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Government Affairs Report By Pat Kole

Many of you are aware of the impending passage of legislation regarding climate change. In our effort to provide you with information from multiple points of view, the materials below are from a group who believes the just passed House of Representatives legislation is not adequate to address the concerns regarding climate change.

[Weakened Climate Bill Rewards Herbicide-Intensive Farming](#)

(*Beyond Pesticides*, June 26, 2009) On June 23, 2009, House Energy and Commerce Chairman Henry Waxman and House Agriculture Chairman Collin Peterson reached [an agreement](#) to include language in the *American Clean Energy and Security Act of 2009* that would put the U.S. Department of Agriculture (USDA) in charge of climate change programs and farmers and other landowners for certain practices. The deal would allow carbon-polluting industries that do not meet the greenhouse gas reduction requirements to buy credits from farmers and other landowners who plant trees, install methane capture systems or practice no-till farming, which is heavily reliant on herbicides and not considered by experts to be an effective carbon sequestration strategy.

The amendment takes oversight of the programs away from the Environmental Protection Agency (EPA), a move considered a major defeat to environmental groups. Environmentalists worry that because the role of the USDA is promote U.S. agriculture - not to protect the environment or human health, it may fundamentally undermine the effectiveness of a carbon offset program.

But, regardless of who administers the program, many are concerned that at least one of the strategies, herbicide-based no-till farming just doesn't work and instead should be replaced in the bill by organic practices, which have been shown to successfully sequester carbon. A 2006 study, "[Tillage and soil carbon sequestration what do we really know?](#)," led by a USDA Agricultural Research Service (ARS) soil scientist, concludes, "Though there are other good reasons to use conservation tillage, evidence that it promotes carbon sequestration is not compelling." On the other hand, a [long-term ARS](#) study finds that organic farming practices build soil better than chemical no-till and have more soil carbon, as well as better crop yields.

While the amendment does not specifically make payments to certified organic farmers or for organic conversion, some of the eligible practices are used by organic farmers and others are problematic, according to an analysis by the [National Organic Coalition](#). The bill explicitly names a number of practices which are "a minimum list of what should be eligible for offsets." These include:

- *altered tillage practices
- * winter cover cropping, continuous cropping and other means to increase biomass returned to soil
- * reduction in nitrogen fertilizer use or increase in nitrogen use efficiency
- * reduction in the frequency and duration of flooding of rice paddies
- * reduction in carbon emissions from organic soils
- * reduction in green house gases from manure and effluent
- * reduction in green house gases to animal management practices including dietary modifications
- * manure management disposal specific:
 - o waste aeration (in practice, this actually could likely mean grass raised animals)
 - o biogas capture and combustion (manure digesters)
 - o field application instead of commercial fertilizer

In addition, the amendment would exempt the agricultural sector from greenhouse gas reductions and sidetrack for five years a proposed EPA regulation that requires U.S. ethanol makers responsible for greenhouse gas emissions from conversion of forests and grasslands overseas to cropland.

Aside from the Peterson compromise, there is disagreement in the environmental community over the bill as a whole. Friends of the Earth released [a statement](#) saying that Congress is squandering an historic opportunity and

points out the big oil and chemical companies like Shell Oil, Dow Chemical and DuPont helped craft the bill. The Center for Biological Diversity released [an analysis](#) with the following concerns: greenhouse gas reduction target falls far short of reducing atmospheric carbon dioxide to 350 parts per million; essential Clean Air Act protections are repealed; construction of coal-fired power plants will continue; and, offsets could result in increased greenhouse gas emissions.

Twenty-two other organizations, including Sierra Club, Natural Resources Defense Council, National Wildlife Federation, Defenders of Wildlife and League of Conservation Voters sent [a letter](#) to every member of the House of Representatives urging them to support the bill. The groups said, "There are rare moments in American history when the urgency to act is clear, the stakes are high, the costs of inaction are untenable, and the need for courageous leadership is paramount. Now is one of those moments." Twenty U.S. companies and electric utilities published full-page ads in newspapers calling for the bill's passage as well.

Background on Agriculture and Climate Change

In general, conventional agricultural practices have contributed to climate change through heavy use of fossil fuels—both directly on the farm and in the manufacturing of pesticides and fertilizers—and through degradation of the soil, which releases carbon. The herbicide use that conventional no-till depend on, is no exception. The adoption of organic methods, particularly no-till organic, is an opportunity for farming both to mitigate agriculture's contributions to climate change and cope with the effects climate change has had and will have on agriculture.

Research from the Rodale Institute's Farming Systems Trial (FST) has revealed that organic, regenerative agriculture actually has the potential to [lessen the impacts of climate change](#). This occurs through the drastic reduction in fossil fuel usage to produce the crops (approximately 75% less than conventional agriculture) and the significant increase in carbon sequestration in the soil (approximately 1000 lbs. of carbon per acre). The no-till organic methods they have developed produce comparable yields to conventional systems on average, and higher yields in drought years because of the greater water holding capacity of the organic soils.

