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Anthea Hansen

From: Reclamation Office of Communications <communications@usbr.gov>
Sent: Thursday, December 21, 2023 1:02 PM
To: Anthea Hansen
Subject: Karl Stock named Reclamation's California-Great Basin regional director



Bureau of Reclamation News Release

For Release: Dec. 21, 2023

Contact: Reclamation Office of Communications, communications@usbr.gov

Karl Stock named Reclamation's California-Great Basin regional director

WASHINGTON – Bureau of Reclamation Commissioner Camille Calimlim Touton is pleased to announce the selection of Karl Stock as the new regional director for the California-Great Basin Region. Stock will succeed Ernest Conant, who will assume the role of senior advisor to the deputy commissioner for operations.

Stock will lead the management, development and protection of water and related resources in the region, including one of the nation's largest and most complex water projects, the Central Valley Project. He will also oversee Oregon's Klamath Project; Nevada's Truckee Storage projects; and California's Orland, Solano, Cachuma and Ventura River projects.

"Karl's extensive experience across Reclamation's many programs and offices, and his collaborative approach will serve our partners well as Reclamation invests historic funding to improve water resources across the California Great Basin and the American West," said **Commissioner Camille Calimlim Touton**. "I am also extremely grateful for Ernest Conant's extraordinary tenure as the regional director. His vision and executive leadership consistently advanced regional priorities and I wish him all the best in his new role."

Stock joined Reclamation in 2001 and has served in a variety of leadership positions, most recently as manager of the Reclamation Law Administration Division. In this

capacity, he has been instrumental in developing proactive strategies for investing the historic funding from the Bipartisan Infrastructure Law and the Inflation Reduction Act to address the unprecedented challenges facing the Western states.

"I have known Karl for years. He has a depth of knowledge and breadth of experience with an array of complex and challenging water resource management issues, including those in the California-Great Basin Region. Karl has been a key leader in western water and power for more than two decades and his experience will be crucial as we continue to strengthen partnerships and develop innovative approaches to sustaining water resources," said **Deputy Commissioner David Palumbo**.

"Ernest Conant's unwavering dedication, exceptional service, and professional excellence have played a vital role in shaping the American West. We are truly grateful, and I look forward to working with Ernest in his new and critical role," Palumbo continued.

Stock expressed his gratitude for this prestigious selection, stating, "I am honored to take on this responsibility and look forward to advancing Reclamation's mission in the California-Great Basin Region by working collaboratively with all of our partners as we seek to improve water and power reliability for the millions that depend on Reclamation's projects in the Region through sustainable operational strategies and smart investments."

Stock earned a Bachelor of Science degree in Economics from Brigham Young University and a Master of Science in Public Administration from the University of Colorado Denver.



Karl Stock

With Above Average Reservoir Levels, El Niño Conditions, and a Dry Start to the Water Year, California is Preparing for Flood or Dry Conditions in the Months Ahead

The Department of Water Resources (DWR) today conducted the first snow survey of the season at Phillips Station. The manual survey recorded 7.5 inches of snow depth and a snow water equivalent of 3 inches, which is 30 percent of average for this location. The snow water equivalent measures the amount of water contained in the snowpack and is a key component of DWR's water supply forecast. Statewide the snowpack is 25 percent of average for this date.

After one of the largest snowpacks on record last season, the start of this water year has been dry despite some recent storms in the last weeks of December that provided a small boost in the snowpack. While state reservoirs are still above average for this time of year and strong El Niño conditions are present in the Pacific Ocean, the outlook for the rest of the winter remains highly uncertain.

"California saw firsthand last year how historic drought conditions can quickly give way to unprecedented, dangerous flooding," said DWR Director Karla Nemeth. "Although El Niño does not guarantee an above average water year, California is preparing for the possibility of more extreme storms while increasing our climate resilience for the next drought."

DWR's electronic readings from 130 stations placed throughout the state indicate that the statewide snowpack's snow water equivalent is 2.5 inches, or 25 percent of average for this date, compared to 185 percent on this date last year.

"While we are glad the recent storms brought a small boost to the snowpack, the dry fall and below average conditions today shows how fast water conditions can change," said DWR's Snow Surveys and Water Supply Forecasting Unit Manager Sean de Guzman. "It's still far too early to say what kind of water year we will have, and it will be important for Californians to pay attention to their forecasts and conserve water, rain or shine."

