

Written statement on behalf of the

Public Lands Council and the National Cattlemen’s Beef Association

on

Draft legislation entitled, “America’s Water Infrastructure Act of 2020” and the “Drinking Water Infrastructure Act of 2020”

submitted to the United States Senate
Committee on Environment and Public Works Chairman, John Barrasso

and

Committee on Environment and Public Ranking Member, Tom Carper

submitted by

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Chairman Barrasso and Ranking Member Carper, I appreciate the opportunity to provide stakeholder comments on the Committee's discussion drafts: *America's Water Infrastructure Act of 2020* and *the Drinking Water Infrastructure Act of 2020*.

Without question, water is the keystone resource of the American West. For hundreds of years, towns and infrastructure were built based on the water resources nearby, particularly when much of the landscape was arid and inhospitable. I'm a third-generation rancher from Rawlins, Wyoming, where my family and I have ranched for more than 100 years in high-mountain desert conditions. The family ranch was started in the 1890s as a sheep and remount horse ranch. Over the years my family changed from raising horses to raising cattle and in 1984 made the final change from a cow/calf, sheep operation to a cow/calf/ yearling operation. Throughout each of these transitions, the ranch continues to be totally family owned and operated.

I currently serve as the Vice President of the national Public Lands Council, am past president of the Wyoming Stock Growers Association, and also have served as Chairman of the Wyoming State Grazing Board. I provide these comments on behalf of both the Public Lands Council and the National Cattlemen's Beef Association, representing family ranchers operating on both private and public lands, all of whom have a stake in protecting the environment in which they live and work.

Water is often the determining factor in the success of an operation. If you have too much, too little, in the wrong form or at the wrong time, an entire operation can experience catastrophic impacts. Land values are determined in part by access and quality of water, and many a battle has been fought over control of water rights. Personal water rights are managed differently among the states, and management becomes even more complex when Federal authorities are overlaid. I appreciate the Committee's thoughtful consideration of a number of challenges affecting water management today.

For livestock operations like mine, private access to water is crucial to meet the basic needs of cattle, sheep, and other livestock. Ranchers are motivated to maintain healthy riparian areas for free-flowing water resources, and often install water tanks in pastures where water is not readily available. Our active management of these resources provides associated benefits to wildlife and flora, including imperiled species, and improves downstream water quality for the benefit of subsequent users. We take specific steps to eradicate water-intensive invasive species, restore banks to ensure clear-flowing water, and make significant labor and financial investments in infrastructure.

Water delivery often depends on federal infrastructure, or infrastructure that is subject to a variety of federal approvals. For example, the Bureau of Reclamation owns, operates, and oversees a significant number of reservoirs, canals, ditches, and other assets across Western states that provide critical water delivery to a variety of agriculture operations. To that end, we appreciate the Committee's consideration of water storage in Subtitle E of the discussion draft entitled, *America's Water Infrastructure Act (AWIA) of 2020*. Section 1501, which addresses small water storage projects in rural areas, identifies the need to have expanded or new water storage projects to provide long-term certainty in water delivery to rural areas. Too often, conversations about water delivery prioritize municipal needs above the needs of rural communities. While both are incredibly important in every state, we appreciate the Committee's attention to rural storage and

delivery needs.

The Committee also addresses another critical component of secure water delivery. In Subtitle A of the *AWIA* discussion draft, Section 1021 authorizes funding for contracts to conduct enhanced inspection for infrastructure that is more than 75 years old. While neither organization I represent with my enclosed comments has specific policy related to water infrastructure, ranchers often are faced with secondary or tertiary impacts of events that affect water supply. For example, in the summer of 2019, one of the three tunnels on the Gering-Fort Laramie irrigation canal in Goshen County, Wyoming, collapsed. The collapse caused a water backup which breached the berm at the side of the canal upstream from the tunnel, resulting in a significant flood event. The tunnel itself sustained significant damage and water delivery was disrupted for the entire canal for several weeks. As a result of the collapse, approximately 107,000 irrigated acres were left without water for the bulk of the summer, resulting in substantially decreased yields, and in some cases, loss of entire crops.

The community adjacent to this canal is heavily reliant on agriculture production; at one time, the community was home to a sugarbeet processing factory, a sale barn, several feedlots, feed mills, a small-scale cattle processor, and was surrounded by corn, sugarbeet, and cereal grain crops. Over time, several of those businesses have left, depressing the area's economic activity and increasing reliance on the existing agriculture. When the tunnel collapsed, the community was left without a key piece of their production puzzle. While the tunnel was temporarily patched and water was restored more than a month after the tunnel collapsed, the economic impacts continue to ripple. Full accounting of the economic impact is ongoing, but early estimates indicated impacts to Wyoming and Nebraska communities could exceed \$90 million. The temporary supports for the three tunnels exceeded \$10 million, and the final costs of the permanent fixes needed to support the tunnels have yet to be determined.

