

NARD Washington, D.C., Conference

Day 1 Speakers – Monday, March 20, 2023

Dale Nellor, Executive Vice President, National Water Resources Association (NWRA)

Dale Nellor started his career with the NARD internship opportunity and it has led him to where he is today.

It's important to be a part of the process and the government process can feel frustrating because you may not feel like you are being heard but it matters to be a part of the process.

We have a divided government right now and the Republicans control the House and the Democrats control the Senate. The Republicans have a very thin majority. There are 218 votes required to pass legislation and Republicans have 222 votes right now.

The focus is to bring regularity back to the appropriations process, but to do that the House and Senate must agree on an appropriation budget. It will be hard to agree on the budget numbers and most likely they won't get anything passed this year.

Farm Bill: the challenge is funding. The baseline for the Farm Bill is continuing to decline. The National Water Resources Association is interested in the money from the Inflation Reduction Act. We will be very active in the conservation forestry title. We will be looking to expand resources of the Forest Service to address wildfires.

Presidential election year and a lot of things don't get done in a presidential election year. We are watching things closely in Clean Water Act, endangered species, and environmental issues.

National Water Resources Association's top three priorities are water infrastructure money, Waters of the US (WOTUS), and the Farm Bill. We are focused on water infrastructure projects and getting the money obligated through the department and agencies. We are looking at how we can collaborate with these agencies to make sure we are getting the biggest bang for the buck. We are also concerned about implementing projects and improving the efficiency of getting projects on the ground.

Under WOTUS we are interested in the National Environmental Policy Act (NEPA), Endangered Species Act, and PFAS. PFAS is an emerging issue that is going to be very challenging for many sectors (not just water but also agriculture). It was thought to originate from Teflon and fire retardant but as they look into this, they are finding more sources.

Dillon Kuehn, Sr. Legislative Assistant, Water Strategies

Appropriated money for infrastructure projects is Infrastructure Investment and Jobs Act (IIJA). Build America, Buy America Act (BABAA), for any federal infrastructure project will come under scrutiny of the BABAA. Office of Management and Budget will release guidelines for federal agencies that will

implement projects under their jurisdiction. Any projects under these monies, will have to follow these guidelines (construction material will need to be made in America).

Dillion summarized what committees the Nebraska Senators and Congressmen sit on.

Questions

Status of WOTUS: Currently a case between the Supreme Court that is expected to be ruled on shortly. Unfortunately, EPA and Army Corp of Engineers put out a new rule recently. No matter what the Supreme Court decides to do they are likely going to have to redraft the WOTUS definition no matter what.

Buy America, Buy America Act (BABAA): Water Smart Grants have a deadline and the accessibility of American-made products for our water smart projects are hard to come by and is increasing the length of the project by 1-2 years because of lack of material. Republicans and Democrats are in agreement on the BABAA so some of the provisions may be easier to address.

Are there other concerns besides PFAS? This is the main one, but heavy metals is also getting looked at but the forever chemicals is what is driving the discussion at EPA.

Who is going to take the lead on nitrates? How important is that at the national level? This is not a topic that is being discussed at the national level, it's more the forever chemicals and heavy metals. This is more discussed on the food side and the residual chemicals left on food.

Chris Young, NACD Director of Government Affairs

Chris stressed the importance for local districts to be present in Washington, D.C. The NACD team is in D.C. to help with issues or matters on the federal level.

Chris provided a recap of political climate. The Inflation Reduction Act signed into law – includes \$18 billion to fund NRCS conservation programs, including \$1 billion immediately available for Technical Assistance and \$1 billion for forestry management and drought control.

NACD received \$90 million grant to strengthen capacity to scale climate smart practices and assist underserved producers. Terms of funding are still being developed with more information to share soon.

Congress preparing to write 2023 Farm Bill – Over past year the House and Senate ag committees have been holding hearings to review current USDA program operations. NACD highlighting locally led conservation district management in front of House Agriculture subcommittee hearings. Senate hearings on conservation included testimony on need to support NRCS and local partners like conservation districts. Strong bi-partisan support for locally led conservation. Hearing last week on USDA oversight and climate smart funding.

The House agriculture committee has had a lot of turn over – only 15 members of 52 were around during development of last Farm Bill.

