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**Steve Moyer**  
*Vice President of Government Affairs*

August 13, 2018

The Honorable Pat Roberts  
Chairman, Senate Agriculture Committee  
Washington D.C. 20510

The Honorable Mike Conaway  
Chairman, House Agriculture Committee  
Washington D.C. 20515

The Honorable Debbie Stabenow  
Ranking Member, Senate Agriculture Committee  
Washington D.C. 20510

The Honorable Collin Peterson  
Ranking Member, House Agriculture Committee  
Washington D.C. 20515

**RE: Farm Bill Conference; Trout Unlimited Recommendations.**

Dear Chairmen and Ranking Members:

Your work on the 2018 Farm Bill has delivered outstanding results in the conservation titles of the House and Senate bills. Thank you for your thoughtful work. Although we are opposed to the House Clean Water Rule rider and have concerns about some of the House forest management provisions, the two bills each contain provisions which will help with addressing some of the nation's pressing natural resource concerns for producers – western drought, water quality, and stream health. We write to urge you to ensure that the final legislation includes critical western drought provisions, adopts measures which increase conservation title funding, retains all conservation funding within the conservation title, and includes only those forestry provisions that enjoy bipartisan support.

For over 50 years, Trout Unlimited (TU) has been working with agricultural producers on the twin goals of improving agricultural operations while restoring streams, water quality, and improving fisheries on ranch and farm lands. The Farm Bill's conservation title provides a key investment in these projects on working lands. Just in the last four years, TU has matched over \$16.5 million in Farm Bill dollars with state and private dollars to carry out projects to make western ranch lands more drought resilient, reduce sediment in streams on midwestern farms, and improve riparian and stream habitat on rural, eastern farms. Below, we highlight a handful of TU's top priorities in the 2018 Farm Bill's conservation title to get even more of these projects accomplished, and to be even more effective in matching Farm Bill dollars with state and private funding.

**1. Maintain Conservation Title Funding.**

The 2014 Farm Bill cut the conservation title by approximately \$4 billion over ten years directly, and

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**A mission to conserve, protect, & restore North America's coldwater fisheries and their watersheds.**

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it rose to \$6.1 billion in cuts to conservation compared to authorized funding under mandatory sequestration. TU urges you to maintain conservation title funding, and structure the title to maintain baseline as much as possible given your complex task of balancing program improvements with funding allocations. The Farm Bill's conservation title is the nation's flagship program to secure the leadership of farmers and ranchers as stewards of their lands in voluntary, non-regulatory practices that improve air and water quality, and fish and wildlife habitat.

## **2. Improve and Streamline the Regional Conservation Partnership Program (RCPP).**

The Regional Conservation Partnership Program (RCPP) was a successful program innovation in the 2014 Farm Bill to leverage federal dollars and multiply conservation benefits. TU has successfully implemented a variety of RCPP projects across the country. The Senate bill makes significant improvements to the RCPP, particularly the Senate bill's pilot grant provision. The pilot grant agreements provision replaces the problematic "alternative funding arrangement" or "AFA provision" in the 2014 Farm Bill's RCPP authority. The AFA provision proved time-intensive and difficult to contract for multi-producer, irrigation infrastructure projects. Only two AFA contracts were completed nation-wide under the last Farm Bill's RCPP provision, one in New Mexico, and the other in Colorado. The pilot grant agreements section addresses the short-comings of the AFA provision by providing new statutory authority for straight-forward contracting with a partner implementing an RCPP project with multiple producers, such as a project to upgrade water-delivery, irrigation infrastructure owned by a canal company, ditch company, or irrigation district that provides water conservation and watershed health benefits.

The pilot grants provision is not only an important improvement over the AFA provision, but it also provides an important avenue for projects that would not be likely to be done just through EQIP, even with the additional authority added to the Senate bill after the Committee's action mirroring the House provision to give irrigation districts, canal companies, and other entities contracting authority for irrigation infrastructure projects in EQIP. Under the pilot grants provision, the partner contracting with the agency can bring their expertise to bear in designing and providing critical cost-share for key fish and wildlife components of a large infrastructure project, creating the kinds of multiple benefits for rivers and agriculture in upgrading infrastructure that the RCPP is designed to accomplish. In addition, for smaller canal and ditch companies that have abundant infrastructure needs but no staff or capacity to carry them out, the ability of a partner to provide that additional capacity to help contract, cost-share, and manage a significant infrastructure project is likely to make the difference between the project taking place or not. From the perspective of multiplying conservation benefit and matching dollars through the RCPP, the pilot grants provision should provide a model of the potential that the RCPP program can achieve in agricultural land stewardship.

In addition to the Senate's RCPP improvements in streamlining contracting and project renewals, the House bill streamlines RCPP implementation by making it an independent program with mandatory funding and eliminating the burdensome fund tracking.