Last year, California experienced climate whiplash when the driest three year-period on record ended with extreme storm events in January and March that caused damage and flooding across the state. These extreme weather events highlight the need for all Californians to prepare for flood risk. DWR is working with tribal, federal, state, and local partners to provide flood resources and training to communities across the state.

The State-Federal Flood Operations Center (FOC) has pre-positioned flood fight materials at more locations across the state and is starting this winter with more supplies on hand, including 2.2 million more sandbags. This fall, DWR coordinated pre-flood season



meetings with emergency response agencies across the state and organized 38 flood-fight trainings for city, county, state and tribal agencies to prepare for possible local emergencies.

To prepare for flooding, all Californians should follow three basic steps:

- Be aware of your risk – know whether your home is downslope of a burn area or in a floodplain; pay attention to weather forecasts; listen to local authorities.
- Be prepared – always have an emergency evacuation kit ready; be prepared to evacuate early; have a plan for where you will go in an emergency.
- Take action – subscribe to your local emergency providers to get updated information. If local authorities issue an evacuation order, do not delay, follow local guidelines for evacuation and never attempt to drive through a flooded roadway.

One year ago, the January survey at the Phillips location showed a water content of 177 percent of average and was followed by a series of damaging atmospheric river storms in January and March that caused flood impacts across the state and produced one of the largest snowpacks on record.

In addition to deploying resources including over 1.9 million sandbags across the state last year, the FOC coordinated a joint state, federal and local response to snowmelt-driven flooding concerns and prepared for the historic snowmelt by providing hydraulic and hydrologic modeling and snowmelt forecasts that allowed agencies to deploy resources, reinforce levees and protect communities.

On average, the Sierra snowpack supplies about 30 percent of California's water needs. Its natural ability to store water is why the Sierra snowpack is often referred to as California's "frozen reservoir." Data from these snow surveys and forecasts produced by DWR's Snow Surveys and Water Supply Forecasting Unit are important factors in determining how DWR manages the state's water resources. Due to last year's above average conditions and historic snowpack, a total of 3.5 million acre-feet of water was captured in State Water Project (SWP) reservoirs. Lake Oroville, the SWP's largest reservoir, is currently at 130 percent of average to date and state water managers are prepared to capture and store as much water as possible.

DWR conducts five media-oriented snow surveys at Phillips Station each winter near the first of each month, January through April and, if necessary, May. The next survey is tentatively scheduled for **February 1**.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the role of technology in modern data management. It discusses how advanced software solutions can streamline data collection, storage, and analysis, leading to more efficient and accurate results.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure the integrity and confidentiality of the organization's data.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that the data management processes remain effective and aligned with the organization's goals.

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MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: JANUARY 8, 2024

This memo is intended to keep you apprised as to what is happening regarding policy issues the Family Farm Alliance (Alliance) is engaged in. In the past month, much of our efforts have focused on advancing farm bill ideas with Western Senators and committee staff, preparing for our 2024 annual meeting and conference, monitoring federal agency administrative proposals, public outreach, and organizational administrative matters. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION

1. Department of the Interior (DOI)

a. Increased Emphasis on “Nature-Based Solutions”

The Biden Administration’s DOI last month at the 28th Conference of the Parties (COP28) in Dubai announced new steps to utilize “nature-based solutions” (NbS) in its efforts to tackle the climate crisis, including the launch of a new tool to make those strategies more accessible to the public. NbS use or mimic natural features or processes to improve biodiversity, strengthen resilience for disaster and hazard-risk management, support climate adaptation, and address carbon management to offset greenhouse gas emissions, while also benefiting both people and nature. These can include green infrastructure, natural infrastructure, and natural climate solutions. In partnership with Duke University’s Nicholas Institute for Energy, Environment & Sustainability, DOI released its [Nature-based Solutions Roadmap](#), an online tool that will provide the Department, and the public at large, guidance on the implementation of NbS. The Roadmap includes

implementation strategies, project planning resources, and successful example projects throughout the United States.

