



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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CONGRESS/ADMINISTRATION **Farm Bill 2023/USDA**

On March 1, the Senate Committee on Agriculture, Nutrition, and Forestry held a hearing on the Farm Bill, focused on conservation and forestry programs. Witnesses included: Terry Cosby, U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Chief; Zach Ducheneaux, USDA Administrator of the Farm Service Agency (FSA); and Angela Coleman, U.S. Forest Service (USFS) Associate Chief.

Cosby noted the \$918M in the Investment in Infrastructure and Jobs Act (IIJA) to support watershed programs - including the Watershed Rehabilitation Program, the Watershed and Flood Prevention Operations Program, and the Emergency Watershed Protection Program - as well as the \$20B the Inflation Reduction Act (IRA) to support conservation programs. He added: "NRCS administers a wide range of voluntary conservation programs to support private landowners. Most are authorized by the Farm Bill, including the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Agricultural Conservation Easement Program (ACEP), Conservation Innovation Grants (CIG), and the Regional Conservation Partnership Program (RCPP)... NRCS also provides technical assistance, conservation planning, and support for conservation practice implementation for the Conservation Reserve Program (CRP)...."

Cosby provided a summary of FY22 activities under NRCS conservation programs that: (1) enrolled 31,856 EQIP contracts providing over \$1.28B on 9.6M acres, and enrolled 696 EQIP Conservation Incentive Contracts providing \$50.5M in conservation assistance; (2) enrolled 5,332 CSP contracts providing over \$436M on 9.5M acres, renewed 2,628 CSP contracts on 3.3M acres, and enrolled 772 contracts on 48,884 acres in the CSP Grassland Conservation Initiative; (3) invested \$197M in 41 RCPP classic and alternative funding arrangement projects, with a total of 400 active RCPP projects with over 2,000 partners; (4) closed on 260 ACEP easements totaling over 109,449 acres, and invested \$24.8M in

eight Wetland Reserve Enhancement Partnership projects to enable conservation partners to assist NRCS with acquiring and restoring private wetlands; (5) awarded \$40M to conservation partners for 37 new projects under the CIG program to address nutrient management, climate-smart agriculture, adaptation and resilience to support drought related efforts; (6) conservation planning and technical assistance on over 5M acres for over 64,000 new or renewed CRP contracts; (7) completed over 35,700 highly erodible land determinations, over 18,800 certified wetland determinations, and approximately 21,200 conservation compliance status reviews.

Cosby noted the drought that has been especially challenging in the West, with declining water supplies impacting agriculture and the environment. "For this reason, NRCS has developed the Western Water and Working Lands Framework (Framework) for Conservation Action, which will support NRCS leaders across 17 western states in collaborating with partners and effectively delivering conservation assistance to address priority issues related to water." The major water conservation management challenges under the Framework include: (1) forecasting water supply; (2) sustaining agricultural productivity; (3) protecting groundwater availability; (4) protecting surface water availability; (5) managing and restoring rangelands and forestlands; and (6) responding to disruptions from catastrophic events. "The Framework also identifies available NRCS programs and resources to address these challenges, including data collection and forecasting of water supplies, disaster recovery assistance, efficient water use like precision agriculture, or supporting landscape and watersheds across the Department's climate smart agriculture work. For example, NRCS uses EQIP funds to help farmers and ranchers implement practices that conserve scarce water resources, reduce wind erosion on drought-impacted fields and improve livestock access to water."

Cosby said: "The 2018 Farm Bill provided NRCS with multiple new avenues for addressing drought. Through the EQIP, NRCS may now provide direct program assistance to water management entities such as

irrigation districts, acequias and other public or semi-public entities for the purposes of improving water use efficiencies.... NRCS is also coordinating across USDA and other federal agencies to ensure effective collaboration to address drought.... NRCS is investing \$25M as part of a collaboration with the Department of Interior's (DOI) WaterSmart Initiative to help farmers and ranchers in three new priority areas and 37 existing priority areas conserve water and build drought resilience in their communities, assisting communities and producers in 12 Western states. This builds on a \$21M investment in FY22. In addition, as part of the White House Drought Resilience Interagency Working Group, USDA is working with other member agencies to effectively deploy the \$918M [IJA] investment in NRCS watershed infrastructure projects.”

