

Statement of Paul Bruchez, Rancher and Owner
Reeder Creek Ranch
Kremmling, Colorado

Conservation in the Farm Bill:
Making Conservation Programs Work for Farmers and Ranchers

Hearing of Subcommittee on
Conservation, Climate, Forestry, and Natural Resources
United States Senate

April 20, 2023

1. Introduction

Chairman Bennet, Ranking Member Marshall, members of the subcommittee, thank you for the opportunity to be here today.

My name is Paul Bruchez. I am proudly the 5th generation of the Bruchez Family to Farm and Ranch in Colorado. Our family ranch, Reeder Creek Ranch, is about 5 miles east of Kremmling, Colorado, on the headwaters of the Colorado River. We run a traditional cow/calf operation. We also run a fly-fishing business.

In 2022 I was appointed by Governor Polis to be the Director of the main-stem Colorado River for the Colorado Water Conservation Board, a role I am very active with today.

Starting 2002, the headwaters of the Colorado River suffered from low snowpack and runoff. Drought conditions took over the landscape.

Faced with the same situation in 2003, we recognized the severity of the problems. Our ability to irrigate and to operate a successful agriculture business was in jeopardy. At that time, we decided to get involved and make improvements to our ranch to adapt to the changing environment. The Regional Conservation Partnership Program has been instrumental in surviving the last 23 years of ongoing drought.

2. Partnerships are Important

The Headwaters RCPP, known as the Colorado River Headwaters Project, has three main projects, directly impacting 30 miles of the Colorado River.

- The Colorado River Connectivity Channel Project, re-connecting the Colorado River around a small reservoir funded by the Watershed Act, PL 566 under the RCPP.
- The Habitat Restoration Project addresses critical habitat for the 15 miles below the connectivity channel.
- The Irrigators of the Lands in the Vicinity of Kremmling, or ILVK project, addresses 12 more miles of the Colorado and 1.5 miles of the Blue River for 12 different landowners. This project focuses on irrigation infrastructure and river health so that sustainable agricultural production continues in the face of Colorado River water scarcity.

The Colorado River Headwaters Project is a shining example of partnership and adaptation for the State of Colorado. With Trout Unlimited as the lead partner, it includes agriculture, municipal interests, conservation organizations, local, state, and federal government agencies all working together to address river health and agricultural productivity.

The key partners from this project have also worked together on a water conservation project, helping the state to understand high elevation use of agricultural water and other key data to help inform policy decisions. It is now working on an alternative forages project to help producers in water scarce areas and to potentially re-think how water conservation projects or programs can and will impact food and fiber production. We anticipate that future work could be ideal for Conservation Innovation Grand funds, which is more flexible and allows for innovation. All of our existing conservation programs in the Farm Bill can do more to assist producers if they promote innovative practices that are driving a more sustainable future.

3. A Story of Contracts and Construction

In January of 2019, my family signed a Conservation Program Contract with the NRCS under EQIP-RCPP. This project had multiple goals. It is the second largest agriculture ditch and diversion in Grand County with a right to divert up to 65 Cubic Feet Per Second from the Colorado River to five producers with water rights. The diversion structure and headgate are on my family's ranch, and we have the largest water right. The project was developed to replace the existing diversion structure and headgate, including a fish screen on the headgate to prevent fish from going into the ditch.

The Colorado River Headwaters RCPP agreed that projects that were built in the river were outsourced to our river engineer "outsourced technical assistance". On-farm projects were from the headgate down ditch, were to be designed by the NRCS, "NRCS technical assistance".

For the diversion structure, outsourced technical assistance, we had a design by July 2019, just 7 months after contracting. We were finished with construction by October 8th, 2019, less than a calendar year from contracting.

As far as the headgate and fish screen, NRCS technical assistance, the first draft of design that I saw was produced on October 25th, 2021. This is 2 years and 9 months after contracting. Our contract technically expired on December 31, 2021. We did not have a plan that we were confident in constructing until after the 2022 construction season ended. We are planning on building the headgate and fish screen this year in 2023, but our contract still has payment commitments from the beginning of 2019. Since then, prices of materials and construction have changed significantly, and it will be a challenge for my family to afford the construction of this contract.

This delay is a good example of the NRCS capacity struggles. The outsourced technical assistance was constructed in the same year as contracted and the final design for NRCS technical assistance took 3 years for completion, longer than the duration of the contract without extension. I would suggest that we evaluate a better approach. Does it make more sense for the NRCS to increase capacity with additional staff or is the NRCS better situated to outsource this design work?

The NRCS has some great folks doing great work. Our State Conservationist, Clint Evans, and State Conservation Engineer, John Andrews, are champions and deserve a lot of recognition for getting projects built in Colorado. They need additional capacity and flexibility.

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4. Conclusion

The opportunities created by the Farm Bill and the Conservation Title helped to save my community at the Headwaters of the Colorado River and I am very grateful for the opportunities that exist.

Yet, as I have explained there are some processes and fundamentals that can be improved to streamline process to get projects on the ground more quickly. Administrative burdens, NRCS staffing issues, technical assistance capacity and a lack of flexibility in programs and contracts have created challenges for getting work done on the ground.