i. New DOI Policy

DOI also announced a [new policy](#) intended to strengthen the Department's ability to meet its mission in the face of a changing climate by prioritizing NbS across bureaus and offices. The policy will provide land managers and decision makers with guidance on using NbS climate solutions, and will center collaborative partnerships, equity, environmental justice, and the use of the best available evidence. DOI is prioritizing high return NbS investments that "connect lands and waters, promote cross-bureau collaboration, and leverage partnerships". DOI's Bureau of Reclamation (Reclamation) last month also announced more than \$51 million in WaterSMART funding for 18 rivers and watershed projects in California, Colorado, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming. Selected project activities include NbS like floodplain expansion and connection, fish passage development, and habitat repair.

ii. NbS Opportunities in the Colorado River Basin

A few of us in the past year have been interviewed by the Meridian Institute about challenges and opportunities associated with implementing and scaling NbS on public lands in the Colorado River Basin. Now, based on the input received through that interview process, Meridian Institute is hosting a series of virtual engagements in early March 2024 with support from the Walton Family Foundation focusing on key topics that emerged from conversations with Federal and State agency staff, non-profit organizations, public water utilities, researchers, landowners, consultants, and others involved in NbS implementation on public lands. As reported to you last year, I emphasized to Meridian that the best opportunities are to, wherever possible, work with ranchers who have permits with the Forest Service / BLM to ensure their interests are addressed. Water users will want to see positive outcomes – better water quantity (watershed yield), water quality, flood control, aquifer recharge, and / or biodiversity. Success should not be measured in terms of dollars spent. Good 'management' does not equate to land acquisition that changes the use of the land.

2. DOI, Bureau of Reclamation

a. PEC 05-03

Last month the Alliance and National Water Resources Association (NWRA) co-signed and transmitted a letter to Reclamation regarding concerns we have on recent changes Reclamation has made to a draft Directive and Standard (D&S), Funding and Extended Repayment of Extraordinary Maintenance Costs (PEC 05-03). The Alliance and NWRA in 2021 worked closely with Reclamation to address some troubling provisions contained in the original draft D&S. It's now essentially been completely re-written.

Last month, we finalized the letter and transmitted it to Reclamation; I shared a copy of that with you. I also talked with Reclamation Deputy Commissioner David Palumbo, who we have previously discussed this matter with. He told me that Reclamation will grant an extension of the comment deadline and that Reclamation will slow down the process of finalizing and adopting the proposal.

b. Implementation of Reclamation Financial Assistance Programs

Nearly one year ago, the Alliance -working with Idaho Water Users Association and Nampa and Meridian Irrigation District – met with leaders from Reclamation regarding ongoing efforts to improve the customer experience for entities receiving financial assistance from Reclamation. The basis for our meeting was our letter of February 2, 2023, which formalized concerns we had with Reclamation administration of BIL funds, notably those related to WaterSMART. Since that time, we have exchanged written correspondence and met personally in late February, April, October, and informally during the recent Colorado River Water Users Association event in Las Vegas.

As discussed during our meetings on April 18 and October 12, Reclamation established a small team to conduct a review to identify opportunities for efficiency improvements in Reclamation’s WaterSMART and related financial assistance programs. The review team is comprised of a cross-section of Reclamation leaders from across the west. The team focused specifically on three areas for WaterSMART Program and financial assistance improvement opportunities: 1) Communication; 2) Process; and 3) Staffing.

Reclamation last week responded to the Alliance with a formal letter outlining from a high level, the team’s major recommendations and the status of implementation. We’ll send out an “Issue Alert” to our membership that includes a link to this letter later this week. If you are interested in seeing the letter before then, please do not hesitate to contact me, and I can email you a copy.

3. DOI, USFWS: Western Pond Turtle Listing

Last month, we helped organize a coalition letter to the USFWS regarding its proposal to designate the northwestern pond turtle and the southwestern pond turtle as “threatened species” under the ESA and establish regulatory proscriptions under section 4(d) of the ESA. The northwestern pond turtle is a species from Washington, Oregon, Nevada, and northern and central California, and the southwestern pond turtle is found from central and southern California and Baja California, Mexico. We transmitted the final letter to USFWS last month. Paul Simmons at Klamath Water Users Association did the heavy lifting on this one. The Alliance’s role was to try to get enough organizations signed on to demonstrate regional concern over this proposal. Ultimately, 13 organizations signed on, including Alliance members from four states. The state Farm Bureaus from California, Oregon and Washington signed on, as did the California Cattlemen and Western Washington Agricultural Association. There is nothing good that can come out of this proposed listing. This originates from a petition to list filed by the ANTI-AG, litigious Center for Biological Diversity (CBD), the source of countless lawsuits that have hurt many of our members.

