

United States Senate

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Washington, D.C. 4/22, 19 83

Referred to Norman Berg

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1 Mr. Mitchell. We certainly thank you for this opportunity
2 to share our views with you. And I would be happy to answer
3 any questions at this time.

4 Senator Jepsen. I think we will go ahead. And Norm,
5 you proceed, and then I have some questions that I have for
6 both of you that we will get to at that time.

7 Mr. Berg. Thank you, Mr. Chairman. I am really pleased
8 to be on the panel here with Mr. Mitchell. I have worked
9 with the Conservation District leaders throughout the country
10 for a long time, and this is a double pleasure to be alongside
11 him in this event.

12 Mr. Chairman, I am serving today as the senior advisor
13 to the American Farmland Trust, and the President of that
14 Trust, Doug Wheeler, ask that I present a statement for the
15 Trust. And I also serve--and this is a very recent effort--as
16 the Washington representative of the Soil Conservation Society
17 of America. And our executive vice president, Walt
18 Peechatka, out in Ankeny, Iowa, where we are headquartered,
19 asked that I present a statement for the society.

20 [Material referred to follows:].
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Mr. Berg. We are very, very pleased for the opportunity to be able to participate in this hearing. Both of these organizations are dedicated to the science and art of wise land use. The society has a long history in this regard, and the American Farmland Trust, a newer organization, has just two-and-a-half years of history, is concerned about both the retention of our good land for agriculture, and the stability and welfare of the farming community.

In the interest of your time, Mr. Chairman, and with your permission, I would like to have the full texts of both of these statements be made part of the record.

Senator Jepsen. They will be entered into the record as if read.

Mr. Berg. As you so well know, most bills that become law result from a process of problem identification and institutional response that takes, in many cases, a long time. We feel that for this bill, Senate 663, this is the time for this to become law. We would have been better off had we had it about a decade ago, but that is history.

And let us recognize that there is a timing for things to happen, and we would certainly endorse the momentum that is running in favor of this measure. And although it will not stop soil loss that is occurring, and at a very substantial rate in some parts of our country, it will stop when it effected, the federal government from subsidizing more serious

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1 soil loss from literally the millions of potential acres that
 2 at some time in the future are going to be vulnerable to being
 3 newly ripped out of the present use, which nature intended
 4 that they be used for.

5 We, therefore, strong support its early enactment into
 6 law and that it become a policy of the Department of Agriculture,
 7 and that it get early implementation. Now, we commend the
 8 thousands and thousands of land users that are cooperating
 9 with their conservation districts who are stewards of the land.
 10 And it has been our experience that as we look at some of the
 11 programs of the department, the stewardship of the land in
 12 too many cases has taken a back seat. And the good conservation
 13 farmers and ranchers have been penalized.

14 USDA commodity programs do have a strong impact on the
 15 use of land and on either conservation use or the lack of
 16 conservation use. And there are a limited number of land
 17 users who farm two things: first of all, the land; and the
 18 second, the program.

19 And I have had experience in the field where I have
 20 seen land that should not have been supported in terms of
 21 commodity programs. It would have been better left in grass.
 22 Too often program considerations are more profitable than
 23 regard for erosion control. And in some states, as we well
 24 know from the record, the marginal and submarginal land is in
 25 cultivation for a variety of reasons, but it has been supported

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1 by USDA programs.

2 Now, we know that those came by law, and the department
3 is carrying them out. But perhaps now is the time to remove
4 the inconsistencies.

5 As you well know, but many may not know, including some
6 of the land users, the Soil Conservation Service does have
7 and has for years used this land capability class system as
8 a basis for the development of the conservation plans that
9 have been souseful to literally thousands and thousands of
10 land users.

11 That system has been developed and refined over several
12 decades. It classifies land according to its most suitable
13 use for sustained agricultural production. The most capable
14 land in that definition in classes I through IV, suitable
15 for cultivation and other uses; and the land with restrictive
16 attributes, generally not suited to cultivation, in classes
17 V through VIII.

18 In addition, as Chief Myers explained, there are subclass
19 indicators that identify land with specific problems with
20 erosion susceptibility; that is a serious limitation to the
21 production of cropping. And the capability system has proven
22 very useful in the conservation planning process because it
23 is straightforward and introduces landowners and operators
24 to the details of the soil survey, that in addition to other
25 information, is specifically geared for their particular

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1 property.