The Rodale Institute report, [Regenerative Organic Farming: A Solution to Global Warming](#), calls for federal ag policy to "replace the system of commodity payments with a program that rewards farmers for conservation and other carbon-enhancing farm practices. Farmers should be paid on the basis of how much carbon they can put into and keep in their soil, not only how many bushels of grain they can produce."

Take action

Urge your [Senators](#) and [Representative](#) to support organic farming in climate change legislation and beyond. Tell them that incentives for herbicide-intensive no-till farming will not curb climate change. For more information on organic agriculture as a solution to climate change, see [Beyond Pesticides Organic Food webpage](#), the article "[The Organic Farming Response to Climate Change](#)" in [Pesticides and You](#) and the Rodale Institute's [Regenerative Organic Farming](#).

Industry Relations Report By Todd Cornelison

I recently attended the annual Summer Water Law and Resource Issues Seminar put on by IWUA on June 22nd; the following notes are from that seminar. These notes are only intended to give you an idea of the topics covered at the seminar; they are not all inclusive. If you desire more information on certain subjects, I have added some websites for your convenience, or you can contact me at tcornelison@potato.idaho.gov

IWUA Summer Water Law Seminar - Sun Valley, ID - June 22, 2009

- I. Federal Stimulus Funding from the American Recovery and Reinvestment Act
 - a. Received a Billion Dollars for Stimulus.
 - i. Our Region (out of 6 regions) 94 million.
 1. Mostly for WA projects.
 - ii. 20 Million Coming to ID.
 1. To be spent by priority, largest job generation and creation of lasting value for the public.
 - iii. Goal to spend all money by 2010.
 - b. Idaho Projects
 - i. Quagga Mussel in Idaho. Severe infestation clogs all facilities of dams.
 1. Early detection is key.
 2. Idaho Reservoirs.
 - a. Palisades, Island Park, American Falls, Walcott, Anderson Ranch, and Cascade.

- ii. Canals in Urban areas.
 - 1. Truckee canal failure brought this national attention.
 - 2. Biggest issue here is canals in large cities such as the one that runs through Boise. Also a concern, the distance in canals that water can be controlled so if there is a problem where can flooding be controlled. Some canals can go as far as 20 miles with no way to control the flow of the water.
- II. American Recovery and Reinvestment – Civil Works, US Army Corps of Engineers.
- a. Idaho to receive 20 million will create approximately 620 jobs.
 - i. Albeni Falls Dam- 1.78 Million
 - 1. Mostly for Recreational activities.
 - ii. Dworshak Dam
 - 1. 1.75 million For Recreation and some for Fish Hatchery.
 - 2. 2 million for Dam repair.
 - iii. Lucky Peak- 134,000
 - iv. Rural Idaho Infrastructure – Waste Water Programs
 - 1. 9.6 million, the largest project is in Shelley, ID.
 - 2. Largest part of the funding
 - v. Boise River- 150,000
 - 1. Look at flood control and water supply.
 - 2. Update flood plain mapping
 - vi. Challis- 25,000
 - vii. Lake Pend Oreille- 400,000.
 - b. Most WA money going to work on the lower Snake Dams, no other info on this from seminar.
 - c. www.nww.usace.army.mil
- III. AMRRA - NRCS perspective.
- a. Receive 340 million in funding
 - b. Goal to have 50% obligated by 2010
 - c. Goals
 - i. Floodplain Easements.
 - 1. Received applications for a thousand dollars for every one dollar available.
 - 2. Idaho's one project did not get included.
 - ii. Watershed Rehabilitation.
 - 1. Mostly flood control structures to bring up to date.
 - 2. Idaho has no projects.
 - iii. Southern Washington County Water Quality Project.
 - 1. Cost share match of 50%.
 - 2. This project affects Idaho and is a project that could be used at several areas of the Snake River Plain.
 - iv. AWEP program- Agricultural Water Enhancement Program.
 - 1. Somewhat like the EQUIP system only at the local level.
 - 2. Local irrigation districts can request funds.
 - 3. 70 million requested; 56 million available for 09.
 - 4. Eastern Snake Plain Aquifer Mentioned specifically.
 - d. www.recovery.gov
- IV. Solutions for Idaho's Aging Infrastructure.
- a. Avg age of reclamation dams
 - i. 479 dams – avg age 60 yrs old
 - ii. Idaho has 22 dams and dikes – avg age is 78 yrs
 - 1. Idaho has some of oldest facilities and projects in reclamation.
 - 2. Idaho's 16 major dams are 72 years old.
 - b. Transferred Works- work transferred to irrigation districts.
 - i. 92% of canals and laterals.