4. U.S Environmental Protection Agency (EPA): Proposed Maui Guidance

The Alliance in December submitted brief, focused comments on draft guidance released last year by EPA that some fear would place an unprecedented burden on regulated entities that may have a groundwater discharge to surface waters. These new challenges would include “new expectations of technical due diligence for National Pollutant Discharge Elimination System (NPDES) permit applications, greater scrutiny of these newly needed and costly technical evaluations, and aggressive compliance and enforcement efforts by EPA,” according to a recent article published in the December 5, 2023 edition of the *National Law Review*.

EPA’s draft guidance essentially toughens a Trump-era measure implementing the Supreme Court’s 2020 decision requiring Clean Water Act (CWA) permits for some groundwater releases. The guidance implements the Supreme Court’s ruling in *County of Maui v. Hawaii Wildlife Fund* on Oct. 30. Once final, the new guidance could help shape what factors EPA and state permitting authorities must consider when deciding whether discharges into groundwater that will make their way into navigable waters require NPDES permits.

a. Alliance Letter to EPA

There’s a lot that could be said about the new draft guidance, but we decided to keep our focus on what matters most to irrigated agriculture. We urged EPA to provide additional clarity to the draft guidance emphasizing that existing exemptions from the NPDES permit requirement are not negated or otherwise impacted by the *Maui* decision. This approach was consistent with how we addressed the Trump guidance and was similar to the message delivered to EPA at a public forum on this matter in June 2021. Our final letter to EPA in December also reflects this philosophy.

b. 5th Circuit Strictly Interprets Sackett Directive over WOTUS Definition

Meanwhile, a federal appeals court has dismissed federal regulators’ attempts to subject a Louisiana landowner’s property to CWA permitting requirements, marking the end of a decade-long dispute over the jurisdiction of “Waters of the U.S.” (WOTUS) under the CWA. Federal 5th Circuit Court of Appeals Judge Edith Jone’s opinion, aligning with the high court’s *Sackett v. EPA* decision, determined that Garry Lewis’s property lacks the necessary “continuous surface connection” between wetlands and significant bodies of water required for federal CWA jurisdiction. The panel, comprising judges appointed by presidents Obama, Trump, and Reagan, vacated a previous district court’s judgment, and instructed a ruling in favor of Lewis, emphasizing the clear absence of a connection between the property’s wetlands and any permanent water bodies. Some legal experts believe this decision is a shift away from deference to EPA interpretations, signaling potential challenges to the agency’s expanded WOTUS rule and predicting continued judicial reliance on the *Sackett* precedent to define the scope of CWA jurisdiction.

DEVELOPMENTS IN CONGRESS

House and Senate leaders announced Sunday they've struck a deal to fund the government at nearly \$1.7 trillion for the current fiscal year. This is an important first step as Congress scrambles to reach a broader deal to avert a partial government shutdown set to hit the U.S. government, including the Department of Agriculture (USDA). *POLITICO* this morning reported that the topline number, agreed to by Speaker Mike Johnson (R-La.) and Senate Majority Leader Chuck Schumer (D-N.Y.), is in accord with the agreement reached last spring by then-Speaker Kevin McCarthy and President Joe Biden to raise the debt ceiling. House and Senate leaders now must scramble to piece together legislative text to fund the agencies that will run out of cash on Jan. 19, including the bill to fund the USDA. Falling back on a year-long continuing resolution (CR) would trigger across-the-board cuts agreed to in the debt ceiling deal. Democratic leadership said it will not agree to any "poison pills"- like the controversial House GOP abortion policy riders that stalled the House Republicans' Ag appropriations bill - as a part of a final full-year deal. The deal has angered the House Freedom Caucus who call it "a total failure".

Democratic negotiators and the White House have tried to keep the government funding talks separate from negotiations over a supplemental funding bill progressing in the Senate, where Republicans want border policy changes in exchange for aid to Ukraine and Israel. But House Republicans generally see both packages as part of a larger deal, and even some moderate GOP members there are willing to force a partial shutdown for border concessions.