Chris discussed the NACD Issue Papers that were distributed to attendees:

Wildlife Management – focus on invasive and disruptive species. Endangered species – locally led conservation efforts are critical to species recovery.

Farm Bill Requests – Maintain locally led conservation and provide additional flexibility and power. Avoid one size fits all and national funding priorities. Streamline and simplify application and delivery processes – particularly within EQIP and CSP. Asking congress to sustain \$18 billion funding that was authorized with IRA within the conservation title of the Farm Bill – hoping it would ease some of workload of NRCS and stretch the funding over longer period. Also asking for examination of payment rates. Remove barriers for historically underserved communities and tribes – including some advance payment. For watershed funding asking for decrease in local cost share and increase in overall funding. Right now, focused on practices that reduce greenhouse gas emissions – asking for support of broader suite of practices, which may increase nutrient management.

FY24 Appropriations Requests – End of December Biden signed FY23 appropriation bill – been happening too late from NACD perspective and hoping budgets can be passed earlier moving forward. Just launching first stage of FY24 budget preparation – last week President released first draft of budget. Preliminary draft budget was positive for conservation. Next stage is House and Senate need to agree to top line spending limits. Congress has until Sept. 30th and each member has ability to submit appropriation requests.

NACD Appropriations Requests:

- \$1.2 Billion for conservation operations
- \$200 Million for Watershed Protection and Flood Prevention Operations Programs
- \$75 Million for Watershed Rehabilitation Program
- \$300 Million State and Private Forestry Program
- \$30 Million for Forest Stewardship Program
- \$200 Million for 319 Nonpoint Source Management

Forestry and Wildfire – NACD believes streamlining distribution of funds to local conservation districts can streamline conservation and NACD is working with NRCS to assist with those efforts.

Technical Assistance grants support a lot of work the local districts do and NACD is working to make the case these grants can help administer some of the IRA funds.

Karis T. Gutter, VP Government & Industry Affairs, North America

Karis provided an overview of Corteva business – 10,000 employees across America in a variety of sectors of the Ag industry. Working with regulatory individuals at EPA and FDA.

2023 Priorities: Investing in gene editing technology. Current rules at USDA, EPA and FDA are 30 years outdated so working with those agencies to update them.

Focused on ensuring trade markets are open for producers. Four years ago signal of instability with trade wars from tariffs, restrictions added during COVID complicated trade markets further, and then the conflict between Russia and Ukraine created more instability.

Also focused on Farm Bill. Corteva is leveraging policy for three goals: 1) food security, 2) energy security, 3) sustainability and climate change.

Farm Bill programs – Crop Insurance – USDA talking about climate smart commodities and Corteva is part of that conversation to ensure farmers and ranchers have fair opportunities and also how Corteva can provide resources for soil and nutrient management.

\$40 billion from IRA pumping into Agriculture – including pulsing up Title II of the Farm Bill. Corteva is helping direct how those funds can be used.

Corteva has a full-time team in D.C. that can assist and support engagement in the political conversation. There are two pieces of legislation likely to move this year: 1) debt ceiling and 2) Farm Bill. What is concerning is that 90% of people setting policy for Farm Bill have no experience of being on a farm and 70% of staff of congressional members working on Farm Bill have no experience with prior farm bills.

It's important to get to know congressional staff. Average age of entry level staff (aides) is 24, legislative director is 26, and chief of staff 40, these individuals are the last voice voting members hear and who voting members rely on most for information.

Corteva is now the largest biological business in the world – will be helping to educate and bring sustainable offerings to market.

Challenges with EPA bringing new technologies to market – new chemistries safer than older, but they're held to a higher regulatory standard.

Courtney Briggs, Farm Bureau Federation - Senior Director, Government Affairs

Provided an overview of the Clean Water Act (CWA) and WOTUS. Congress left WOTUS undefined to gain nonpartisan support of the CWA. Even though congress wasn't clear on WOTUS congress was very clear about the partnership between the federal and state governments to regulate waters. We see a ping pong of regulatory definitions of WOTUS depending on who is in office.

The focus of WOTUS is the cost associated with the 404 program even though other programs depend on the definition.

