Iowa       | Don        | Frazer    | 50662    | Private Citizen | Proposed Alternatives | <b>SynGest, Inc.:</b> The target of BCAP is to encourage the largest possible commodity market for the collection and distribution of biomass; the quickest way to foster such collection and delivery is to interpret every provision of the 2008 Farm Bill and of BCAP to include the collection of all environmentally sustainable crop  |

**Biomass Crop Assistance Program Public Comments**

| State      | First Name | Last Name | Zip Code | Affiliation     | Nature of Comment     | Comment Summary  |
|------------|------------|-----------|----------|-----------------|-----------------------|--|
|            |            |           |          |                 |                       | residue.   |
| Iowa       | Don        | Frazer    | 50662    | Private Citizen | Proposed Alternatives | <b>SynGest, Inc.:</b> All "crop waste" and not just pure "energy crops" should be included for all provisions. In many cases, some amount of the residue should be left in the field for continued soil health, but a reasonable and economically viable limit can be removed for every crop. Removal will be economical as long as it is collected at the time of primary crop harvest.   |
| Iowa       | Don        | Frazer    | 50662    | Private Citizen | Socio-economics       | <b>SynGest, Inc.:</b> The best and fastest way to achieve the Obama administration's goals to stimulate the economy, achieve energy independence, and reduce climate change is to collect and process existing crop waste.   |
| Iowa       | Don        | Frazer    | 50662    | Private Citizen | Proposed Alternatives | <b>SynGest, Inc.:</b> Recommends conducting an environmental review to include studies of the maximum amount of each crop residue that can safely be removed from the land (include at least corn cobs, corn stover, wheat chaff, oat hulls, rice hulls, rice straw, wood waste, and sugar cane bagasse). The study should look at the effects of residue removal. Also, if the biorefinery is able to easily capture and return nutrients to the farmer, the amounts of allowable residue removal should be adjusted upward as long as other soil health impacts are still mitigated. |
| Iowa       | Don        | Frazer    | 50662    | Private Citizen | Proposed Alternatives | <b>SynGest, Inc.:</b> While "corn" is eligible for Title I, SynGest interprets the law to state that the food part, the corn kernels, are eligible for Title I, not the biomass part of the plant. So, the biomass part of the corn plant should be eligible for all of the BCAP provisions  |
| Iowa       | Don        | Frazer    | 50662    | Private Citizen | Proposed Alternatives | <b>SynGest, Inc.:</b> "Establishment payments" would apply to the necessary equipment needed to harvest the food as well as the biomass portion of a crop. In most cases, existing harvesting equipment can easily be modified or enhanced to establish this production. However, the BCAP provision for per ton delivered matching payments is insufficient alone to provide the incentive needed to rapidly develop the market for biomass for renewable biofuels and bioproducts.   |
| California | Jim        | Burk      | 95825    | Other           | Proposed Alternatives | <b>JEB Consulting, Inc.:</b> Supports Action Alternative 2, Broad National Implementation, and believes it is critical that BCAP   |

**Biomass Crop Assistance Program Public Comments**

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|------------|------------|-----------|----------|-------------|-----------------------|--|
|            |            |           |          |             |                       | encompass a broad national scale.  |
| California | Jim        | Burk      | 95825    | Other       | Socio-economics       | <b>JEB Consulting, Inc.:</b> In California, the costs of converting agricultural and forest residues have escalated while the revenue to existing biomass power plants has decreased, to the point where several existing biomass energy plants are in danger of financial collapse. Also, there have been instances where the costs on harvesting, processing and transporting agriculture and forest biomass feedstocks have made it uneconomical for the landowner to transport, and material has been left in the field or open burned. BCAP would help many of these existing biomass power plants sustain operation and encourage the development of new biomass power plants. |
| Kansas     | Thomas     | Robb      | 67951    | Other       | Other                 | <b>Abengoa Bioenergy:</b> USDA should implement the program in a timely manner in order to allow warm-season grass and an energy crop to be established (could take 2-4 years)   |
| Kansas     | Thomas     | Robb      | 67951    | Other       | Proposed Alternatives | <b>Abengoa Bioenergy:</b> Supports a hybrid of Alternatives A and B: payments should be limited to eligible material delivered to biomass conversion facilities included in the BCAP area (costs too high outside a 50 mile radius); native prairie and farmland that has never been farmed should not be eligible (enough land is already available); there should not be a cap on the percent of cropland in a given county; greenhouse gas tests should be implemented because these facilities should meet any test; all biomass conversion facilities should be eligible for the program so that new energy feedstock crops may be established.                                 |
| Kansas     | Thomas     | Robb      | 67951    | Other       | Proposed Alternatives | <b>Abengoa Bioenergy:</b> A technology and business plan should be driving which facilities can participate in BCAP project areas.   |
| Kansas     | Thomas     | Robb      | 67951    | Other       | Proposed Alternatives | <b>Abengoa Bioenergy:</b> This program is needed as an incentive to landowners to cover their plant establishment risks to plant a new crop in large enough quantities to provide for the biomass conversion facilities.   |
| Louisiana  | Mike       | Salassi   | 70808    | Other       | Proposed Alternatives | <b>LSU Ag Center:</b> There should be further definition on what it means for a transportation distance to be "economically feasible". What is economically feasible for one situation may not apply to another. There needs to be flexibility in this definition.   |