5. Water Resources Development Act

Every two years, Congress seeks to pass the Water Resources Development Act (WRDA), which typically authorizes Corps of Engineers programs and projects. However, this time around, while both parties aim for bipartisanship, Democrats are notably emphasizing climate and environmental justice issues. The House Transportation and Infrastructure Committee has opened its portal to receive project and policy requests in preparation for the 2024 Water Resources Development Act authorization. For more on WRDA, please reference this [Ferguson Group Memo](#) prepared by TFG and let me know if you are interested in learning more.

ALLIANCE INITIATIVES

6. 2024 Annual Conference

Save the Date! February 21-23, 2024 are the dates for our annual meeting and conference, which will be held at the Silver Legacy Resort & Casino in Reno (NEVADA). Wednesday, 2/21 will be when we hold our internal meetings with the board (starting at 8:00 a.m.), joined by the Advisory Committee at noon. The conference will wrap up at noon on Friday, but we're working on showing the Colorado River documentary "Green Desert" for our "afternoon tour" segment, and the producer of the film will be there in person. We're ALMOST there, finalizing our conference agenda. There is a bunch of work going into setting up our Colorado River tribal panel, which is

still in flux. However, former Obama Administration DOI Assistant Secretary Anne Castle will join us and moderate that panel. Radhika Fox, the Assistant Administrator at EPA in charge of the Office of Water, has a conflict, and cannot join us in Reno. However, her Principal Deputy Assistant Administrator will travel out from DC to join us. Former House Resources Committee Chairman “Doc” Hastings will participate in our Snake River Dam panel, thanks to the good work of Todd Ungerecht. The timing of that panel could not be better, as you can read more about in the January 2024 “Monthly Briefing”.

7. Western Water Climate Change Initiative

Climate-smart agriculture and forestry took center stage last month at the 2023 United Nations (U.N.) Climate Change Conference (COP28) in Dubai, despite a proposed ‘Call to Action’ that omitted the words “agriculture” and “farmers”, replacing them instead with “food system” and “food system front line actors”. Key leaders in the Biden Administration leadership team were present, as were American agricultural producers represented by Solutions from the Land (SfL). Among other goals, the Food and Agriculture Organization (FAO) of the U.N. seeks to reduce agriculture’s methane emissions by 25 percent by 2030 (relative to 2020), achieve carbon neutrality for agrifood systems by 2035 and turn food systems into a carbon sink by 2050. Long-time critics of agriculture are seeking transformational changes to global food systems and don’t think FAO’s plans do enough to tackle emissions associated with food production. The Alliance in past years has closely monitored U.N. global climate talks, primarily through its involvement with SfL. Alliance President Pat O’Toole traveled to Scotland two years ago and directly participated in the COP26 talks.

a. “Farmers are not actors on the stage of humanity”

According to SfL Co-Chair A.G. Kawamura, it has been 14 years of gentle pressure and relentless perseverance to get agriculture to where it is now on the COP agenda. The Inaugural Food and Ag Day held at COP 28 represented the first time an entire conference day, with over 200 targeted events, was dedicated to the Global Agri-Food System. In the weeks leading up to the Dubai conference, several statements and position papers were introduced to the ministerial negotiators. These efforts helped set the stage for further deliberations at COP28. They also set the stage for one of SfL’s main missions in Dubai: ensuring farmers were not omitted from the governing body’s positions and conversations. One pre-COP28 “call to action” paper from a group called the Climate Action Champions actually proposed omitting the terms “agriculture” and “farmers” entirely, replacing them instead with “global food system” and “front line actors”. During the conference, Mr. Kawamura spoke up on behalf of the Farmers Constituency, urging leaders to reconsider their wording and agriculture’s role.

b. Secretary Vilsack Highlights USDA’s Climate Leadership

Secretary of Agriculture Tom Vilsack and other high level Biden Administration officials highlighted the U.S. commitment to investing in innovative climate solutions, quantifying and

demonstrating results, and sharing resources and solutions with the world. Secretary Vilsack highlighted the fact that President Biden’s Inflation Reduction Act (IRA) provides billions of dollars to reduce agricultural greenhouse gas emissions, encourage new economic activity in rural areas, and protect the communities most vulnerable to the impacts of climate change. This includes nearly \$20 billion in USDA investments to help producers implement practices and projects that reduce emissions, enhance soil carbon sequestration and provide other climate benefits.

