



*Protecting Water for Western Irrigated Agriculture*

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Office of Budget and Program Analysis  
U.S. Department of Agriculture  
Whitten Building, Room 101-A  
1400 Independence Avenue SW  
Washington, D.C. 20250  
Transmitted via e-mail to: [regulations@obpa.usda.gov](mailto:regulations@obpa.usda.gov)

**Re: “Identifying Regulatory Reform Initiatives”**

To Whom it May Concern:

On behalf of the Family Farm Alliance (Alliance), thank you for this opportunity to submit formal comments regarding regulatory reform at the U.S. Department of Agriculture (USDA). The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. The Alliance is 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.

There are critical issues that the Western family farmers and ranchers we represent are confronted with at this time. At the top of the list is the daunting number of administrative policy initiatives that are facing Western agricultural producers. These types of federal water resources actions and regulatory practices could potentially undermine the economic foundations of rural communities in the arid West by making farming and ranching increasingly difficult. American family farmers and ranchers for generations have grown food and fiber for the world, and we will have to muster even more innovation to meet this critical challenge. That innovation must be encouraged rather than stifled with new federal regulations and uncertainty over water supplies for irrigated farms and ranches in the rural West.

## Background

On February 24, 2017, President Trump signed Executive Order (E.O.) 13777—Enforcing the Regulatory Reform Agenda, which established a federal policy to alleviate unnecessary regulatory burdens on the American people. The E.O. directs federal agencies to establish a Regulatory Reform Task Force (Task Force). One of the duties of the Task Force is to evaluate existing regulations and make recommendations to the USDA Secretary regarding their repeal, replacement, or modification. The E.O. further calls on the Task Force to seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations on regulations that meet some or all of the criteria above.

## Overview of Family Farm Alliance Recommendations

We appreciate that USDA has extended the public comment period to help its Task Force's evaluation of existing regulations. Our recommendations are aimed at Natural Resources Conservation Service (NRCS) and U.S. Forest Service (USFS), the two USDA agencies our members closely interact with. They are grouped into five categories:

- Principles, Requirements and Guidelines (PR&G) and Related Agency-Specific Procedures for federal investments in Water Resources (USDA Departmental Regulation DR 9500-013);
- National Environmental Policy Act (NEPA) Processes Associated with Forest Health (regulations at 36 CFR part 220, Forest Service Manual 1950, and Forest Service Handbook 1909.15);
- NEPA Processes Associated with New Water Development Projects (7 CFR PART 1b);
- 2015 Clean Water Rule – “Waters of the U.S.” (80 FR 37054, June 29, 2015)
- NRCS Water Conservation Programs (7 CFR Chapter VI)

In this document, we attempt to be as specific as we can, and wherever possible, provide a Federal Register (FR) or Code of Federal Regulations (CFR) citation when referencing a regulation or directive. We have identified areas where regulations should be repealed, replaced or modified. Wherever possible, we note if jobs will be eliminated or job creation inhibited by certain regulations. We seek to explain how some of these regulations and policies are outdated, unnecessary or ineffective, or impose costs that exceed benefits.

### **Principles, Requirements and Guidelines (PR&G) and Related Agency-Specific Procedures for federal investments in Water Resources (USDA Departmental Regulation DR 9500-013 and Departmental Manual 9500-013)**

As a result of a congressional directive in the Water Resource Development Act (WRDA) of 2007, the Obama Administration’s White House Council on Environmental Quality (CEQ) developed Principles, Requirements and Guidelines (PR&G) for federal investments in water

resources. These PR&Gs were originally intended to accelerate Corps of Engineers' water project approvals, reduce costs, and support water infrastructure projects with the greatest economic and community benefits. These new updates to the original Principles and Guidelines (P&G) called for in the 2007 WRDA had contemplated that the Corps of Engineers, rather than the White House CEQ, would provide the lead on this endeavor. Instead, these PR&Gs were expanded and broadened by CEQ to cover all federal agencies with water infrastructure development authority, including USDA. They overly emphasize the value of healthy ecosystems and encourage nonstructural options, such as expanding wetlands to manage stormwater and flood runoff, over traditional and time-proven solutions like building levees and dams to provide solutions to flooding, water supply and management problems.

