



April 17, 2018

The Honorable Mike Conaway, Chairman
The Honorable Collin Peterson, Ranking Member
U.S. House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Re: “Agriculture and Nutrition Act of 2018”

Dear Chairman Conaway and Ranking Member Peterson:

On behalf of the Family Farm Alliance (Alliance), I write to thank your Committee for the strong conservation and forestry titles included in the recent release of H.R. 2, the “Agriculture and Nutrition Act of 2018” (2018 Farm Bill). The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. We are focused on one mission: to ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. We are also committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental and national security reasons – many of which are often overlooked in the context of other national policy decisions. The Alliance is a key player in the context of Western water resource management and how this important function is impacted by implementation of federal laws and regulations.

Because of the narrowly-focused nature of the Alliance’ mission, our farm bill energies and engagement leading up to the release of H.R. 2 have focused primarily on the conservation title. The Alliance supports a farm bill that maintains funding for the conservation title, and that makes farm bill programs work better for producers in the irrigated West. Our overall goal for the farm bill is to increase opportunities for farmers and their related water management entities to invest in improvements in water management and more efficient irrigation technologies, leading to more reliable water supplies, increased resource conservation, and increased crop yields and environmental benefits. Of course, benefits realized by farmers and ranchers translate to benefits enjoyed by American consumers.

We also have recommendations on forest health (due to the recent spate of wildfires impacting Western watersheds) and programs that promote young farmers. Thus, our comments today are limited to those issues, which we believe H.R. 2 addresses in an effective manner.

Conservation Title

The Alliance is pleased to see that H.R. 2 provides several billion dollars of new funding for the Environmental Quality Improvement Program (EQIP) and Regional Conservation Partnership Program (RCPP) beyond existing levels. This increase in funding for key programs is particularly significant in the face of the possibility that others may wish to cut funding for the conservation title. The bill strengthens the tools for managing agricultural landscapes in several other ways:

- The bill makes EQIP and RCPP funding accessible to western irrigation districts and other water organizations for the first time, something we have been advocating for since the 2002 farm bill. Partnerships with irrigation/water districts and individual producers strengthen the outreach potential and ability to effectively implement projects for growers. With this change in the law, the Natural Resources Conservation Service (NRCS) will have the authority to do this for the first time. We have some suggestions on how to better clarify eligible entities for this program, which we will share with your staff soon.
- The bill simplifies administration of the RCPP program which will allow NRCS to spend more time on getting conservation dollars to producers on the ground, and less time on navigating unnecessarily complex rules.
- The bill provides new, significant mandatory funding for the Watershed Protection and Flood Prevention program (often referred to as the P.L. 566 program), which we hope will be an increasingly flexible and valuable tool for larger-scale water infrastructure projects.
- The bill authorizes the Secretary to waive the size limitation on producer participation in conservation programs “to protect environmentally sensitive land of special significance.” Additionally, the bill provides for longer agreements under the RCPP. These two provisions increase the likelihood that priority watershed resource concerns will be adequately addressed.

We believe the House bill represents the high-water mark for funding and modifying the conservation programs that the Alliance has supported through the past two farm bills.

Forestry Title

Today, on average 7-8 million acres of forests and grasslands burn annually, about double the figure from three decades ago. Today’s wildfires are often larger, more catastrophic and deadlier. Wildfires are being impacted by decades of fire suppression, longer fire seasons, pest/insect infestations, reduced snowpack in high elevation forests and increasingly severe droughts. Plus, Western population growth has significantly expanded the construction of homes within or adjacent to forests and grasslands, increasing the risk of accidental, human-caused fires also putting property and people at greater risk.

Modern forest practices have helped to protect streams and riparian zones, but more needs to be learned about the implications of such practices as thinning or partial cuts. This understanding can, for example, lead to the development of “best management” practices to help balance timber harvesting with sustainable water flow and quality.