c. DOI’s Commitment to Tackling the Climate Crisis

DOI Assistant Secretary for Fish and Wildlife and Parks Shannon Estenoz and other DOI leaders were also present at COP28. Throughout the trip, the delegation met with international leaders and stakeholders to highlight and affirm the Department’s commitment to tackling the climate crisis with collaborative, science-based solutions. Assistant Secretary Estenoz also participated in the [America the Beautiful: United States Efforts to Conserve Land and Water panel](#), where she showcased the Administration’s progress towards President Biden’s goal to “conserve, connect, and restore 30 percent of America’s lands and waters” by 2030. She also [announced new steps](#) DOI is taking to utilize nature-based solutions in its efforts towards that end. (*See also Item 1a*).

d. White House Announces Climate Corps Next Steps

The Biden Administration's American Climate Corps initiative last month [announced](#) plans to deploy 20,000 young individuals across federal agencies to tackle climate change and promote renewable energy. Within the first three weeks of launching the American Climate Corps last September, more than 40,000 people, about two-thirds of whom are ages 18-35, expressed interest in joining the initiative. Seven federal agencies in December signed an agreement outlining guidelines for the program, aiming to address climate challenges and disparities in youth education and careers. Listening sessions with influential “climate champions” will kick off this month preceding the formal launch of a 2024 recruitment portal this spring for a summer deployment. EPA Administrator Michael Regan emphasized the agency's central role, joining an executive committee alongside other Cabinet members and the AmeriCorps CEO.

8. ESA Reform

December 28, 2023 marked the golden anniversary of the federal ESA, the primary law in the United States for protecting and conserving imperiled species. President Biden issued a proclamation extolling the virtues and success of the ESA. Republicans in Congress marked the 50th anniversary by introducing legislation intending to make the Act more flexible to administer. The very significant federal presence in the West presents unique challenges that producers may not face in other parts of the United States, particularly with respect to the reach of the ESA. Federal agency implementation of this law has had very significant impacts on how producers manage land and water. A prime factor concerning Western irrigators is the employment of the ESA by federal agencies as a means of protecting a single endangered or threatened aquatic species under the law by focusing on one narrow stressor to fish: water diversions.

a. POTUS Issues ESA Proclamation

President Biden last month proclaimed December 28, 2023 as the 50th Anniversary of the ESA and called upon Americans to “honor all the progress we have made toward protecting endangered species and to work together to conserve our Nation’s incredible biodiversity.” In his proclamation, the president said that the ESA has prevented 99% of all fish, wildlife, and plants under its protection from going extinct. President Biden also noted his decision to establish the country’s “first-ever National Conservation Goal” to conserve at least 30% of U.S. lands and waters by 2030, calling the goal “the heart of my ‘America the Beautiful initiative,’” and cited his initiative related to nature-based solutions (*see related discussion, Item 1a*).

b. House Bill Would Provide ‘Flexibility’ in ESA Implementation

House Republicans marked the Act’s 50th anniversary in a much different manner, criticizing the success of the ESA and calling for its reform. Rep. Pete Stauber (R-MN) last month reintroduced H.R. 6784, the “*ESA Flexibility Act*,” which aims to modify certain aspects of the 1973 law, focusing on habitat conservation plans to balance wildlife protection with economic activities like infrastructure development and resource extraction. Joining Rep. Stauber in introducing the legislation were Western House Republicans Dan Newhouse (WASHINGTON), Cliff Bentz (OREGON), Harriet Hageman (WYOMING) and Lauren Boebert (COLORADO). Rep. Stauber’s bill targets a specific issue: the management of endangered species, citing the example of the northern long-eared bat, which faced challenges transitioning from a threatened to an endangered status under recent Fish and Wildlife Service determinations.

The legislation seeks to expand the flexibility allowed for managing species listed as endangered, like those listed as threatened, through what’s known as a 4(d) rule under the ESA. The 4(d) rule, which permits incidental take for threatened species under certain conditions like forestry activities, is not currently applicable to endangered species. Rep. Stauber’s proposal aims to extend this flexibility to endangered species as well, a move criticized by some environmentalists as a weakening of the ESA’s protection mechanisms. Proponents of the legislation argue that the 4(d) rule is essential for conservation efforts, tailoring protections to prevent further decline while streamlining reviews of actions that could benefit the environment in the long term. However, critics view the bill as part of an anti-environmental agenda and a threat to the legacy of protecting endangered species. As discussions proceed, the proposed changes will face significant opposition from litigious environmental groups and some Democrat members in Congress.