While some environmental groups say the CEQ-driven effort reflected a deeper understanding of “the true costs” associated with water resource development projects, many in the regulated community believed instead that adding such requirements to the water project planning process would hinder and even stop key projects that are needed to meet rising water demands in fast-growing regions of the Nation. And, placing a subjective “value” on environmental impacts of a project could elevate the “cost” of a project beyond the projected “benefits” in a new P&G benefit-cost analysis.

Federal laws like the ESA, Clean Water Act, and NEPA already provide sufficient (and some might say overburdening) requirements for mitigation of environmental damage from water development projects. Overlaying these new, subjectively-derived set of values reflected in the PR&Gs on virtually every federal action that has a nexus to water management goes beyond the intent of Congress and could have a crippling effect on Western water management activities at all levels and for all uses. It remains unclear how the various agencies involved with water infrastructure will mesh implementation of individual agency guidelines on projects that involve more than one federal agency. The new guidelines could bring federal water project development to a halt.

The new PR&G overlay a whole new “value set”, not just on new projects, but also on every federal action that has a nexus with water. The PR&G and subsequent Agency Specific Procedures (ASP) developed for individual agencies go beyond the legislative intent of Congress stated in the 2007 WRDA. The ASP and PR&Gs could significantly impede water management, conservation and development activities in the Western United States by adding significant bureaucratic layers onto already complex federal environmental and engineering decision making processes. They are biased towards nonstructural and demand management strategies and could render future federal water infrastructure investments hopelessly bound in red tape, economic uncertainty and indecision.

At USDA, Departmental Regulation DR 9500-13 *Conducting Analyses Under the Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies and Federal Water Resource Investments* and guidance included in Departmental Manual (DM) 9500-013, *Guidance for Conducting Analyses Under the Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies and Federal Water Resource*

*Investments* were finalized on January 5, 2017, just days before President Trump's inauguration. Within USDA, this framework will continue to apply to NRCS and will be expanded to include the USFS, the Farm Service Agency (FSA), and the Rural Utilities Service (RUS). The Interagency Guidelines (IAG) provides direction to agencies for implementing the concepts included in the PR&G.

We recommend that DR 9500-13 and the DM be repealed. The process proposed is daunting and uncertain, and the costs and delays it would impose could preclude many planning and development efforts. We do not want to see a program that becomes mired in a process that ultimately delays or prevents implementation of critical water enhancement and conservation projects. Those projects – especially those that enhance water supplies – already are very time-intensive and any additional delay for planning and studies will only add to the costs and time frame for providing water supply relief.

**NEPA Processes Associated with Forest Health (regulations at 36 CFR part 220, Forest Service Manual 1950, and Forest Service Handbook 1909.15)**

In recent years – catalyzed by the ominous increase in Western wildfire activity - members of our organization have been seeking ways to discourage litigation against the USFS relating to land management projects. We also support efforts to develop a categorical exclusion under NEPA for covered vegetative management activities carried out to establish or improve habitat for important Western species like greater sage-grouse and mule deer. We seek to expedite and prioritize forest management activities that achieve ecosystem restoration objectives.

In the world of Western water, a massive wildfire in the headwaters of a watershed can devastate the water supply – both quantity and quality – so important to the many beneficial uses in that river basin, including the irrigation of farms and ranches that produce some of our Nation's high-quality food and fiber. The Alliance believes the federal government must prioritize actions that would help actually implement some important forest management projects on federal lands to ward off these disastrous wildfires and protect some of our most vulnerable Western water supplies in the process.