### **3. Support the Senate Environmental Quality Incentives Program (EQIP) Irrigation District Eligibility and Preferential Cost Share Provisions; Increase Funding Level for EQIP.**

Farm Bill conservation programs provide roughly \$6 billion annually to help producers conserve natural resources, but do not yet holistically address agricultural water conservation needs. Most western producers rely upon off-farm irrigation water delivery systems, and over 30 million-acre feet of water annually is lost as it is conveyed from its source to their fields. While system improvements to reduce these losses can generate substantial water savings, they are not eligible for Farm Bill assistance. TU strongly supports the extension of irrigation district eligibility for EQIP contracts as a western drought provision. This is needed to accelerate the implementation of voluntary water conservation measures that directly benefit farmers and are urgently needed to address western drought.

TU commends both the House and Senate bills for extending irrigation district eligibility for EQIP contracts. The Senate bill's more expansive project goals of improving fish and wildlife habitat or providing environmental mitigation for drought will help ensure that the conservation and drought resiliency benefits of these infrastructure projects are realized. In addition, the House bill extends contracting authority to problematic entities (drainage districts) while excluding other important entities (groundwater management districts).

The Senate bill also allows the Secretary to establish the same preferential EQIP cost share for water conservation as for nutrient reduction practices. Water conservation practices are no less important than those to reduce nutrients and equitable cost share treatment should be afforded to both water quality and water quantity concerns. Similarly, the preferential nutrient EQIP cost share should likewise contain the same sideboard as water conservation, that the nutrient provision does not authorize the Secretary to modify the EQIP funding allocation among States.

A key provision to effectively implement this western drought provision is an increase in EQIP funding, such as the House bill provides. Some increase in EQIP funding over current levels is required to tackle the pressing issue of western drought.

### **4. Increase the Reach and Flexibility of the Watershed Act.**

Both the House and Senate bills recognize the utility of the Watershed Act, PL-566, to address watershed-scale issues. TU supports the House bill's mandatory funding for the Watershed Act,

and continuing baseline for the program. The Senate bill addresses the main implementation challenges to using the Watershed Act in the West. The Senate bill allows the Secretary to waive the Watershed Act's specific plan requirement where a plan is unnecessary or duplicative. The watershed plan requirement includes an engineering review that is not appropriate for many non-flood-control projects that are authorized by the Watershed Act and which are also proceeding under RCPP. The Senate waiver does not allow the Secretary to waive any required National Environmental Policy Act reviews. In addition, the Senate bill allows the Secretary to waive the 250,000-acre limitation for drought resiliency projects. The Senate waiver does not apply to flood control projects because of a concern that a waiver for such projects would conflate the flood control jurisdiction of the U.S. Army Corps of Engineers and USDA. Even with the discretionary waiver, the flood control jurisdiction of the two agencies is firmly established in the Watershed Act, which provides that USDA may not construct any project with over 12,500 acre-feet of water detention capacity. This project-based limit is a more precise and effective jurisdictional divide between the Corps and USDA than the 250,000-acre geographical limit.

#### **5. Support the Senate funding of fish and wildlife habitat projects.**

The Senate bill doubles the EQIP dollars directed toward fish and wildlife habitat improvement projects, from 5% to 10%. These habitat improvements carried out in the West are important aspects of drought resiliency for two reasons. First, they make aquatic systems more resilient to drought by retaining more water on the land for a longer period of time through such actions as restored wetlands, restored riparian vegetation, and reconnected floodplains. Second, these actions to keep water on the land longer also make fish and wildlife populations healthier, giving them a better chance of withstanding the rigors of drought.

#### **6. The House Clean Water Rule rider should be eliminated.**

TU, sportsmen and women nationwide, supported the 2015 Clean Water Rule because it provided badly needed clarification about Clean Water Act jurisdiction, and it restored long standing Clean Water Act protection to headwater streams and many wetlands. The House rider would eliminate the 2015 Rule. Thus, TU strongly opposes the House provision. EPA currently is engaged in multiple Clean Water Act rulemakings regarding this issue, and there is no reason to legislate at this time.

#### **7. TU supports the Senate forestry management provisions.**

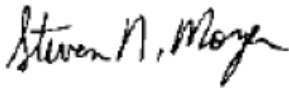
TU strongly believes that the durable solutions provided by stakeholders working in collaboration is a key element of improving forest management and increasing the pace of restoration on our federally-managed public lands. TU is skeptical of the value of major legislative changes to NEPA, such as multiple, new, large-acre, broad-scale, and loosely-defined categorical exclusions included

in forestry title of the House bill. These categorical exclusions will further curtail meaningful public involvement, reduce transparency, limit informed public land management and may in fact undermine collaborative stewardship instead of enhancing it.

On the other hand, there are several useful forestry provisions in the Senate Bill that we hope will be included in final legislation. These include reauthorizing and increasing funding for the Collaborative Forest Landscape Restoration Program, a narrowly focused categorical exclusion that will help to restore sage grouse and mule deer habitat, establishing a Water Source Protection Program and a Watershed Condition Framework for the Forest Service, and prioritizing funding for forest restoration in the wildland urban interface where fuels projects will most effectively mitigate the risk of uncharacteristic wildfire.

Thank you for your time and effort to bring the Farm Bill's conservation title to a successful conclusion in 2018.

Sincerely,

A handwritten signature in black ink that reads "Steven A. Moyer". The signature is written in a cursive, flowing style.

Steve Moyer