We are pleased to see the H.R. 2 Forestry Title include provisions to streamline projects to thin forests and reduce the fire threat across our National Forests. Title XIII removes the requirement for consultation under section 7 of the Endangered Species Act for a project carried out by the Forest Service if the project is found not likely to adversely affect a listed species. It allows for an expedited consultation where the projects conducted under a NEPA categorical exclusion (CE) for which a section 7 consultation is required, the action is deemed to have complied with the requirements of Section 7 after 90 days. The bill also clarifies that if a forest management activity might fall under more than one of the categorical exclusions, the Secretary has full discretion in determining which categorical exclusion to apply. While the CEs are limited to only 6,000 acres, the bill authorizes the use of CEs to tackle important activities, including addressing insect and disease infestation, reducing hazardous fuel loads, protecting municipal water sources, improving or enhancing critical habitat, increasing water yield, expediting salvage operations in response to catastrophic events, and removing hazardous trees and salvage timber to protect public safety, water supply, or public infrastructure.

Support for beginning farmers and ranchers

American agriculture faces a crisis of attrition. Two-thirds of our farmland is on the cusp of transition as farmers age and retire, and there are few young farmers positioned to manage this resource. Farmers over the age of 65 outnumber farmers under the age of 35 by a margin of 6-to-1, and the number of farmers under the age of 35 grew by only 1% between 2007 and 2012. For college graduates, 71% of whom now graduate with student debt, a farm career is often out of the question. Student debt 1) deters many from considering farm careers; 2) places an often-insurmountable financial burden on young farmers; and 3) prevents young farmers from capitalizing their businesses and purchasing land because they are unable to secure mortgages and operating loans. This farm bill would:

- Reauthorize funding for the Beginning Farmer and Rancher Development Program (BFRDP).
- Allow for more flexible eligibility criteria for FSA farm ownership loans that account for the diverse educational and occupational backgrounds of young farmers.
- Maintain several provisions to help beginning farmers and ranchers establish themselves in agriculture. The bill enhances access to crop insurance and establishes a scholarship program at 1890 Land Grant Institutions designed to assist students interested in careers in agriculture.
- Establish the “Commission on Farm Transitions – Needs for 2050” to examine additional policy changes needed to ensure that the U.S. maintains the safest, most abundant and most affordable food and fiber supply in the world.
- Amend the Food Security Act of 1985 to extend the authority to use 5 percent of EQIP funds for beginning farmers or ranchers.

We are pleased to see that H.R. 2 contains these important provisions that we hope will incentivize more young people to pursue careers in agriculture.

Regulatory Relief

Many of our members are significantly impacted by the court order declaring that certain lawful pesticide applications already regulated under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) are also subject to Clean Water Act (CWA) National Pollutant Discharge Elimination System

(NPDES) permits issued by the Environmental Protection Agency (EPA) or delegated states. This situation is the result of a 2009 decision of the 6th Circuit U.S. Court of Appeals that not only ignores Congressional intent but is unprecedented in the four-decade history of the law.

This decision provides virtually no environmental benefit because, in fact, all pesticide applications are already stringently regulated through FIFRA, including applications to and near water. EPA's FIFRA registration program contains specific consideration for such uses. The CWA permits' compliance requirements impose resource and liability burdens on thousands of small farms, water purveyors, and local, state and federal agencies legally responsible for protecting public health. This unnecessarily exposes them to citizen law suits over infractions as minor as simple paperwork violations. Ultimately, we believe that requiring a CWA permit for these already regulated activities actually jeopardizes public health protection and the economy as regulators and businesses expend time and resources to implement and comply with these permits, all for no additional environmental benefits.

That is why we support Sections 9117 and 9118 of H.R. 2 – “Use of Authorized Pesticides/Discharges of Pesticides”, which provides much needed regulatory reform by amending FIFRA and the Clean Water Act to eliminate the duplicative and burdensome NPDES permitting requirement for the use of aquatic herbicides that are permitted and used in conformance with FIFRA.

Conclusion

Our goal at the Family Farm Alliance is to find solutions to Western water conflicts that protect our national ability to feed ourselves, export food to others. Western irrigated agriculture must continue to help America lead the world in agricultural production while finding ways to accommodate the water supply needs of growing urban areas, energy development, recreation, and environmental preservation. Fair, balanced and long-lasting solutions will not come easily – they never have. We look forward to working with your committee and others in Congress to build a 2018 Farm Bill that embeds some of these sensible, workable policies.

Please do not hesitate to contact me at (541)-892-6244 or dankeppen@charter.net if you have any questions or concerns about our perspective on H.R. 2.

Sincerely,



Dan Keppen
Executive Director