We do not seek changes that waive or ignore existing federal environmental laws; we simply want to find administrative ways to make them work better. We support procedural recommendations transmitted to the USFS NEPA Services Group by California Farm Bureau Federation on February 2, 2018 that could result in streamlined, effective work rather than costly litigation:

- The USFS should allow for large scale, landscape-level land management plans to guide individual actions on the forest without duplicative administrative process under federal environmental laws. However, landscape-level analysis and decision making should not become an unintentionally created “new” planning level which is required to move forward with project level decisions. The USFS should also prioritize smaller, nimble projects with shorter analysis timelines.

- USFS should improve and expedite NEPA timelines to streamline post-fire salvage timber harvest to improve forest health, support rural communities, reduce public safety risk and maximize salvage timber value.
- The USFS should direct the use of Categorical Exclusions (CEs) already allowed under NEPA in preventing wildfires and restoring forest habitat and ecosystems more effectively and on a timely basis. The Forest Service should specifically expand the following CEs:
  - Increase allowable acreage of live tree harvest from 70 acres to 250 acres, and increase the allowable length of temporary road construction from one-half mile to two miles.
  - Increase post-fire rehabilitation activities up to 4,200 acres
  - Increase the allowable acreage of salvage from 250 to 1,000 acres and increase the allowable length of temporary road construction from one-half mile to three miles.
  - Increase roadside salvage to an unlimited size in order to protect public safety and infrastructure from dead and dying hazard trees following wildfire or other catastrophic event.
- The USFS should create new CEs for the following:
  - Decisions documented in Decision Notices and Findings of No Significant Impact and should include commercial and non-commercial timber harvest, hazardous fuels removal, prescribed fire and post-fire restoration.
  - Thinning treatments up to 5,000 acres on previously managed forest stand less than 80-years old.
- The USFS should utilize exemptions and expedited procedures found in State law or regulation that would expedite actions to recover fiber, restore, and reforest lands damaged by wildfire.
- The USFS should address the economic and environmental effects of doing nothing in the No-Action alternative. In the West, doing nothing often results in a continued decline of forest health resulting in catastrophic wildfire and the loss of many resource values including air and water quality, loss of personal property and even loss of life. The No-Action alternative analysis should describe the trade-off of doing nothing versus any action alternative and not assume that an unmanaged, untouched forest will remain static and in proper health.
- The USFS should adopt emergency procedures to allow rapid response to wildfires and other events the CEs found in the 2014 Farm Bill for any hazardous fuels reduction project on Condition Class 2 or 3 lands developed via a collaborative process or develop a new CE. For example, the Forest Service should expand the designated insect and disease risk areas to allow for greater use of the 3,000-acre legislative categorical exclusion including under Section 602 of the Farm Bill.

The Family Farm Alliance believes these types of procedural changes to NEPA implementation would improve our Western landscapes, protect our valuable water supplies from the devastating effects of wildfires, and allow agencies to improve habitat and restore ecosystems for the benefit of federally important species to allow continued agricultural use of our public lands.

### **NEPA Processes Associated with New Water Development Projects (7 CFR PART 1b)**

The Family Farm Alliance believes that without new sources of water, increasing urban and environmental demands will deplete existing agricultural supplies and seriously threaten the future of Western irrigated agriculture. The often slow and cumbersome federal regulatory process is a major obstacle to realization of projects and actions that could enhance Western water supplies. The Alliance has long worked with Congress, federal agencies and other interested parties to build a consensus for improving the regulatory process.

NEPA implementation can have a direct bearing on the success or failure of critical water supply enhancement projects. In recent years, we surveyed irrigators and water managers throughout the West and asked them to identify the regulatory impediments they most frequently encounter as they seek to construct projects that enhance water supplies. NEPA “horror” stories were abundant. Below, we list the impediments related to NEPA implementation and offer associated recommendations on how each can be addressed.