- ii. No power plants.
- iii. All transferred works are 100% paid for by stakeholders.
- c. Reserved Works – work the reclamation keeps
- d. Facility condition
 - i. Dams- good condition
 - ii. Power plants- good condition
 - iii. Pumping plants- most have been transferred works.
 - iv. Canals and pipelines
 - 1. Have been transferred, do not meet modern standards and they are aging.
 - v. Recent efforts.
 - 1. General
 - a. Life extension through increased maintenance, very expensive.
 - b. Replacement, also expensive.
 - 2. New Initiatives
 - a. Canals through urban areas.
 - b. PL-111-11
 - c. Loan Guarantee program
 - vi. Urban Canal effort
 - 1. Inspect and rate canal infrastructure.
 - a. Aerial flights will begin in July.
 - b. Boots on the ground inspection will start later in July.
 - vii. Public Law 111-11
 - 1. Develop inspection guidelines.
 - 2. Start inspections.
 - 3. Develop recommendations.
 - 4. Extraordinary O&M work.
 - 5. Emergency Extraordinary O&M work.
 - viii. Loan Guarantee program
 - 1. Provides federal assistance for:
 - a. Rural water supply projects
 - b. Extraordinary O&M projects.
 - c. Water infrastructure improvements.
- e. Aging infrastructure.
 - i. Not an easy answer.
 - ii. Not just an Idaho issue.
- f. Questions:
 - i. Does Minidoka dam qualify for any of these programs? The problem with Minidoka is it is not shovel ready and does not get enough dollars out the door fast enough. It does seem to be a good project for the Loan Guarantee program.

V. 2009 Legislative Update

- a. Bills that effect water law
 - i. House Bill No. 264
 - 1. Approves the use and funding of CAMP.
 - ii. House Bill No. 213
 - 1. Provides for stickers and fees to battle invasive species.
 - iii. House Bill No. 341
 - 1. Outlines the budget for IDWR, to include mandatory reductions.
 - iv. House Concurrent Resolution No. 13
 - 1. Funding for a natural resource study.
 - v. House Joint Memorial No. 6
 - 1. Opposition to the Federal Clean Water Act.
 - vi. Senate Bill No. 1096

- 1. Personal Property of irrigation districts.
- vii. Senate Bill No. 1167
 - 1. Diversion and recharge of natural flows.
- viii. Senate Bill No. 1169
 - 1. Rules for the P.U.C. and the Swan Falls Settlement.
- ix. Senate Bill No. 1185
 - 1. Gives authority to IDWR for ground water recharge.
- VI. South Fork Snake, Teton River, Wild & Scenic feasibility study.
 - a. Why does the BLM even look at designation?
 - i. Directed by law.
 - ii. Directed by policy.
 - b. Three Phases.
 - i. Eligibility.
 - ii. Classification.
 - iii. Suitability.
 - c. Eligibility
 - i. Free flowing
 - ii. Remarkable value.
 - 1. Scenic, geologic, wildlife, cultural.
 - d. Suitability
 - i. More important uses? Such as agriculture.
 - ii. Is the river already protected by other issues?
 - iii. Cost.
 - iv. Support or opposition.
 - e. Wild & Scenic does not change water rights or any existing rights.
 - i. BLM does not designate, Congress Designates. BLM only submits for eligibility.
 - ii. Designation does affect future uses.
 - f. Wild
 - i. Accessible by trails.
 - g. Scenic
 - i. Free of impoundment.
 - ii. Accessible by roads.
 - h. Recreation
 - i. Is recreation available on the river?
 - i. BLM asks
 - i. Is wild and scenic best use?
 - ii. Is wild and scenic best method to protect rivers?
 - iii. Any water plans already in place?
 - iv. What is current status of ownership?
 - v. What agency will administer to the river?
 - j. Egin Canal company
 - i. Currently working with them to overflow their canal by the St. Anthony sand dunes to help in recharge efforts.
 - ii. Hope to have more of these efforts in the future, i.e. BLM and state agencies working together.
- VII. Water District 1
 - a. Back to back dry years mean the storage area won't refill, so in 1988 they added last to fill provision.
 - i. Below Milner became last to fill.
 - ii. Two tier pricing system for above and below Milner.
 - b. Global Concept
 - i. Try to balance supply and demand.
- VIII. D.C. Update: Changes to the ESA (Endangered Species Act) & other environmental laws.
 - a. In the old Bush administration, made many changes including keeping the Polar Bear off of the ESA.

- b. New administration made changes and blocked that decision.
 - i. Hampering energy development in the bear's habitat.
 - ii. Where we stand.
 - 1. If the Obama Administration can prove that greenhouse gasses are connected with the reduction in sea ice (bear habitat) there will be lawsuits against companies for climate change. It gives the environmentalists the leverage they need for lawsuits if the bear hits the ESA.
- c. EPA endangerment findings.
 - i. Regulation of 4 greenhouse gasses one being methane.
 - ii. Only one source of methane and that is dairy farming.
- d. Waxman Markey Clean energy and security act
 - i. Regulation of greenhouse gasses like securities.
 - 1. Methane is a greenhouse gas.
- e. Burlington Northern
 - i. US Supreme Court over turns 9th circuit in an 8-1 decision.
 - ii. The 9th circuit is an embarrassment and that is the court Idaho has to go through to get to the Supreme Court. Their decisions are overturned again and again.