

United States Senate

WASHINGTON, DC 20510

August 7, 2024

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Secretary Vilsack:

On Wednesday, June 26, 2024, we hosted a Field Hearing on the High Plains in the Senate Committee on Agriculture, Nutrition, and Forestry's Subcommittee on Conservation, Climate, Forestry and Natural Resources. We write today to share what we heard from the producers, partners and state officials who testified at the Field Hearing, titled, *Hearing on the High Plains: Combating Drought with Innovation*.

Droughts in Colorado and Kansas are increasing in frequency and intensity. Agriculture in our states is on the frontlines of the effects of long-term drought and producers should be part of the solution to help conserve water while producing food to feed the world.

We heard directly from witnesses about the issues they face with certain U.S. Department of Agriculture (USDA) programs and the changes they would like to see to federal responses to drought. They include:

The Conservation Reserve Program (CRP)

Current CRP rental rates are largely based on soil productivity and should instead be based on erodibility indexes. This financial compensation structure leads to enrollment of the more productive soils and provides little or no incentive for those who have poorer soils to enroll. Additionally, producers would like to see the overall annual payment cap increased to at least \$125,000 per individual or entity.

Within CRP, the Conservation Reserve Enhancement Program (CREP) has been used to address water conservation efforts. However, both states are facing headwinds with the CREP program.

- The Republican River Water Conservation District (RRWCD) Dryland-farmable CREP: Last year, the RRWCD's entered into the nation's first Dryland-farmable CREP agreement with the State of Colorado and the Farm Service Agency (FSA).

Unfortunately, no applications have been received by the local FSA due to administrative restrictions or contradictory requirements in the agreement, including:

- The requirement to plant cover crops the first year of production and implement a rigid crop rotation in which cover crops shall be produced as many as 30% of the 14-15 contract years; and
 - Producers applying up to half an acre foot of water in the first year of their contract to establish wildlife habitat surrounding the 130-acre crop circle. This allows a producer to use almost 95.5% of the 65 acre-feet of the water applied to the entire crop circle, when in fact they believe the objective of the contract is to conserve the Ogallala Aquifer.
- The Rio Grande Water Conservation District CREP: This agreement has struggled to enroll acres for multiple reasons, including:
 - The agency has historically discouraged alfalfa as an eligible crop. Continuous cropping alfalfa fields need to be made directly eligible for participation in this program;
 - Inadequately designed revegetation programs that do not meet the actual circumstances existing on the ground. The agency should increase the number of years where limited irrigation could occur and allow for more water to be applied than is currently permitted. Only with a right to apply more water over a longer period of time is there a realistic opportunity to ensure that a permanent natural cover can be created on land that has often been disturbed and managed as irrigated farm ground for close to 100 years; and
 - No flexibility to choose the type of cover crop to be used in highly unique growing environments, like the San Luis Valley. Choosing seed mix that is predominately gathered from the local species should be encouraged to increase the chance of a successful revegetation and increase producer confidence in the program.
 - The proposed Rattlesnake Creek Basin Dryland CREP: According to testimony from witnesses, this proposed CREP is stalled with Farm Service Agency staff at headquarters. We would appreciate an update on the proposal status at your earliest convenience.

The Environmental Quality Incentives Program (EQIP)

- The USDA must implement the EQIP water management entity provision that allowed the Natural Resources Conservation Service (NRCS) to enter contracts with entities such as irrigation districts, ditch companies, and groundwater management districts to implement voluntary regional-scale water conservation and efficiency improvements. Despite this authorization, NRCS has not widely utilized this new authority within

western states, partly due to limited NRCS guidance on how best to implement these provisions in line with the statute and limited financial and technical resources.

The Watershed and Flood Prevention Program (PL-566)

The NRCS has the ability to address aging water infrastructure challenges through the PL-566 program. The PL-566 Watershed Program is increasingly utilized to address several western water challenges, from efforts to modernize water systems to enhance the resilience of aquatic ecosystems. However, as currently structured, the PL-566 Watershed Program struggles to meet increasing demand and to address unique western water challenges. The program needs to be modernized to increase the pace and scale of multi-benefit watershed resilience projects in western states.

Research and Data

As Colorado and Kansas family farmers and ranchers face persistent drought, higher costs, extreme weather, and increased global competition, it is more important than ever to invest in cutting-edge research to spur agricultural breakthroughs, including practices to conserve water and cut greenhouse gas emissions. We urge the Department to consider the following measures:

- Allocate additional resources for localized research, development and application of drought-resistant technologies and practices for the arid West; and
- Quality climate data has become increasingly sparse and is essential in helping producers, water managers, and others in the High Plains region make decisions. Support and investment in state weather and environmental networks like the Kansas Mesonet (Mesonet, 2024) or Colorado's COlorado AGricultural Meteorological nETwork (CoAgMET, 2024), which is important to not only sustain historical standardized data collection but also build an enhanced spatial and temporal database. These provide significant additional meteorological and climatological phenomena beyond historical temperature and precipitation data to decision makers to assist with irrigation planning, understanding crop stress, soil moisture availability, fire weather risk, and ground truthing insurance payouts for resulting losses of both crops and livestock.

Scaling Innovative, Voluntary Water Conservation Approaches

The Department has a unique opportunity to implement innovative approaches to water conservation and drought resilience. In particular, we encourage the agency to implement the following items:

- A voluntary groundwater conservation pilot program. Witnesses expressed support for voluntary conservation easements that help reduce groundwater pumping while allowing producers to continue farming. Opportunities exist to implement a pilot in the Ogallala aquifer region through the Regional Conservation Partnership Program and the Agricultural Conservation Easement Program; and
- Support the Conservation Innovation Grants program, as well as local and state programs that incentivize sustainable practices and incorporate the lessons-learned into conservation practice standards or other programs at the agency.

The federal government has to do more to ensure that family farmers and ranchers in our states can adapt to drought conditions that plague the Great Plains and Western United States. We look forward to hearing from you and welcome the chance to work together on ways to support America's family farmers and ranchers.

Sincerely,



Michael F. Bennet
U.S. Senator



Roger Marshall, M.D.
U.S. Senator

cc. Senator Stabenow
Senator Boozman