This necessary help has yielded enormous benefits and the partnership involved is a model for how the Farm Bill can advance resiliency for agriculture and the environment.

My brothers and I all have young children. We want them to be the 6th generation of agriculture in Colorado. My hope is that there are continued conservation programs that focus on innovation and can adapt to the changing world. Right now is our opportunity to create solutions for future generations.

Colorado River Headwaters Project Summary

Executive Summary

Trans-mountain diversions that supply agricultural and municipal water to Northern Colorado and the Front Range have had a significant impact on agriculture and aquatic resources in the headwaters of the Colorado River. After years of dispute, an array of partners representing local agriculture, local government, water providers, and conservation groups have come together to implement the Colorado River Headwaters Project. The Project consists of three parts: (1) a “connectivity channel” around Windy Gap Reservoir to reconnect the Colorado River (Connectivity Channel); (2) channel and habitat improvement downstream of the Reservoir (Habitat Project); and (3) projects to improve irrigation, soil and water quality, and aquatic habitat downstream of the



Figure 1 Colorado River Headwaters near Kremmling, CO

Habitat Project (ILVK projects). When fully implemented, the Project will directly benefit 30 miles of the Colorado River and 4,500 acres of irrigated lands that provide sage grouse habitat. The benefits of the Project will extend from the headwaters to the state line and beyond. Communities, farms and ranches in Northern Colorado will also benefit as implementation of the Project will enable additional trans-mountain diversions to firm up their water supplies. The Project will help local communities, demonstrate innovative solutions benefiting working lands and rivers, and leverage funding to restore the headwaters of America’s hardest working

river. The Project was selected for an RCPP partnership in 2016 and has leveraged significant state, regional, and local government funding, as well as corporate, foundation, and individual donations. In an era of divisive water battles in the arid West, the Colorado River Headwaters Project stands as a shining example of what can be achieved with cooperation and some creativity among water users.

Colorado River Connectivity Channel



Windy Gap Reservoir is a shallow reservoir that increases stream temperature in the Colorado River, interferes with sediment transport, and blocks movement of fish and other aquatic organisms. Stream health and the aquatic environment in this state-designated Gold Medal Trout fishery has significantly declined since the reservoir came on line in the mid-1980s. The goal of the Connectivity

Channel project is to create a channel around Windy Gap Reservoir to eliminate the reservoir’s negative impacts. Following years of heated dispute, the project Partners have come together with the common goal of improving conditions in the Colorado River downstream of the reservoir. After extensive study, the Connectivity Channel was unanimously selected as the best alternative to restore these valuable fisheries and the health of the Colorado River. The \$33 million project began construction in late 2022. NRCS has invested approximately \$17 million of PL566 funding for the project, with the remaining funding provided by state, regional and local grants, along with corporate and private donations.

Colorado River Habitat Restoration

Currently, over 65% of the native flows of the Colorado River (as measured downstream of Windy Gap Reservoir) are transported across the Continental Divide for use in the Front Range and Northern Colorado. This dramatic flow reduction has left the river channel overly wide and shallow, creating poor aquatic habitat conditions. The Colorado River Habitat Restoration project, led by partner Colorado Parks and Wildlife, aims at improving approximately 6 miles of the Colorado River channel downstream of Windy Gap Reservoir to improve aquatic habitat and restore river health. Approximately \$6 million have been committed by Denver Water and Northern Colorado Water Conservancy District to this portion of the project. No RCPP funds were sought for the Habitat Project but, rather, it has been offered as part of the partners' match. The initial phase of the project, improving approximately a mile of the river, was completed in 2022.



Irrigators of Lands in the Vicinity of Kremmling (ILVK) Project

The Irrigators of the Lands in the Vicinity of Kremmling (ILVK) consist of 12 ranches and BLM land spanning over 12 miles of the Colorado River and 1.5 miles of the Blue River. Impacts to these ranches, formerly irrigated by natural flooding of the Colorado River, was specifically recognized in the legislation that created the Colorado-Big Thompson Project, and provision was made for the installation of irrigation pumps to enable irrigation in light of the anticipated reduction of Colorado River flows. As flows in the Colorado River dwindle due to transmountain diversions, the ranchers have been experiencing unsustainable problems with the elevation of the intakes and pump operations. The ILVK Project is a



Figure 1 Engineered Riffle Grade Control Structure provides reliable irrigation diversions and critical aquatic habitat.

collaborative effort to create solutions in the Colorado River for agriculture, soil and water quality, and aquatic habitat. The Project creates structures that improve both irrigation and riparian/aquatic habitat. The solutions to the irrigation problems work within the overall river system, are sustainable, cost effective and reduce long-term operation and maintenance. The Colorado River Headwaters Project RCPP set aside approximately \$2 million from EQIP for the ILVK portion of the Project. With support from an array of partners, ILVK Project implements on-the-ground measures that demonstrate that a healthy river is capable of providing multiple benefits to sustain agricultural, aquatic and wildlife habitat, and recreation.