2 We are very much in favor of the momentum that is
3 running on this particular bill, but there have been suggestions
4 that it could be strengthened, and we have one concern. It is
5 our only concern, and that is the definition, as we talked
6 about earlier, of highly erodible land as it relates to these
7 capability classifications.

8 When the department completed the 1977 national
9 resources inventory--and hopefully, as we look at the data
10 from 1982, which should be available later this summer, it
11 is becoming more clear that some modification of that capability
12 class system may be needed to incorporate the best possible
13 estimates of soil erosion rates.

14 Right now it appears that the data that we have looked
15 at strongly suggests that the present land capability class
16 system understates the erosion hazard on an amount of land
17 that is significant that was conventionally thought suitable
18 for cultivation and is so classified.

19 Perhaps that old classification system has not fully
20 adapted to the modern farming and ranching that we are now
21 engaged in. Therefore, we feel it is important that as we
22 consider this measure, that the matter be addressed so that
23 the local soil conservation service technical people and the
24 staffs on the soil and water conservation districts would be
25 given sufficient flexibility to make the correct determination

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1 of what is highly erodible soils that are not yet in a
 2 cropping use. And we would be happy to work with the committee
 3 to provide whatever help may be needed.

4 This whole problem has occurred for many reasons over a
 5 long history of land use. It is, however, a reflection as
 6 we sit here today that to date we seem to have the inability
 7 to ensure that USDA programs that are designed to enhance
 8 production of certain commodities do not destroy the valuable
 9 land and water resources of rural America.

10 We are observing now the impact, and that will run
 11 through the growing season of 1983 of the payment in kind
 12 program on land use decisions. Hopefully, there will be a lot
 13 of sound conservation practices, although under the present
 14 setting, they are obviously going to be temporary, that
 15 will be applied to those lands that are now highly eroding.

16 The long range task, as you addressed earlier here, is
 17 to be more certain that these lands do not return to highly
 18 erodible uses, except in time of dire national need. And
 19 this is an important matter that we look forward to addressing
 20 when you have scheduled hearings on the broader soil and
 21 water conservation programs still needed.

22 On the other side of the coin, we are dismayed that the
 23 Department of Agriculture has not yet implemented the Farmland
 24 Protection Policy Act that has been law since December of 1981
 25 that gave the Secretary until June of 1981 to develop and

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issue the guidelines. These long delayed rules are intended to encourage federal agencies to plan their projects so as to avoid taking prime farmland out of agriculture.

Several states have taken positive actions to get their houses in order. And as we have had millions and millions of acres, mostly agricultural, shifting to urban and built up uses, this in part has led to the more intensive agriculture expanding in some regions to the more marginal areas and at the expense of more fragile resources.

In the interest of time, I would like to close by saying that the American Farmland Trust has been engaged for a year in a search for solutions, a study to assess the efforts of the public agencies to reduce soil loss by interviewing farmers.

We have completed that project. We ran this in six states including Colorado and Iowa. And one area, the Cope Soil and Water Conservation District in Washington County, Colorado, has about 36 percent of their cropland devoted to wheat. We talked to 129 farmers and ranchers. They were interviewed out there by the local people that we trained for that effort.

We had a question in there along with a lot of others on public policy that dealt with their attitude towards imposing certain conditions on the receipt of government money. And it is interesting that their answers could range

1 from either strongly agree to strongly disagree.

2 And in this instance, there were 60 percent of those
3 participating in the poll that felt that this was something
4 that should come into being. In other words, they were not
5 in favor of subsidizing the present use of some of those
6 lands.

7 Senator Jepsen. Before you leave that, they were in
8 favor of cross-compliance?

9 Mr. Berg. In effect, they were, in that particular
10 instance. And that helped confirm what I heard Secretary
11 Block tell the conservation district board of directors here
12 just a few weeks ago, that there are signs of growing
13 acceptance, at least in limited circumstances, of the concept
14 of cross compliance. He mentioned then the support for the
15 Armstrong Bill specifically.

16 Other evidences that we have, including the Harris
17 Poll that goes back three or four years that probed the
18 thinking of the adult population of this country, and the
19 comments that came in on both runs on the Resources Conservation
20 Act programs indicated that we have an awareness of this need
21 here better than we have had in the past.