The Biden administration rule greatly expands the scope of federal jurisdiction. Significant nexus created more questions than answers. It allows for the use of ambiguous definitions and allows government to assert jurisdiction as they need. WOTUS is a joint role between EPA and US Army Corp of Engineers and they don't agree on the definitions being used which is a problem.

It's the role of the states to regulate ephemeral streams.

Farmers and ranchers care because the regulations of low spots on farmlands and pastures as jurisdictional "waters" means that any activity on those lands that move dirt (404) or applies any product (402) to that land could be subject to regulation. So everyday activities such as plowing, planting, or fence building in or near ephemeral drainages, ditches or low spots. The problem with having to obtain a CWA permit for these activities is it takes time to get the permit and money for the permit and mitigation. For these reasons farmers and ranchers should be concerned.

March 20, 2023, is the day the WOTUS rule goes into effect in 48 states. Does not go into effect in TX and Idaho because of a court case filed in those states.

Sackett v. EPA, the question is can you use the significant nexus to assert jurisdiction over wetlands. A decision in Sackett could provide significant clarity to the proper scope of WOTUS. We think there is a good chance the court will shut down the use of significant nexus.

It is concerning you can use subsurface connection to assert jurisdiction, and this is a big concern for Nebraska with areas where depth to groundwater is shallow.

There will be another WOTUS rulemaking in 2023.

We need to know where federal jurisdiction ends, and state jurisdiction begins.

Day 2 Speakers – Tuesday, March 21, 2023

Jerry Raynor, NRCS Financial Assistance Program Division Director

Farm Bill-We don't expect very many changes with the Farm Bill. There continues to be discussions around challenges and barriers with the Farm Bill and those responses are being provided to the congressional delegates. The focus is on trying to remove those barriers that we have put in place.

There is no discussion of adding additional programs but focusing on improving the existing programs.

Biggest concern is now that you have Inflation Reduction Act funding, will that be consistent with the next farm bill and how will that impact our budget. Additionally, staffing and partnerships continue to be challenged.

What does NRCS want to see done with the Farm bill and what are NRCS plans to make change? When we are implementing conservation in early years it was a simple one-to-two-page application process. Many of the things NRCS are asking for is written in law. As issues have been encountered, they continue to address those issues by writing it into law to prevent the same issues from happening in the future. This has caused the paperwork to increase over the years making the paperwork heavy. Now we are looking at our policy and asking, "do we truly need this?" and we are trying to remove the barriers.

NRCS is working to streamline the application process, and every time we try to streamline the process it adds another page to the application process.

No. 1 question is what are you going to do to reduce the paperwork for a producer to participate in conservation programs? If we want to change the application process, we must change statute.

Crop insurance will not change much, we can't continue to increase the payout of crop insurance.

We are going to have to rely on land grant institutes to fill all our staffing vacancies.

How do we get NRCS to come to the producer? Personally, NRCS should be visiting the producer but that's the difficulty we have with staffing and the amount of paperwork. We used to be structured where we could go to the producers. But that's not the way we are structured anymore. We have to get

back to the point where we are building relationships between our staff and our producers. Technology is a wonderful thing, but we've lost the relationship with the producer.

As NRCS has grown, grassroots efforts have changed because there is so much funding available and NRCS is short staffed. We need to look at how to restructure our delivery system. How do we restructure so we can meet the face-to-face demand with producers yet still spend the money.

NRCS needs to get to a staffing level where they can maintain quality service with producers.

When we talk partnerships we have to look at what everyone brings to the table and use each other's area of expertise.

Megan Kenney and Laura Lee Burkett, Sen. Fischer Legislative Staff

Federal Agencies Megan and Laura can help us navigate are USACE, FEMA, USDA, and EPA.

Water Resources Development Act (WRDA) Process-Authorizes projects and then you look for funding. Currently it is hard to find the federal dollars for authorization because there is so much demand. There are hundreds of projects that are authorized that have never received funding. What helps to get funding is being in the president's budget.

Additionally funding sources to consider is State Revolving Fund (SRF), FEMA (hazard mitigation grants, BRIC, STORM grants), USDA programs, EPA Water Infrastructure Finance and Innovation Act (WIFIA) Program, HUD, and Economic Development Administration (EDA).

