

September 28, 2017

The Honorable Pat Roberts, Chair
Senate Committee on Agriculture, Nutrition and Forestry
109 Hart Senate Office Building
Washington, DC 20510

Chairman Roberts;

In 2014, Colorado, Kansas and Nebraska established an agreement in the longstanding conflict over water from the Republican River basin, as the Republican River Compact Administration signed two resolutions. Representatives from the three states have been meeting monthly for over two years, in an effort to change the approach and improve how they manage interstate water matters. This effort has created a new focus on transparency and certainty as all three states work to serve their water users.

It continues to be a priority of the states to collaborate on interstate water matters to ensure each state's water users are protected while also maintaining a positive working relationship between the compacting states. The three states collaborated on common issues related to the Farm Bill as described below.

Conservation Reserve Program Caps and Workable Lands

Expiration of CRP acres in our three states has outpaced enrollments continually for the past ten years. There is great concern that the current 24 million-acre cap on CRP will lead to many of these highly erodible, environmentally sensitive lands going back into production and loss of the benefits of plant resource-conserving land cover that conserves soil, water, and wildlife habitat.

Allowing limited haying, grazing and vegetative management on acres enrolled in federal cost share conservation programs would likely increase landowner interest and participation in these programs without compromising the natural resources benefits of the practices. The balance between conservation and allowing a limited working production of the land could be achieved by outlining the frequency of harvest allowable and reducing the annual rental rate provided to the landowner.

Colorado, Kansas, and Nebraska each have a Conservation Reserve Enhancement Program (CREP) focused on water right retirement and conservation. Allowing dryland farming with the application of best management practices on acres enrolled in the CREP or other federally-supported water right retirement programs would greatly extend the usable lifetime of the region's water resources while still maintaining agricultural production.

Conservation Technical Assistance Program

Continued funding of the Conservation Technical Assistance Program is of paramount importance to implementing conservation practices. With reduced NRCS staffing levels, the importance of cooperative federal-state-local technical assistance programs of the utmost importance.

Colorado's District Conservation Technical (DCT) program includes 50% funding from NRCS, 25% from the state, and 25% from the local conservation district. Currently, 25 technicians provide technical assistance in 35 counties to help implement NRCS conservation practices. In Kansas, 15 technicians provide technical assistance to 40 counties. Conservation Technical Assistance dollars are used for conservation planning on both cost-share (state and federal) and non-cost-share conservation practices,

Attachment 13
SCNR 11-13-17

allowing other funds to be used for on-the-ground project implementation. The annual allocation of CTA funds has decreased nearly 20% in the past four years. Without the availability of CTA funds, more state funds are used to cover technical assistance, reducing dollars placed on the ground.

The program effectively leverages federal funding with state and local dollars to provide landowners with technical assistance for conservation planning and practice implementation to NRCS standards. This increases local activity to address natural resource concerns and helps maximize UDSA cost-share opportunities.

Support for Water Conservation and Management Technology and Programs

Using a comprehensive set of conservation practices, the Ogallala Aquifer Initiative has been an important tool to improve irrigation efficiency and conserve water in our three states. In 2015 and 2016 more than 8,200 acres were enrolled in the three states and more than 50,000 acre-feet of water were conserved through the Initiative. Coordination with the state NRCS and State Technical Committees are ensuring the program is targeted to the highest priority areas and offers the flexibility needed to encourage irrigation system improvements where needed. The Ogallala Aquifer Initiative should be extended in the next Farm Bill.

Technology adoption is key to successful water conservation while maintaining highly productive and profitable farms. Countless examples directly from farmers employing soil moisture probes and efficient irrigation systems are demonstrating that these tools are dramatically reducing water use. Additional cost share is needed to accelerate the adoption of this technology targeted to areas of significant decline in the aquifer for producers who enroll in a conservation plan.

Consultation with States on Water Management Actions

States are the primary authority for allocating, administering, protecting, and developing water resources, and they are primarily responsible for water supply planning within their boundaries. As the preeminent authority on water management within their boundaries, states have the right to develop, use, control and distribute the surface water and groundwater located within their boundaries, subject to interstate agreements and judicial decrees.


While we acknowledge the role of federal laws related to water, nothing in any act of Congress or Executive Branch regulatory action should be construed as affecting or intending to affect states' primacy over the allocation and administration of their water resources.


Successful adoption and implementation of the resolutions agreed to by Kansas, Nebraska, and Colorado has been impeded by a lack of cooperation and errant federal overreach into states' primacy in water management by the U.S. Department of Interior Bureau of Reclamation.


Congressional and administrative support is necessary to assert our states' rights to control and manage water in our respective states and through cooperative agreements to the benefit of our water users. One opportunity to address this concern through the Farm Bill is to require that federal agencies take into account water conservation and consult with states on water management actions and operating procedures. Similar to the consultations provisions required under the Fish and Wildlife Coordination Act, this level of consultation when applied to water management activities could not only ensure that states' primacy in water management is upheld but will also likely result in improved water conservation and efficiency.


We appreciate your attention to these issues. If you have any questions or would like additional information, our coordinated point of contact is Susan Metzger, Deputy Secretary Kansas Department of Agriculture. She can be reached at susan.metzger@ks.gov or (785) 564-6700.

Sincerely,


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