22 The program that did come to the Congress did say that
23 we should resolve the inconsistencies in the various agency
24 programs and seek to ensure that all agency programs support
25 the conservation objective.

1 And as I finish here, I am reminded that in 1951 the
2 then Secretary of Agriculture, Charlie Brannan, issues
3 a famous memorandum called 1278. The reason he had to issue
4 that was that we had some organizational problems in the
5 department that had plagued the department since the beginning
6 of the federal soil conservation programs in the thirties.
7 And that spelled out for each of the key USDA agencies what
8 their share of responsibility for soil conservation was, while
9 allowing each to retain its historic identity.

10 But that early action stated--and I have had this on my
11 desk for many, many years, that the basic physical objective
12 of soil conservation activities of department agencies shall
13 be the use of each acre of agricultural land within its
14 capabilities and the treatment of each acre of agricultural
15 land in accordance with its needs for protection and
16 improvement.

17 Therefore, early enactment into law of this measure
18 and the necessary follow through of implementation would be
19 in total harmony with that bold objective of over three decades
20 ago.

21 Thanks for the chance to be at the hearing. Both the
22 Soil Conservation Society and the American Farmland Trust will
23 help in any way that we can. I would like to take just a
24 moment for an additional thought. This is going to take some
25 additional work by qualified people. It can be done. It needs

1 to have a high priority once it is in effect. But I do not
2 think we should say that it is not going to be at the expense
3 of some of the other things that these hardpressed people
4 at the field level are now addressing.

5 Thank you.

6 Senator Jepsen. Thank you. Ten years ago would there
7 have been the same reaction to cross-compliance that you
8 noted in this more recent poll, do you think?

9 Mr. Berg. No, I do not think there would have been.
10 The history that we have had in the last decade has been
11 one of great interest to the people that are concerned about
12 the use of our natural resources. We are part of a process
13 here, caught up in the fact that the nation was required to
14 produce more of all of our commodities, and there was an
15 admonition to plow fence row to fence row, and without the
16 necessary protection, along with producing, we have caused
17 ourselves some very serious problems.

18 I think the RCA process in itself has developed an
19 awareness, has allowed us a much more full examination of the
20 effectiveness of programs, of looking at those that work
21 best, and some that could work better. And that whole
22 discussion, I think, has led us to where we are today. That
23 is why I say this particular bill, although it will grandfather
24 literally millions of acres that probably should have been
25 left in some other use, is a great step forward so that we

1 nail down a better future.

2 Senator Jepsen. Mr. Mitchell, do you want to comment
3 on that? How do you feel about cross-compliance? Are you
4 concerned about this being the first step requiring cross--
5 compliance?

6 Mr. Mitchell. Not really, sir. Personally, I think we
7 need to define a definition of cross-compliance. In my
8 particular operation in Oklahoma if you require what I call
9 cross compliance, I am completely opposed to it. But I do
10 not see this really as a cross-compliance on it in one sense.
11 I agree with Mr. Berg here, the farm economy in its such
12 chaotic condition today, that I do not think we as farmers
13 have a whole lot of choice.

14 We would put conservation practices on our land were
15 we financially able without government help. We are not
16 financial able, and we cannot do it today. I see this as
17 one means of maybe getting more conservation practices on the
18 land. And I agree with Mr. Berg: this is the time to pass
19 this. We could not have passed it 10 years ago. I doubt if
20 we could pass it 10 years down the road.

21 If we see an upsurge in the farm economy, the farmer
22 is greedy, as nearly everyone is, he will go out there and
23 he will plow any land that will make him a dollar and disregard---
24 a lot of them disregard conservation.

25 I think we can see today where that has led us.

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1 Senator Jepsen. It is not quite cross-compliance.

2 Mr. Mitchell. Right.

3 Senator Jepsen. But I think people think people think
4 of it as kind of a nose under the fence.

5 Mr. Mitchell. I do not see it as that, no. I do not
6 see it as a foot in the door, so to speak; no, sir, I do
7 not.

8 Senator Jepsen. We are not saying the federal government
9 will provide money if you do certain things. We are just
10 simply saying the federal government is not going to provide
11 money--period--if you break soil as we define it and describe
12 it in this act. You cannot do it and receive benefits.