**Problem #1: The NEPA process takes too long and is too uncertain and expensive.** NEPA documents should only pertain to the proposed action and only address issues raised in public scoping that are directly tied to the proposed action. Instead, a common ploy of certain activist groups is to throw a “laundry list” of issues and concerns at a federal agency, knowing full well it will distract, confuse, and lengthen the process, thereby creating a document with potential loop holes that might later be appealed. Anything that can be done to streamline the overall NEPA process should be encouraged:

- Develop a reasonable range of alternatives to facilitate project planning and the NEPA process. We believe alternatives should be limited to the proposed action being analyzed. The number of alternatives should be constrained only to the range of activities and associated impacts of the proposed action.
- USFS should require that “reasonable alternatives” analyzed in NEPA documents be limited to those which are economically and technically feasible.
- Add mandatory timelines and page limits (as established in current NEPA regulations) for the completion of NEPA documents.
- Add a requirement that agencies “pre-clear” projects. This is the basic function of the CE that is almost never used because of the test of “significant impact”.

- Encourage cooperative efforts to move projects through the NEPA and permitting processes: 1) Grant tribal, state and local stakeholders cooperating agency status. The definition would include the term “political subdivisions” to capture the large number of political subdivisions that provide vital services to the public but are generally ignored in the planning for NEPA; and 2) Encourage more consultation with stakeholders.
- Control NEPA-related costs.

**Problem #2: The alternatives proposed for assessment by NEPA regulators are frequently inappropriate, unrealistic, difficult-to-implement, and often in conflict with state law.** For example, “purpose and need” requirements related to potential benefits or uses of future water supplies are dismissed by agency regulators in NEPA. Planning opportunities and purposes for which a project may be permitted are restricted, which narrows the planning horizon, and makes it impossible to plan for projects with long-term benefits. We offer USFS six recommendations to address this and other concerns:

- Create unambiguous criteria for the use of CEs, Environmental Assessments (EA) and Environmental Impact Statements (EIS). As these criteria are clarified, it will force policymakers to also address the confusion that currently exists relative to what exactly constitutes a “significant” impact. The definition of “significant impact to the human environment” needs to be clarified to minimize confusion and varying interpretations between various local and regional federal agency staff. Ultimately, proper implementation of this recommendation has the potential to reduce future litigation costs.
- Require that the alternative analysis must include consideration of the environmental impact of not taking an action on any proposed project.
- Prepare regulations giving weight to localized comments;
- Promulgate regulations to make clear which types of future actions are appropriate for consideration under the cumulative impact analysis.
- The state’s legislative and planning process should be considered in establishing “purpose and need” for construction of dam and reservoir projects. Revised regulations should allow existing state environmental review process to satisfy NEPA requirements.

**Problem #3: Federal regulators take a long time making decisions on projects, and at times they seem unable to even make decisions.** Recommendations:

- We have previously recommended and maintain our view that an EIS should normally be less than 150 pages with a maximum of 300 pages for complex projects. And, timelines should be no more than one year from NOI to final EIS. These strict page limits and timelines can be accomplished with more up-front planning and outreach work to ensure a more orderly and organized process for crafting concise, well written NEPA documents that will stand the test of any challenges.
- Conduct a study and report that details the amount and experience of NEPA staff at USFS. A consistent problem noted by several Western water users who have worked in NEPA processes are decisions made by the lead agency staff, who, due to perceived bias

or lack of ability to adequately administer NEPA, routinely and habitually instigate “predecisional” actions.

**Problem #4: Federal fisheries agencies like Fish and Wildlife Service and National Marine Fisheries Service are not compelled to consult with other agencies like USFS in a timely fashion, and frequently do not begin work on Endangered Species Act (ESA) biological opinions until after the NEPA process has been completed.**

- To reap the maximum benefit of lead agencies, we recommend that their authorities should be applied “horizontally” to cover all cases. Additional concepts would be added such as charging the lead agency with the responsibility to develop a consolidated record for the NEPA reviews, EIS development, and other NEPA decisions.

