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National Ground Water Association

Comment on

U.S. Department of Agriculture Commodity Credit Corporation and Farm Service Agency Conservation Reserve Program (CRP) Interim Rule

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Summary

The Interim final rule revises the Commodity Credit Corporation's (CCC) Conservation Reserve Program (CRP) regulations to specify the terms and conditions of CRP and to implement amendments made by the Agriculture Improvement Act of 2018 (2018 Farm Bill). The 2018 Farm Bill authorizes CRP through fiscal year 2023. This rule makes required changes to the eligibility criteria for enrollment in CRP, the benefits available to participants, and the land use and compliance provisions of CRP. In addition, this rule will implement two new pilot programs.

Land eligible for continuous signup under the CRP may include:

- Land in riparian areas that border rivers, streams, and lakes;
- Land suitable for wetland restoration; and
- Certain land to be dedicated to other specialized conservation measures.

Eligible land also includes non-irrigated or irrigated cropland that would facilitate a net savings in groundwater or surface water of the agricultural operation of the producer.

Conservation priority areas cannot total more than 25 percent of the cropland in a State unless there are identified and documented exceptional environmental needs.

The CCC will share up to 50 percent of the cost with participants of installing eligible practices specified in an approved conservation plan that include high priority practices not limited to: filter strips, riparian buffers, shelterbelts, field windbreaks, living snowfences, grass waterways, shallow water areas for wildlife, salt-tolerant vegetation, prairie strips, field borders, and practices to benefit certain approved wetlands and public wellhead protection areas.

Comments of the National Ground Water Association

The Interim Rule identifies eligible land to include riparian areas and wetlands, and non-irrigated or irrigated cropland that would facilitate a net savings in groundwater or surface water of the agricultural operation of the producer. The Interim Rule also identifies a range of eligible practices that may be installed, as noted above to benefit certain approved wetlands and public wellhead protection areas.

NGWA Comment: NGWA encourages the Department of Agriculture to continue to implement the Conservation Reserve Program to protect groundwater, wetlands and wellhead protection areas.

Nationally, 76 percent of community water systems are groundwater-supplied, with 96 percent of those systems serving small communities of 10,000 or fewer people. Nearly all of the nontransient noncommunity water systems (such as rural schools, businesses and hospitals) and transient noncommunity water systems (such as rural roadside rest areas and restaurants) are served from groundwater sources. Also, a significant number of larger community water systems supplied from surface water sources have groundwater wells as backup or emergency water sources.

As Nitrate is a significant fertilizer in agricultural use and many small communities are in rural areas, protecting areas around and providing recharge to their wells is essential for safe provision of groundwater for drinking water purposes. Of groundwater-supplied community water systems, 96.2 percent (4,897 systems) of systems with violations of the Nitrate maximum contaminant level and/or monitoring and reporting requirements for drinking water should be evaluated for attention relative to implementation of the CRP. Nearly all of those systems in violation of the drinking water Nitrate standards and requirements (95.8 percent) serve small communities of 10,000 or fewer people.[1] Additionally, over 41 million people receive groundwater for household use from private water wells[2], many located in or near rural areas. Similar protection of private wells and recharge areas for those wells should be provided under the CRP as groundwater managed in trust by states may flow to either or both public and private wells.

Groundwater interacts with surface water and wetlands in riparian zones within which many public and private wells produce groundwater for water supply. Wells in riparian zones should also receive protection under the CRP.

Basis for the Interest of the National Ground Water Association (NGWA) in the USDA Conservation Reserve Program

NGWA, the largest trade association and professional society of groundwater professionals in the world, represents over 10,400 groundwater professionals within the United States and internationally. NGWA represents four key sectors: scientists and engineers, employed by private industry, by the consulting community, by academic institutions, and by local, state, and federal governments, to assess groundwater quality, availability, and sustainability; water-well contractors responsible for developing and constructing water-well infrastructure for residential, commercial, and agricultural use; and the manufacturers and the suppliers responsible for manufacturing and providing the equipment needed to make groundwater development possible. NGWA's mission is to advocate for and support the responsible development, management, and use of groundwater.

Over 41 million people in the United States rely on private wells and nearly 90 million people are served by groundwater from community water systems. Seventy-one percent of groundwater withdrawn is for irrigated agriculture. Additionally, forty percent of baseflow of streams is contributed from groundwater discharge through streambeds.

NGWA views groundwater and the subsurface as a significant natural resource that should be sustainably managed for current and future use. The subsurface environment should be considered from an integrated resource perspective. The resources extant in the subsurface environment with proper management can provide fresh groundwater for drinking, industrial and manufacturing applications, food production, and ecosystem support.

A concise summary of the position of the National Ground Water Association on groundwater protection related to potential sources of contamination is:

- Control of potential and active sources of contamination should be a national objective, reducing the need for remediation of groundwater.
- Aquifers should be protected from degradation recognizing that nondegradation may not be economically and technically practical in many circumstances.
- Groundwater quality should be protected for existing or potential beneficial uses.
- Methods available to control point source contamination include land-use controls while remediation approaches should be flexible and practical to recognize different situations.
- Waste reduction, education, and technology transfer are important to protect groundwater.
- Increased scientific research can provide the basis for land-use control decisions.

Thank you for the opportunity to comment on this interim rule.

For follow up, please contact:

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[1] U.S. Environmental Protection Agency. 2020. Drinking Water Government Performance Results Act Tool, GPRA Violation Report, 2019 Quarter 4. https://obipublic.epa.gov/analytics/saw.dll?PortalPages&PortalPath=/shared/SFDW/_portal/Public&Page=Violation

[2] U.S. Geological Survey. 2018. Estimated Use of Water in the United States in 2015. Circular 1441. https://pubs.er.usgs.gov/publication/cir1441