The tunnel that collapsed was 2,200 feet long and 14 feet in diameter, and the associated ditch moved nearly 600,000 gallons of water per minute. This tunnel is one of three on the canal, each of which was built between 1917 and 1918. This tunnel also happens to be buried 110 feet underground to allow water to pass through the side of a hill. While I continue to be amazed at the feats of engineering the Bureau of Reclamation and engineers were able to undertake 100 years ago, we must recognize these centennial assets are under an incredible amount of strain as they provide water year upon year. Section 1021 seeks to provide funding for enhanced inspections to detect that strain and prevent the tens of millions of dollars required to fix assets when they fail, and also to prevent the hundreds of millions of dollars in impacts – and prevent loss of human life – when assets fail.

Although the water interruption in Goshen County is several hundred miles from where I ranch outside of Rawlins, the collapse had profound impacts on my operation as well. Ranchers across the region routinely rely on hay and other forage from this area. As a result of the collapse, these crops had significantly diminished yields or were altogether lost, meaning there will be less forage for ranchers to feed livestock in hard winters or dry summers.

The situation in Goshen County is not unique. Last year, Nebraska experienced widespread flooding caused by a “bomb cyclone” weather event that left dams, bridges, roads, and levees in

varying states of disrepair. Ice jams prompted dam collapses and homes, pasture lands, and highways were under several feet of water. The flooding caused billions of dollars in damage and had broad effects on agriculture production across the country. I appreciate that the *AWIA* discussion draft recognizes the need to provide specific attention to aging infrastructure, because we have seen what happens when these assets fail.

I'd also like to thank the Committee for addressing persistent challenges with invasive species prevention, management, and eradication. Subtitle F of the *AWIA* draft provides for the creation of a series of tools, pilot programs, and other cooperative approaches to address both aquatic and terrestrial invasive species challenges affecting water delivery. I cannot emphasize enough the importance of reducing invasive species. Invasive species upset the balance of ecosystems, and in some cases, fundamentally change the ecosystem altogether. For example, zebra and quagga mussels are invasive to American watersheds. When they are introduced into a new water system, they multiply rapidly, far outcompeting native species and negatively impacting habitat for hundreds of species of fish and plants. From a human perspective, the mussels cause billions of dollars in damage as their rapid reproduction clogs irrigation pipes, power plant intakes, and other water delivery systems.

Terrestrial invasives are equally problematic. Invasive plant species, such as cheatgrass (*Bromus tectorum*), compete with native perennials for soil nutrients and water resources. Other invasives, like Russian olive and salt cedar prefer riparian areas or areas where the soil profile is close to a water source. Both species require a significant amount of water – a resource that is often scarce in high-altitude ecosystems – and crowd out species like cottonwood and willow that provide important habitat for many animal species. Plainly, ranchers and other land managers continue to spend an increasing amount of time and money on efforts to control expanding invasive species populations, and the success of these efforts will determine long-term resource health. These are challenging conditions with widespread impacts, and immediate investment is required. This Committee has already passed several provisions related to invasive species during this Congress, and I appreciate the additional focus in this discussion draft.

We support the allocation of additional federal resources to existing invasive mitigation and reduction programs, and new pilot programs to support partnerships and cooperative agreements between federal, State, and Tribal partners, as suggested in Sections 1604 and 1605. Careful, intentional coordination among jurisdictions at all levels is necessary to identify new terrestrial invasive species controls, and implement emerging tools – including targeted, dormant-season grazing, as in the case of invasive grasses. As the Committee considers further action on invasive species, we would urge you to ensure these new provisions complement the great work the Committee has already done with cooperative agreements and encourage the Secretary to build on existing agreements to support additional and enhanced activities. Invasive species degrade the overall productivity and health of the land which they inhabit. They don't respect fence lines or jurisdictions, and successful partnerships are key to healthy ecosystems.

In summary, I appreciate the opportunity to provide suggestions on a few provisions in the *America's Water Infrastructure Act of 2020*. America's ranchers depend on predictable and consistent water management policies and reliable infrastructure. While there are a number of provisions in both the *AWIA* discussion draft and the *Drinking Water Infrastructure Act of 2020*

that fall outside the purview of the groups associated with these comments, we appreciate the opportunity to comment on the provisions that directly affect our members.

Biography

Niels Hansen is a third-generation rancher from Rawlins, Wyoming. The family ranch was started in the 1890s as a sheep and remount horse ranch. Over the years, the family has had to change from raising horses to raising cattle and in 1984 made the final change from a cow/calf, sheep operation to a cow/calf/ yearling operation but the ranch continues to be totally family owned and operated.

Working cooperatively with the University of Wyoming and the BLM, Niels has been a leader in developing and advocating for Cooperative Rangeland Monitoring. With over 20 years of monitoring data from the family ranch, he has shown the benefits of good land and livestock management for the land, the business, and the community.

In 2000, the ranch received the BLM Rangeland Management Stewardship Award. In 2004, the ranch was co-winner of the Wyoming Stock Growers Association Stewardship Award. Niels was inducted into the Wyoming Agriculture Hall of Fame in 2011.