**Problem #5: The positive attributes and importance of agricultural activities are often not properly assessed in NEPA analyses, if they are assessed at all. Recommendations:**

- NEPA analyses should require that value be assigned to continued agricultural production in a project area.
- Impacts of drought and continuing water demands must be assessed and built into the NEPA process.

This matter is very important to the family farmers and ranchers of our membership. We are hopeful that a concerted good-faith effort to address NEPA administration will result in a streamlined regulatory process that will be efficient, fair and effective.

#### **2015 Clean Water Rule – “Waters of the U.S.” (80 FR 37054, June 29, 2015)**

The 2015 Obama Administration “Clean Water Rule” adopted by EPA and the Army Corps of Engineers (Corps), intended to clarify administration of the Clean Water Act (CWA) jurisdictional issues, which are very uncertain, particularly in areas where Western farmers and ranchers store, move and apply water for irrigation. This uncertainty brings with it the risk of additional regulations, time-consuming and potentially expensive procedures, expanded opportunities for litigation, and a shift from local and state water management towards increased federal agency regulation and oversight. The Obama-era “Clean Water Rule” proposed certain excluded waters and exempted activities in determining what is to be considered *per se* “waters of the U.S.”, or through case specific analyses of “other waters”. These are ambiguous and will create uncertainty in implementing the CWA. Our farmers and ranchers simply do not need another layer of difficulty added to a profession that is already saddled with significant challenges.

The CWA itself contains broad exemptions from regulation for the agricultural sector in rural America. Farmers and ranchers currently do not need CWA Section 404 dredge and fill permits for normal farming practices like plowing or constructing farm roads. In addition, stormwater runoff and irrigated agricultural return flows from farm fields are not subject to federal pollution



permits. The agencies said these exemptions would be carried forward under the 2015 rule and issued (and subsequently withdrew) an "interpretive rule" to explain dredge-and-fill exemptions for normal farming, silviculture, and ranching practices, listing 56 conservation practices approved by the USDA-NRCS that would be exempt from permitting requirements under Section 404 of the CWA.

The Alliance believes that the interpretive rule would not have protected farmers from requirements related to potential pollutant discharges and future permitting requirements under the CWA, and would actually narrow the exemptions for production agriculture under the CWA. The interpretive rule as proposed also placed the USDA-NRCS in a position of policing these practices under the CWA rather than their usual role of partnering with agriculture to ensure the adoption of best practices important to the balance of productive farms and ranches and clean water.

NRCS and EPA should collaborate with the agricultural sector to ensure that all normal farming, silviculture, and ranching practices, including USDA-NRCS approved practices continue to be exempt from CWA regulation. There are existing examples of similar inter-agency collaboration. The EPA and the Corps in July 2007 issued Regulatory Guidance Letter (RGL) 07-02 that provides a national approach for conducting exemption determinations for the construction and maintenance of irrigation ditches and the maintenance of drainage ditches consistent with Section 404(f) of the CWA. Section 404(f) specifically exempts from CWA permitting requirements discharges of dredged or fill material into "waters of the U.S." associated with the construction and maintenance of irrigation ditches and maintenance of drainage ditches.

The EPA and the Corps have used this RGL to interpret these CWA exemptions in many cases in the West; fortunately, the Trump Administration's intent to move forward with a new, revised WOTUS2 rulemaking provides an opportunity to further strengthen the CWA exemptions. The Administration's emphasis on the Scalia test provides an opportunity to clearly draw a bright line that limits jurisdiction of the CWA to waters that permanently flow year-round, or most of the year. It would also limit jurisdiction to those locations where visual surface flow connections can be made between wetlands and navigable waters that flow year-round or most of the year. It further provides an opportunity to clearly articulate existing CWA exemptions for agricultural and roadside ditches, irrigation drains, farming operations, farm runoff.