**Biomass Crop Assistance Program Public Comments**

| State        | First Name | Last Name | Zip Code | Affiliation     | Nature of Comment     | Comment Summary  |
|--------------|------------|-----------|----------|-----------------|-----------------------|--|
| Louisiana    | Mike       | Salassi   | 70808    | Other           | Proposed Alternatives | <b>LSU Ag Center:</b> There needs to be a narrow definition on what crop establishment cost is.  |
| Louisiana    | Steve      | Templin   | 71409    | Other           | Socio-economics       | <b>Templin Forestry:</b> Supports Alternative B because it supports new production facilities, which are producing new jobs.   |
| Louisiana    | Steve      | Templin   | 71409    | Other           | Proposed Alternatives | <b>Templin Forestry:</b> New bio-industry production facilities should be at a disadvantage from existing energy producers, and standards should not be prohibitive toward new facilities trying to meet the standards of long range biomass commitment.   |
| Pennsylvania | Dan        | Arnett    | 16335    | Other           | Proposed Alternatives | Supports broad implementation with nonrestricting project size and feedstock costs or feedstock varieties, species, etc. He encourages utilizing different lands with different crops that have been developed by many different groups, not only as a healthy business model to have a wide range of feedstocks, but also for environmental health. Project areas should not be limited at all by their production, but more by the feasibility of their project in developing something new.   |
| Iowa         | Walter     | Wendland  | 50401    | Other           | Proposed Alternatives | I'm a CEO of two ethanol plants representing over 2,000 individuals, a majority of them farmers. It seems very important that this project won't be fully successful without the use of crop residue to help support the switchgrass that's going to be produced as our industry is under a lot of pressure for indirect land use change. This would give our industry an extra boost with carbon credits we have to deal with, and as we produce higher yields, we produce more biomass. In the area I represent, the higher the residue content, the more plowing it takes to bury this residue, if we could take a portion of that we would not need the support of the per ton that switchgrass would. |
| Louisiana    | Bill       | Wieger    | 71405    | Private Citizen | Other                 | Would like clarification on the time frame for this project. How many years are involved in this project and what are the risks? He would also like to know the objectives for the programs or a long list of details.   |
| Iowa         | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | Consider adding a requirement that the harvest process be completed in a manner that meets an accepted definition of sustainability. Consider identifying feedstocks for which sustainability considerations are minimized as first generation   |