What can be done to increase our ability to cope with the stand-still mentality of the U.S. Army Corps of Engineers? WRDA is the place to start with policy change.

Let us know when you are having a situation with an agency and funding. We can assist by being a squeaky wheel and move that process along. Policy change does take time, but we can help to try and move the process along when it's stalled.

Continuing Authority Program (CAP) was created for projects that are taking a long time. Flood Control, ecosystem restorations, etc., you don't have to get an authorization for this program which can help speed the process along for smaller dollar projects (under \$5M).

What can we provide to the Senator to make things easier for you on the hill? We don't know what folks are dealing with unless you reach out to us. When you have a project you are unsure of reach out and let us know and see if we can help. Next year we will be doing another call for projects so please reach out.

Inflation Reduction Act - where is that money going? IRA occurs through reconciliation, was pushed through without any Republican input. A reconciliation bill is not able to create a new program so money is funneled through existing programs.

Rural Drinking Water (Rural Water System)-EPA program and two programs through USDA. Send us project specs and we can send you the way of the program.

What are Senator Fischer's plan for the future? We can't speak on reelection campaign. This year she is on six committees and summarized the committees and Fischer's priorities.

Dana Ashford-Kornburger, NRCS National Climate Coordinator

Climate Smart Ag and Forestry – mitigation addresses causes of climate change while adaptation and resilience address the consequences of climate change.

NRCS role includes three components - Science, Adaptation, and Mitigation.

Three main greenhouse gases (GHG) with several intervention opportunities for each Carbon Dioxide, Nitrous Oxide, and Methane. 17% of total emissions from Agriculture (11% in US with 42% of methane and 80% of Nitrous Oxide emissions).

Mitigation – activities targeted at quantifiable results in reduction of GHG emissions.

IRA funding provides \$19.5 Billion in additional funds for existing conservation programs. Includes direction that NRCS use additional funds specifically for climate change mitigation. .pdf of Climate Smart mitigation activities: nrcs.usda.gov/mitigation-activities.pdf includes 137 activities: 39 practices, 3 bundles, and 95 enhancements.

Want to setup opportunity for states and partners to provide input on practices they feel should be evaluated to be on the list.

Practice standards reviewed every five years – part of that evaluation now includes how standard is impacting climate.

Adaptation – seven main action areas adaption plan available online. Team of 52 individuals representing multiple industries and ag sectors working on implementation work group to review. No one from Nebraska is on the team. Recommendations will be released later this Spring and considered for moving forward.

USDA Climate Hubs across the country doing research compiling science and taking those resources down to state and field level.

Public federal register process provides opportunities for review of updated practice standards – state technical committee groups and state offices should be good resource for information on practice standard evaluations and updates.

Matt Filsinger, U.S. Fish and Wildlife Service

Partnership for Wildlife Program – since 1987 completed over 60,000 projects and restored 7 million acres with >50,000 landowners nationwide.

240 Biologist staff across the country working on threatened and endangered species.

Budget currently operating at \$60 million. President's proposed FY24 includes \$80 million, waiting to see result of appropriation process.

Seven focus areas across the state of Nebraska – developed in conjunction with local stakeholders. Over 1,650 landowner agreements in Nebraska for 70K acres of wetland restoration, 475k of upland habitat restoration, 350 miles of stream habitat restoration. \$250K in funds leveraged to complete over \$3 million in projects. Staff are available and an available resource for technical assistance.

Martin Lowenfish, NRCS Landscape Conservation Planning Branch Chief

Partnership between reclamation and NRCS – Reclamation provides WaterSMART Grants to districts for improvements – NRCS works with producers on technical and on-farm implementation.

In 2023, \$25 million in EQIP funding was available through 37 existing projects in 12 states.

Proposal process is internal to NRCS – funds awarded to state and then process relies on EQIP process through state technical committee.

ADD - elements of proposal.

ADD – Evaluation Criteria.

Provided summary of current Nebraska project in Upper Republican NRD for improved metering and irrigation practices.

When NRCS reviews proposals they do look at partnerships formed and local investment.

David Maurstad, FEMA Associate Administrator and Camille Crain, BRIC Section Chief

Storms are increasing and getting more costly across the nation, used the 2019 floods and 2022 wildfires in Nebraska as an example. Need to take additional mitigation actions. Identifying and assessing natural hazards risks and developing strategies to reduce those risks.