The Obama WOTUS Rule excludes "[a]rtificially irrigated areas that would revert to dry land should application of water to that area cease." In RGL 07-02, the Corps explained that wetlands "established solely due to the *presence of irrigation water, irrigated fields, or irrigation ditches*" are not jurisdictional. An accompanying footnote further clarified that "waters, including wetlands, created as a result of irrigation would not be considered waters of the United States even when augmented on occasion by precipitation."<sup>1</sup>

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<sup>1</sup> *Id.* at note 1. Under the reasoning in RGL 07-02, it appears that irrigation ditches could be tributaries "solely due to the presence of irrigation water."

We conclude this section by emphasizing that exemption from federal regulation does not imply a complete lack of regulatory oversight. States, such as California, can and are regulating such activities under waivers or waste discharge requirements and, as needed, through stream alteration permits.

### **NRCS Water Conservation Programs (7 CFR Chapter VI)**

Today, irrigated agriculture in the American west faces some of the most vexing and complex challenges in addressing crucial water quantity and quality issues. Water is the lifeblood of irrigated agriculture in the West, and the ever-growing competing demands for water many times outstrips the available supply, setting up conflict between farmers and cities, the environment and even between other farmers over limited and uncertain irrigation water supplies. Given the increasing importance of growing a safe, stable supply of abundant food for this Nation and the world, we must continue to manage and protect these limited water supplies necessary to adequately and efficiently irrigate Western crops so important to meeting this goal. And, through the Farm Bill conservation programs administered by NRCS, necessary water and natural resource conservation and management tools and partnerships are made available to farmers and ranchers that can help them to successfully meet these challenges.

The Alliance believes that, by utilizing the examples of successful American food and fiber producers, private landowners, and on-the-ground conservation practitioners, NRCS has a unique opportunity to make Farm Bill Title II conservation programs more effective, more efficient, and more user-friendly. This is especially important now, with the tough budget times we are facing and will continue to face in the near future.

The Alliance supports incentive-driven conservation programs, more local and state control of the funding for those programs, increased emphasis on deteriorating forested watersheds, and streamlined implementation. We believe the practical experience of our membership, coupled with the many agricultural water and natural resource policy issues our organization has been involved with over the past several years gives us a unique perspective to provide specific ideas on how conservation programs can be delivered more efficiently and encourage more participation from Western farmers and ranchers. The Alliance has long supported robust and reliable funding for the Environmental Quality Incentives Program (EQIP), the Regional Conservation Partnership Program (RCPP), and the Watershed Protection and Flood Prevention program (P.L. 566).

For more than 75 years, American taxpayers have invested in conservation through the Farm Bill. These investments in private lands and waters have delivered cost-effective benefits far beyond the property lines of farmers and ranchers, extending robust returns for every taxpayer who buys food at the market, enjoys fresh air and clean water, and recreates in the great outdoors. These returns include significantly improved fish and wildlife habitat, improved air, soil and water quality, ensured long-term productivity of our agricultural lands, increased outdoor recreational opportunities, and increased financial returns for rural communities.

In the Western U.S., we need policies that encourage agricultural producers to work together with each other and with many applicable Federal and State agencies in a strategic, coordinated fashion. This is especially true now more than ever before due to the limited financial resources of the Federal government and the need to continue to effectively and efficiently protect our limited natural resources so important to this Nation's food productivity.

We must create to further improve upon delivery of important Farm Bill conservation funding to provide the “best bang for the buck” on farm and ranch lands:

- New Farm Bill provisions should be enacted to allow EQIP to provide direct payments to irrigation districts to work directly with their landowner member farmers on NRCS-approved coordinated water conservation and management projects. While NRCS should still approve the contracts, we believe more efficient results that provide measurable, coordinated improvements on the ground will occur if the irrigation districts distribute the funds and work with the landowners directly. These districts can provide opportunities for innovative solutions to water management problems that currently cannot be achieved simply due to bureaucratic barriers, lack of communication and narrowly focused programs. Administrative expenses for such partners should be allowed, but capped;
- Irrigation districts and/or landowners should be allowed to implement water conservation or water quality projects outside of the normal projects funded under the EQIP program, given that they can show improvements to either water quantity or quality;
- Irrigation districts or similar entities should be allowed to be the basis for “pooling” arrangements, where the benefits of a project which affects multiple landowners is funded by “pooling” their individual EQIP interests into a larger, coordinated project;
- Direction must be provided to improve how NRCS program administrators deliver timely and accurate information, provide reliable and transparent processes, and set firm deadlines;
- Administrative costs associated with any work performed by the NRCS should be capped at a reasonable level;
- The role of the Bureau of Reclamation in coordinating with NRCS in the implementation of water conservation programs in Western states must be well defined, and should complement the collaborative philosophy (between the Departments of Agriculture and the Interior) embedded in the “Bridging the Headgates” initiative endorsed by both the Bush 41 and 43, and Clinton Administrations;
- NRCS conservation programs should provide assurances that the intent is not to reallocate water away from agriculture, but to help stretch limited water supplies for future regional beneficial use. We do not believe Farm Bill funds should be used to retire farmland or convert irrigated ground to dryland crops. It must also recognize the traditional deference of federal agencies to state water laws and allocation systems;

- Water managers have also noticed that the NRCS funding levels fluctuate, and so they are never sure what level of funding their farmers will receive. During the application process to secure funding, NRCS should agree how much a district is going to receive and ensure this money will be there. To minimize administrative complications, sharing some of the control over funds with the partnering irrigation districts would simplify the responsibilities of the NRCS. Districts could be held accountable through audits and reports delivered to the NRCS.
- We would be happy to sit down with committee staff and NRCS leadership to help create a workable and efficient solution to these challenges.

Local and state priorities should be the drivers of conservation. One size does not fit all. Conservation needs of a rice farm in Arkansas are much different than those of a rancher in Wyoming or a coffee producer in Hawaii. Local control for identification of conservation needs and allocation of funding must be restored. We believe the national priority ranking criteria should be completely eliminated, and instead, a block of conservation funds should be provided to each state, where local and state priorities end up driving how funds are spent on the ground, consistent with each program's authorities and goals. States should be allowed to voluntarily assume primacy for implementation of the conservation title of the Farm Bill with block grants to the states. This would result in increased efficiency and delivery of conservation needs within each state.

Most states have mirror agencies, Departments of Agriculture, Wildlife, Natural Resources, and Engineers that have the capacity to implement conservation programs. This type of approach is already in place for portions of the Clean Water Act. Significant cost saving to the federal government could be realized by reduction in duplicate effort with the states.

We look forward to working with your Department to embed these concepts into actual administration of NRCS conservation programs.

## **Conclusions**

Western irrigated agriculture is a strategic and irreplaceable national resource. It must be protected by the federal government in the 21st Century. Recognizing the value of Western irrigated agriculture is vital. Properly managing federal watersheds and encouraging federal agencies to work with the agricultural community to solve local water challenges are imperative. Farmers and ranchers and others in the regulated community saw increased Federal top-down regulations and controls being proposed and put in place during the prior administration; meanwhile, proven, collaborative partnership-driven approaches to find lasting solutions to vexing water problems were put on the back burner. It is difficult to understand why agricultural production finds itself continually under attack when farmers and ranchers continue to provide the affordable food and fiber to feed and clothe the Nation and the world.

Thank you for this opportunity to provide input on this matter, which is very important to the family farmers and ranchers of our membership. We are hopeful that a concerted good-faith effort to address the issues discussed above will result in streamlined regulatory processes that will be efficient, fair and effective. We look forward to working with you toward that goal.

Please do not hesitate to contact me at [dan@familyfarmalliance.org](mailto:dan@familyfarmalliance.org) if you have questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Keppen', with a stylized, flowing script.

Dan Keppen  
Executive Director