**Biomass Crop Assistance Program Public Comments**

| State | First Name | Last Name | Zip Code | Affiliation     | Nature of Comment     | Comment Summary   |
|-------|------------|-----------|----------|-----------------|-----------------------|---|
|       |            |           |          |                 |                       | feedstocks that qualify without restriction.  |
| Iowa  | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | Consider adding a requirement that the transportation process have been completed in a manner that meets all requirements defined by local and federal authorities.   |
| Iowa  | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | Payments for eligible materials should be administered in a manner that allows for flexibility in the business organizations that may perform the separate processes. In order to maximize the effectiveness of the payment, the support should be available to the organization performing the various operations, a portion of which will be performed by organizations other than the producer or end-user of the biomass. It will be more effective if this portion of BCAP assistance was available to a wider spectrum of business entities. One alternative may be to allow the end-user of the biomass to administer these BCAP payments based on individual contracts with supplier groups, with each contract specifying distribution of the payment to various combinations of producers, equipment operators, trucking firms, etc in proportion to the processes each is responsible for. |
| Iowa  | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | The definition of eligible material needs to be clearly defined in order to reduce uncertainty about whether or not crop residues are eligible.   |
| Iowa  | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | Crop residues should be eligible because they are currently available, have the capability to enable rapid growth of the industry, have the capability to improve the carbon sequestration associated with agricultural production, and have the potential to improve the results of a greenhouse gas test of the energy from the grain.  |
| Iowa  | Mary       | Andringa  | 50219    | Private Citizen | Soil Quality          | Harvesting crop residues using appropriate collection, harvest, and tillage practices, have the potential to improve soil quality   |
| Iowa  | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | The proposal in Alternative A that suggests limiting BCAP project areas to align with already established conversion facilities producing only energy and biofuels is too restrictive and will limit growth and innovation.   |
| Iowa  | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | The proposal in Alternative A that suggests capping acres at 25% within a given county is too restrictive and would have a  |

**Biomass Crop Assistance Program Public Comments**

| State     | First Name | Last Name | Zip Code | Affiliation     | Nature of Comment     | Comment Summary   |
|-----------|------------|-----------|----------|-----------------|-----------------------|---|
|           |            |           |          |                 |                       | significant impact on the financial model for a bio-processing facility.  |
| Iowa      | Mary       | Andringa  | 50219    | Private Citizen | Transportation        | In many areas, the density of the available biomass is adequate to support a facility with relatively short transportation distance. This is very important for this industry.  |
| Iowa      | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | The proposal in Alternative A that suggests biomass conversion facilities must meet the greenhouse gas test is too restrictive. Because an accepted definition of the greenhouse gas test is not established, this requirement will only serve to cause more uncertainty and will delay the advancement of this industry. |
| Iowa      | Mary       | Andringa  | 50219    | Private Citizen | Proposed Alternatives | The proposal in Alternative A that suggests only commercial biomass conversion facilities would be allowed in BCAP project areas is too restrictive. A natural step in the development of conversion technologies is to operate systems at pilot scale.   |
| Iowa      | Matt       | Eide      | 50312    | Private Citizen | Proposed Alternatives | Would like the BCAP program to be fully funded, and believes all cellulosic materials need to be eligible, without restrictions, under the program.   |
| Louisiana | Samuel     | Pearce    | 71333    | Private Citizen | Proposed Alternatives | It is important for other experimental crops be included in the BCAP payment group. Such crops include Sweet Sorghum/Sudan grass, Kenaf, Switchgrass, Elephant grass, Giant Reed, several energy cane experimental varieties, and GMO Eucalyptus. Some are invasive in other states, but not in Louisiana                 |
| Texas     | Robert     | Perez     | 78121    | Private Citizen | Vegetation            | Opposes the use of any non-native or invasive plants  |
| Texas     | Robert     | Perez     | 78121    | Private Citizen | Proposed Alternatives | Opposes working at cross purposes or otherwise negating the conservation gains of the farm bill and other conservation programs, especially CRP.  |
| Texas     | Robert     | Perez     | 78121    | Private Citizen | Wildlife              | Supports maintaining biodiversity and ecological sustainability. Wildlife should be a co-equal resource value.  |
| Colorado  | Joseph     | Regnery   | 80108    | Private Citizen | Proposed Alternatives | Managed lands should be included in the BCAP program.. Harvesting the fields for bio energy instead of burning would significantly reduce emissions   |
| Colorado  | Joseph     | Regnery   | 80108    | Private Citizen | Socio-economics       | Using managed lands in the BCAP program would allow the economy to benefit from additional energy and would reduce the cost to clear the fields. If this were implemented, the land   |

**Biomass Crop Assistance Program Public Comments**

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|-------|------------|-----------|----------|-------------|-------------------|--|
|       |            |           |          |             |                   | manager of the managed field should not be penalized a 25% reduction in CRP. Also, this would keep additional hay out of the hay market, preventing the market from being driven down. |