Ducheneaux focused his testimony on FSA programs that “protect our drinking water, reduce soil erosion, preserve wildlife habitat, restore forests and wetlands, and improve soil health for future generations.” He noted that despite the increasing acreage cap Congress set for CRP in the 2018 Farm Bill, enrollment was decreasing in 2021 due to a variety of factors. He said USDA Secretary Vilsack prioritized access to CRP and strengthening the climate benefits. Among other changes, “FSA adjusted soil rental rates where data supported such an adjustment, increased payments for practice incentives, and increased payments for water quality practices.... Climate-Smart CRP practice incentives involve the establishment of trees and permanent grasses, the development of wildlife habitat, and wetland restoration.” Additional improvements to remove barriers – including expanded eligibility, cost-sharing rules, and continuous signup opportunities – were made to CREP, the Grassland CRP Program, the Farmable Wetlands Program, and more.

Ducheneaux provided an update on the FSA's Emergency Conservation Program (ECP), which “provides funding and assistance to help farmers and ranchers repair conservation structures, recover damaged farmland, and install methods for water conservation following natural disasters, including chronic disasters like severe drought.” He noted that in FY22, FSA allocated \$171.5M in ECP funds. FSA also administers the Emergency Forest Restoration Program (EFRP), which assists owners of non-industrial private forests to restore forest health damaged by natural disasters. Congress recently authorized FSA to pay 100% of the ECP and EFRP cost for damage associated with the Hermit's Peak/Calf Canyon Fire in New Mexico, waiving the cost-share requirement. “The flexibilities provided by Congress are helping provide critical assistance to producers as they work to rebuild their operations and infrastructure in the continued wake of these disasters.”

Coleman testified regarding tools from the 2018 Farm Bill to address the wildfire crisis, including the Good Neighbor Authority Agreements with states and tribes, and shared recent developments in implementing year two of the ten-year Wildfire Crisis Strategy.

ENVIRONMENT **Endangered Species Act**

On February 9, the U.S. Fish and Wildlife Service (FWS) published a proposed rule on Endangered and Threatened Wildlife and Plants; Enhancement of Survival and Incidental Take Permits (88 FR 8380). The new rule would clarify the use of the permits under Endangered Species Act (ESA) Section 10(a), and FWS authority to issue them for non-listed species. It would also simplify requirements by combining safe harbor agreements and candidate conservation agreements with assurances into one agreement type. The intent is to promote species conservation through voluntary agreements and make the process clearer, easier and more efficient. Comments are due April 10 at www.regulations.gov, Docket #FWS-HQ-ES-2021-0152.

DOI Secretary Deb Haaland said: “As we celebrate the 50th anniversary of the [ESA], it's critical that we reflect on the lessons learned from implementing this landmark conservation law and assess what the next 50 years of species conservation should look like. A collaborative approach to the biodiversity and extinction crises will advance the goals of the President's America the Beautiful initiative and set us on a course for continued recovery and resilience.”

FWS Director Martha Williams said: “It's more important than ever to incorporate the knowledge gained from working with landowners and conservation partners in developing and permitting voluntary conservation agreements. These improvements will assist landowners who want to manage their lands and undertake development activities while also implementing conservation efforts for species that need help.” <https://www.doi.gov/news>

On February 13, a DOI blog post noted that the ESA “has saved hundreds of species from extinction and continues to protect and preserve some of our most beloved animals and plants. It has also helped to create a better understanding of how human activities can impact the environment and how we can work together to protect it. Perhaps most importantly, this anniversary is a reminder that conservation efforts are essential for stemming the worsening impacts of climate change, protecting biodiversity and preserving our planet for ourselves and future generations.” <https://www.doi.gov/blog>