13 Mr. Mitchell. Right.

14 Senator Jepsen. So it is kind of a step toward it.

15 Mr. Mitchell. Well, in one sense, yes, sir.

16 Senator Jepsen. But you have no problem with it?

17 Mr. Mitchell. I have no problem with it. It does not
18 bind me as a farmer. If I want to go ahead and break that
19 land, it does not tell me I cannot; it just tells me that
20 I cannot expect to be subsidized from public monies, which
21 I think is right in the first place.

22 Senator Jepsen. Well, let us just explore and go one
23 step further. How about putting conservation practices on
24 the land as a requirement for participation in other farm
25 programs? Would you have a problem with that?

1 Mr. Mitchell. Personally, I would not have a problem with
2 that. I think this is just good soil stewardship at that.

3 Senator Jepsen. How do you think that poll would have
4 read, Norm, had they extended that to say---

5 Mr. Berg. Well, I think we are finding in this most
6 recent survey that we have--and we will have that for your
7 committee--that there is more acceptance and more feeling
8 of equity out here on the part of these land users than we
9 are giving them credit for.

10 They are very concerned about the government having
11 installed conservation practices and then seeing them ripped
12 up. They think that that is highly unfair. They are not so
13 happy about some idea of fining people because of soil loss.
14 They recognize the experience that Iowa is going through where
15 if the soil loss does not bother anybody else, that is the
16 land user's problem; but if it becomes a nuisance to somebody
17 beyond the fenceline, then there is an interest in terms of
18 society recognizing that something should be done, and that
19 has been upheld by your state supreme court as an action.

20 Other states are beginning to look at that. I am very
21 much impressed with what happened out in Weld County. I
22 think what we are talking about is a mix of federal
23 responsibility along with state and local action; where the
24 governor placed that 15 day moratorium in effect in Weld
25 County until the county commissioners could look at their own

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1 responsibilities and when they passed Ordinance 108 under
2 the authority of the Colorado County Home Rule Powers Act,
3 on May 20 that indicated that government can act responsibly
4 and it is saying that there are broader implications of what
5 we are doing here than just the individual landowner.

6 Senator Jepsen. It indicated that government is
7 interested in acting responsibly.

8 Mr. Berg. Right.

9 Senator Jepsen. At first the gentleman reported that
10 when they got it, they were not sure they wanted it.

11 Mr. Berg. Well, I do not think anybody is in jail
12 yet out there, but there is a fine attached, and that sort
13 of thing. There have been permits issued that allow them to
14 go ahead and do the right thing.

15 Senator Jepsen. No, I am not being critical of it; in
16 fact, it pointed up, I think, a problem.

17 Mr. Berg. Senator Jepsen, there is no question but
18 what the property owner's rights are protected under this
19 bill. It will be labeled as a land use measure by some that
20 do not like it, but as we have had said several times here,
21 this is not true. We do not feel that the voluntary efforts
22 in conservation will be compromised. The technical data is
23 available or could be made available in a very timely
24 fashion.

25 We would, as you have indicated, be interested in how

1 the USDA will determine compliance once the policy is
2 established. The long range needs here are to ask the
3 department, as I see it, to tell us what impact this will
4 have on productivity, and take a look at the classification
5 scheme as to whether it is as up to date as the field would
6 need in the way of guidance.

7 Senator Jepsen. Do you think there needs to be some
8 revision of the definition of high erodible land?

9 Mr. Berg. The reason we are suggesting this is that
10 the data we now have from 1977 shows that some of our most
11 serious soil loss is occurring from both the classification
12 II E and III E lands. Now, if those lands were properly
13 managed in terms of conservation treatment, perhaps that
14 would not be happening.

15 But there are some areas here that need to be looked
16 at because we could be introducing a very sizable acreage
17 as potential problem areas. And that is where the big
18 acreage is, is in those two classifications.

19 There is a further concern about some people that have
20 made very effective use of class VI land and even class VII
21 land for highly specialized crops with a good conservation
22 system, drip irrigation in the avocado orchards of Southern
23 California, and so forth and so on; they can show you a well
24 managed field that is very, very acceptable.

25 Senator Jepsen. Do you think that this term, "land

1 capability class" is easily understood by farmers? I assume
2 it is understood by department personnel in the government.