c. Western Caucus Foundation Releases New ESA Report

The Western Caucus Foundation, a nonprofit organization that supports the Western Caucus, the largest conservative caucus in the House of Representatives, last month issued its own report coinciding with the 50th anniversary of the ESA. The report, titled “The Endangered Species Act at 50: A Record of Falsified Recoveries Underscores a Lack of Scientific Integrity in the Federal

Program” was authored by Rob Gordon, who has over thirty years of experience with federal agencies, Congress, and The Heritage Foundation. Using information from USFWS, Mr. Gordon finds that, with the listing of 1,667 threatened or endangered species, there are only 62 that have officially “recovered”. The 120-page report was the subject of a press briefing conducted last month on Capitol Hill.

NEWS FROM AROUND THE WEST

Across much of the West Coast, from the Cascades in the north to the Sierra Nevada in the south, mountain sites are recording less than half of their normal snowpack for this point in winter. In the first snow survey of the new year, California came up short – just 25% of the historical average – despite a series of strong storms that caused flooding and landslides along the coast in late December. While the situation has raised concerns about the coming summer agriculture season, the weather this month will kick off on an active note as a series of storms will travel from coast to coast, bringing heavy rain, snow and thunderstorms over the next week. The West will bear the brunt of each storm first, beginning with one arriving early this week (*AccuWeather*).

9. Central Oregon Irrigation Modernization Efforts

There’s been a few naysayers in the Bend (OREGON) area who have been publicly bad-mouthing the good work that the Deschutes Basin Board of Control districts are doing to conserve water. I was approached by some of our members up there with a request to push back on those arguments. The *Bend Bulletin* and *Capital Press* both ran individual guest columns that I authored last month, which Josh blasted out to our newsletter distribution list.

10. Lower Snake River Dams

The House Subcommittee on Water, Wildlife and Fisheries (WFF) Chaired by Congressman Cliff Bentz (R-OREGON) last month conducted an oversight hearing to scrutinize a leaked draft settlement agreement from the Biden Administration in an ongoing legal battle concerning the fate of 4 dams in the Pacific Northwest. The Administration, along with other involved parties including the states of Oregon and Washington, has been engaged in settlement discussions for over two years, aiming for a long-term strategy to restore native fish populations, honor commitments to Tribal Nations, provide clean power, and address regional stakeholders' resilience needs. Republican lawmakers, led by Chair Bentz, have criticized these confidential negotiations, arguing for Congress's inclusion, and expressing concerns over vague language in leaked mediation documents. The hearing, titled “Left in the Dark: Examining the Biden Administration’s Efforts to Eliminate the Pacific Northwest’s Clean Energy Production,” was scheduled just three days before the Biden Administration announced a settlement deal in a lawsuit pending in the U.S. District Court for the District of Oregon.

a. WWF Subcommittee Hearing

Three days in advance of the Biden Administration's announcement, the WWF Subcommittee conducted its hearing. In his opening statement, Chairman Bentz noted National Oceanic and Atmospheric Administration's (NOAA) shifting policy regarding the Snake River dams' impact on salmon and the Biden Administration's refusal for months to provide details to Congress on its "mediation commitments" negotiated with groups intent on breaching the dams. Chairman Bentz called the CEQ agreement "a narrow, elitist, top-down, big government, progressively burdened product of the first order," noting the agreement will lead to greater litigation and that the mediation process exceeds CEQ's statutory authority.

The Subcommittee heard testimony outlining sweeping economic impacts that could be forced on the Pacific Northwest, including agriculture, irrigation, electricity supply and navigation of billions of dollars in commerce as a result of breaching the dams. The Lower Snake River dams play a critical role in reducing emissions, by barging between 50 and 60 million tons of cargo through the river system annually. In 2019, it would have taken over 150,000 semi-trucks, or over 39,000 rail cars to move the cargo that was barged on the Snake River. Despite the continuous improvements to the Lower Snake River dams, litigious activist groups continue to focus on removing these four dams. In 2016, the Bonneville Power Administration estimated replacing the dams would increase power costs by \$274 million to \$372 million annually.

