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Testimony of Mr. Lee McDaniel

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Hearing on the Focus on the Farm Economy: Impacts of Environmental Regulations and
Voluntary Conservation Solutions

Good morning, Chairman Thompson, Ranking Member Lujan Grisham, and members of the Subcommittee. Thank you for the opportunity to testify this morning on the impacts of environmental regulations and voluntary conservation solutions.

I am Lee McDaniel, President of the National Association of Conservation Districts (NACD), and I currently operate a corn, soybean, and alfalfa hay farm in Darlington, Maryland. I have been involved with conservation districts since 1997 when I first served on my local district board. On my own land, I implement a variety of conservation practices, including grassed and wooded buffers, grassed waterways, strip cropping, and no-till farming.

NACD represents America's 3,000 conservation districts and the 17,000 men and women who serve on their governing boards, as well as their respective state and territory associations. Conservation districts are local units of government established under state law to carry out natural resource management programs at the local level. Conservation districts work with cooperating landowners and operators in all fifty states as well as the territories to help manage and protect land and water resources on private working lands and many public lands in the United States.

NACD passionately believes in the locally-led, voluntary, incentive-based conservation model. We believe a collaborative approach focused on sound conservation planning and technical assistance for landowners at the local level coupled with farm bill conservation financial assistance is critical for long-term environmental and economic stability. Federal programs aimed at supporting these efforts, including many in the 2014 Farm Bill, have a vital role in supporting clean air, clean water and productive soils. They also help producers avoid the need for unnecessary and burdensome regulations.

Part of the voluntary conservation model's purpose, just like the farm bill's Environmental Quality Incentives Program's (EQIP) purpose, is to help producers comply with local, state, and national regulatory requirements and even more importantly, avoid the need for those regulations in the first place. Chairman Conaway put it best in a recent op-ed when he stated that a better

alternative to regulation is the federal government “sharing in the cost of both time-tested and cutting edge conservation practices.”

If voluntary, incentive-based conservation is going to be the first line of defense against the need for regulation, then we need to prioritize funding for it. While the conservation community agreed to cuts in the Agricultural Act of 2014, we must admit that every conservation dollar taken from the hands of farmers makes regulation more of a possibility. Similar to how commodity and crop insurance programs provide a safety net and mitigate against yield and revenue loss, we must see conservation as mitigating risk of environmental concerns and more costly regulatory approaches.

Environmental regulations many times do not take into account that every acre of land is different and single, uniform regulatory requirements often do not solve resource concerns. Each piece of land needs its own prescriptive conservation plan to meet that land’s needs. Under a locally-driven voluntary conservation system, landowners can work with conservation professionals to tailor a conservation plan to the specific needs of their land. Under a regulatory approach, the most critical resource concerns on a particular operation may be ignored or may not pertain to that specific piece of land.

Conservation districts throughout the country, in cooperation with the Natural Resources Conservation Service (NRCS), are instrumental in supporting quality soil health through technical assistance for different production techniques from no-till farming to the inclusion of cover crops into a producer’s operation. These practices not only help with a host of environmental issues, such as soil erosion, root depth, and moisture control, but in the end can improve yields for producers and help limit input costs, which helps with an operation’s bottom line. Unfortunately, many producers, especially beginning and underserved producers, are not aware that such assistance is available to them. Conservation districts take great responsibility with outreach to landowners to ensure that they can take advantage of the opportunities that are available.

Time and time again, the collaborative, locally-led conservation approach is shown to work well addressing a variety of resource concerns, including water quality, air quality, and wildlife habitat protection. NACD has many success stories where regulations were mitigated or avoided because of the work of voluntary conservation efforts.

A great example of success stories can be found in local conservation districts’ work on addressing water bodies that are on a state’s 303(d) list of impaired watersheds. Whether it is using Environmental Protection Agency (EPA) section 319 grants or farm bill programs like EQIP and the Conservation Reserve Enhancement Program (CREP), districts in partnership with other local, state, and federal stakeholders worked together to improve water quality.

In Delaware, the Sussex County Conservation District improved the water quality of the Gravelly Branch sub-watershed by working with NRCS to create conservation plans, provide technical assistance, and develop EQIP contracts for local producers. 319 grant funding was also used to hire a full time CREP coordinator to assist in developing and implementing CREP in the area.

The Peter Francisco Soil and Water Conservation District in Virginia also leveraged 319 dollars with EQIP and CREP to install best management practices on agricultural land in the Willis River watershed which significantly reduced nonpoint source pollution loads reaching the river.

The Huntingdon County Conservation District in Chairman Thompson's district partnered with local stakeholders and the EPA's 319 grant program to restore Miller Run after it was added to the state's 303(d) list. This conservation district used 319 grant funding to implement abatement and treatment systems that resulted in a significant improvement in water quality and can now support a healthy brook trout population. All of these success stories prove that working together in a collaborative manner while using incentive-based conservation programs we can solve natural resource concerns.

Local management of habitat and species preservation, rather than top-down approaches, have also shown success with the Endangered Species Act (ESA). Through voluntary locally-led conservation practices, stakeholders have collaborated to enhance both the health of the land and the recovery of species. In 2006, the New England Cottontail was identified as a candidate species for ESA protection due to habitat loss, increased human development, and competition from nonnative species that threatened the cottontail's existence. Since then, conservation districts, as well as a host of other state and federal agencies, wildlife organizations, and private land owners, have worked collaboratively to rebuild its habitat. As a result of these efforts, the population of the New England Cottontail increased dramatically and in 2015, it was removed as a candidate species by the U.S. Fish and Wildlife Service (FWS).

For the Lesser Prairie-Chicken, successful efforts by conservation districts and other regional stakeholders increased the bird's population by 25% from 2014 to 2015. These efforts were so successful that a U.S. District Court overturned the FWS's listing as threatened, directly crediting this locally-led effort in the decision. This innovative plan proves that locally-driven conservation solutions can succeed and should be used as a model for future wildlife habitat protections.

A new addition to the last farm bill is the Regional Conservation Partnership Program (RCPP), which provides a unique way to promote coordination between the Natural Resources Conservation Service and regional partners to improve soil quality, water quality, water quantity, and wildlife habitat. Conservation districts, whether taking the lead on the application or

participating in delivery, have been instrumental in the successes that have already been achieved.

In Minnesota, the state's Department of Agriculture received funding through RCPP to implement a statewide agriculture water quality certification plan utilizing local conservation districts to provide site-specific solutions and technical assistance to producers in order to reduce risks to water quality. By becoming certified, producers can receive regulatory certainty that their operation meets all state regulatory requirements for the next ten years, helping them better plan their for their own operation's needs without worrying about future regulatory actions. Working with the local conservation districts has provided landowners a level of trust and familiarity that has allowed this program to be successful in a short period of time and proof of this success can be seen in the estimated 8.5 million pounds of soil saved, over 6 million pounds of sediment reduced, and the prevention of almost 4 million pounds of phosphorus from entering the state's waters.

While each of the abovementioned programs have far more success stories than have been noted here, none would have been as successful as they were without consistent funding for technical and financial assistance to landowners. Sound conservation plans developed on the local level in coordination with landowners and conservation districts, coupled with strong financial assistance, has proven time and again to provide longer-lasting solutions to our nation's environmental problems. I am proud of the continued successes achieved by the men and women involved in our nation's conservation districts and I look forward to answering any questions you may have.