\$6.8 billion bipartisan infrastructure law provided funding to advance mitigation investments.

West Papio regional basin 4 project was used as an example of a project – Papio received \$5.34 million for mitigation efforts.

Four-legged stool approach to mitigation: Mitigation Grants, Flood Hazard Mapping, Floodplain Management, Flood Insurance.

Working on reforms for NFIP and working on effort to close flood insurance gap. Need assistance encouraging people to purchase insurance.

BRIC Overview Below:

BRIC is funded by set aside from disaster relief fund. Program is administered by six guiding principles: capability and capacity-building; encouraging and enabling innovation; promoting partnerships; enabling large projects; maintaining flexibility; and providing consistency.

FY22 application closed – Priorities included:

Activities that mitigate risk to public infrastructure and disadvantage communities. Nature-based solutions and Climate Resiliency.

Notice of funding for FY23 will most likely come out end of this summer. Application period will close in winter and be followed by review through spring 2024. Applicants can include states, sub applicants can include local governments.

Three categories of set aside – State Allocation, Tribal Set-aside, and National Competition.

Eligible Activities include: Capability and Capacity building activities and Project activities,

Provided summary of technical and qualification criteria.

Non-Financial Direct Technical Assistance program available to provide support for communities or potential applicants to pursue applications.

Astrid Martinez, NRCS Conservation Planning Technical Assistance Division Director

NRCS Watershed Programs started with the Flood Control Act of 1944.

Watershed and Flood Prevention Operations Program (WFPO), Watershed Rehab Program (REHAB), Emergency Watershed Protection Program (EWPP).

Watershed funding has grown since 2017, in 2023 \$125M for WFPO, \$2M rehab, and \$925M for EWPP.

EWPP provides recovery assistance through the federal emergency declaration. EWPP practices: streambank and shoreline protection, critical area planting, clearing and snagging, obstruction removal, mulching, etc. Provided an overview of the EWPP process. The EWPP Program provides protection from flooding and soil erosion when necessary to safeguard lives and property when a natural occurrence causes a watershed impairment. Covered a couple EWPP success stories.

WFPO – The WFPO purpose is for flood protection and erosion and sediment. Some of the statutory requirements include: public sponsorship, watershed projects up to 250,000 acres, max total capacity of 25,000 acre-feet, 20% of benefits must be agriculture/rural related and authorized NRCS watershed plan EA/EIS.

The process is phased: PIFR, Planning, Design, and construction. The Purposes of the program are: flood prevention, watershed protection, fish/wildlife/public recreation, agriculture water management, Municipal & Industrial water supply and water quality management.

REHAB: Agency has built more than 11,850 dams in 1271 watershed since 1948. Main purpose of this program is to make sure the existing dams continue to protect and serve the communities they are located near. To be eligible the dams must be originally constructed by NRCS, past their evaluation life and the operation and maintenance must be upkept on the dams.

The dam assessment program looks at the possibility of rehabilitating a dam to the federal standard.

National Corn Growers Association's Four Primary Farm Bill priorities:

1. **Protect Crop Insurance:** focus on do no harm to current programs. Some efforts focused on addressing affordability.
2. **Strengthen Price Programs:** bolster international market development markets. Existing programs have not seen an increase in about 20 years.
3. **Conservation:** A lot of dollars through IRA and Climate smart available for conservation, but efforts needed to shore up working lands. Efforts by NCG to bolster Farmers for Soil Health program to increase use of cover crops.
4. **Weed Resistance:** within Farm Bill need to address weed resistance – this is a growing issue and the more that can be done to address issue the more we can focus on conservation programs like no-till. Farmbill may be mechanism for new program for funding of fulltime coordinators for conservation programs such as nutrient management. NCG is also working to expand transparency of NRCS practice standards.

Lot of emphasis outside of Farm Bill to increase conservation.

Full-time staff in D.C. focused on conservation and sustainability and water quantity and quality are top of mind in NCGA sustainability goals.

Year-round E15 (gasoline with 15% ethanol) continues to be a priority. NCG petitioned EPA for year-round E15 and EPA is looking at regulations for year-round E15 by 2024.