3 Mr. Berg. Well, I hope it is understood by department
4 personnel, but I cite this evidence here that goes back over
5 30 years, that we still have some problems. I think
6 most of the people that have entered an agreement with the
7 conservation districts have had the land capability class
8 explained to them as part of their decision process on a
9 conservation plan and what they do about it.

10 But I think we are assuming that perhaps there are
11 more people that know what we are talking about here than there
12 are. I think there is going to be a need for education.
13 We are equally caught up in a more demanding problem to try
14 to explain to people what we mean by soil tolerance loss.
15 We are talking about the T-value of soil as a very, very key
16 element in directing conservation programs in the future.

17 And I was talking to a professor that had a class of
18 agricultural students here within the last couple of days, and
19 he asked them if they understood T-value, and not a one of
20 them understood what we are discussing here. So there is need
21 for additional work here, and we will help on that if we
22 can.

23 Mr. Mitchell. Senator, I think probably it is better
24 understood by the average farmer than most people think. I
25 think today, as our numbers have decreased, what, a little

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1 under 3 percent or around 3 percent of the total population
2 that are actually so-called dirt farmers, I think you will
3 find a better group of educated people out there than we
4 have had in the past.

5 And I think they understand this a lot better than some
6 people think they do. Not only do they understand the
7 classification of soil, but they understand the capabilities
8 of that soil. We have some education to do in some areas,
9 yes, but not a tremendous job.

10 Mr. Berg. Senator, I think we have a great opportunity
11 this growing season to see what the farmers themselves have
12 decided to set aside for this year under the PIK and
13 other diversion programs. They are making that decision, and
14 I think for the most part we will find a lot of these lands
15 that we are talking about here are going to be set aside.
16 They are the best judge at this particular point. We ought
17 to have some way of monitoring what was actually done, and
18 fairly quickly.

19 Senator Jepsen. I am anxious to see what kind of
20 conservation covers---

21 Mr. Mitchell. I can give you my personal views on that,
22 Senator.

23 Senator Jepsen. Would you?

24 Mr. Mitchell. I am not taking out my sorriest land. I am
25 taking out my best land. I have some problems on wheat with

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1 cheat and joint grass in their, on the irrigated miloground
2 with shatter cane. I am taking those out of production to
3 control a weed problem.

4 And I am using my lighter lands because I do not have
5 the problem on them that I do on the other lands. The reason
6 I am doing this, the economics, the farm economy being
7 as it is, I cannot afford to lose a crop on my best lands.
8 I can go in the PIK program this year and draw a payment and
9 rotate them and not lose a complete crop. So this is the
10 reason I am using better land.

11 And I think you will find a number of them--not all of
12 them are, no--but you will find a lot of your class one land
13 being---

14 Senator Jepsen. Well, you are doing more than
15 conservation.

16 Mr. Mitchell. That is right.

17 Senator Jepsen. You are using the program to---

18 Mr. Mitchell. For crop rotation.

19 Senator Jepsen. --for crop rotation.

20 Mr. Mitchell. That is right. And also I need to do some
21 conservation work on that. Senator, in 1968 I spent \$25,000
22 of my own money with no government help in putting conservation
23 on some land. I probably will spend \$10,000 or \$15,000 of
24 borrowed money this year to put conservation on my land. I
25 feel it is that necessary.

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Senator Jepsen. Do you have anything else to add? Would you comment just briefly on the local control and subsequently local responsibility and enforcement for addressing these things.

Mr. Mitchell. I am a rather independent, I guess--some say independent; some say hard headed--farmer. I like to make my own decisions, and all, but I think in visiting with local farmers and all, I think we had much rather have local control as we would have state or federal control.

And in my position, I am a district director in the state of Oklahoma. I relish not the thought of being the one to go out there and tell that farmer he has to do this or that. The pay is really not that great for district directors today. But it is something that has to be done, and I had rather be the local person to do that as I had to have a federal or a state man come out there.

I think we can be a lot more effective. I think if we take the right approach, use the right terms, I think we can voluntarily get a lot of them to cooperate, rather than force them.

Mr. Berg. We appreciate the chance to be here, and I could not agree more, that the judgments of the people closest to the problem is where we need to put the greatest responsibility.

Senator Jepsen. I thank you very much. And your 72