At the hearing, Neal Maunu (Executive Director of the Pacific Northwest Waterways Association), representing over 150 ports, public utilities, farmers, forest product producers and other river users testified that the CEQ-led mediation broke down early in the process, cutting out millions of Northwest citizens from the discussions. Scott Simms, Executive Director of the Public Power Council, representing consumer-owned electric utilities serving millions of customers in the Northwest, testified that commitments made by the U.S. Government in the document would be devastating to Northwest utility ratepayers, with up to a 50% increase in rates. Congressman Russ Fulcher (R-IDAHO) stated it would "gut the Northwest economy as we know it," noting that it ignores the impact of one million irrigated acres, tens of millions of dollars of annual recreation revenue, and would decimate barge transportation for inland ports. Lindsay Slater, former chief of staff to Idaho Rep. Mike Simpson (R) - who is now vice president of government relations for Trout Unlimited - testified in favor of removing the Snake River dams.

b. Biden Administration Announcement

The Biden administration on December 15th announced a deal with four tribes in the region and the states of Oregon and Washington that seeks to restore salmon and other fish runs while also looking at eventually breaching four of the dams. The settlement agreement calls for a 10-year détente in the litigation that began nearly 30 years ago and promises hundreds of millions of dollars in federal funds and other money for wild fish restoration in the Columbia River Basin over the next decade, along with support for clean energy production by the tribes, according to a White House statement.

The agreement, filed as a Memorandum of Understanding (MOU) in *American Rivers v. National Marine Fisheries Service*, sets commitments to help offset the existing benefits of Snake River dams should Congress agree to breach them. The agreement, based on the newly formed Tribal-State Columbia Basin Restoration Initiative, commits the Bonneville Power Administration to provide \$300M over the next 10 years for fish and wildlife. It commits the U.S. to support tribally-sponsored clean energy projects which could replace power generated by the Lower Snake River Dams, should Congress authorize their removal. The U.S. has also committed to adjusting operations in the hydrosystem to benefit fish populations, releasing more water during the spring, fall, and winter, and reducing spills during the summer to meet higher energy demands. The U.S. will conduct and fund studies on replacing the transportation, irrigation, and recreation benefits of the dams. Altogether, the agreement commits \$1B in federal dollars over the next decade on habitat restoration, hatchery improvements, and funding to the Washington, Oregon, and the Tribes.

Environmental groups like the litigious activist group Earthjustice (originally Sierra Club Legal Defense Fund) believe this settlement is a huge victory. Some regional political leaders were not so optimistic. U.S. Senator Jim Risch (R-IDAHO) doubled down in his opposition to dam breaching and reiterated that it is solely Congress that could remove the federal dams in the Columbia-Snake River System.

c. USDA Attempts to Assuage Concerns of Ag Groups

A coalition of farm groups prior to the hearing issued a press release expressing concern about the closed-door nature of the settlement negotiations. The Family Farm Alliance last April transmitted a letter to U.S. Secretary of Agriculture Tom Vilsack, requesting Biden Administration Cabinet-level intervention in the mediation talks involving the Lower Snake River dams. The Alliance letter was never responded to, although a USDA spokesperson told the *Capital Press* that the agreement will help provide near-term stability for communities that depend on the Columbia River for agriculture and transportation.

d. Further Alliance Engagement

We've been getting more engaged on the Lower Snake River Dam front. Last month, I shared with you an article that *Agri-Pulse* ran, which included a quote from me. Todd Ungerecht and I spent over an hour talking with this reporter, and he now sees us as a resource on this issue. A panel discussion on the Lower Snake River dams – featuring water, farming, transportation, and navigation experts from the Pacific Northwest – is on the agenda of the 2024 Family Farm Alliance annual conference, February 22-23, 2024 in Reno, Nevada. Doc Hastings (R-WASHINGTON), former Chairman of the House Natural Resources Committee has confirmed his participation on the panel. Go to www.familyfarmalliance.org for registration and other conference details.

ADMINISTRATIVE & MISCELLANEOUS

- One of our more engaged Advisory Committee members – Kevin Kasberg (Executive Director, Central Valley Project Water Association) – has accepted a job as special assistant in the California-Great Basin Division of Financial Management. Kevin has vigilantly bird-dogged financial matters and program implementation coming out of the regional office for the past several years. It will be good for the regional water and power community to have someone within Reclamation that understands their issues. Good luck, Kevin, and thanks for all that you've done supporting the Alliance in Sacramento!
- After a nice holiday break, I'll be hitting the speaker circuit again this month. Last month, I joined several Alliance members in Las Vegas for CRWUA, although that was the only conference I can remember attending in recent years where I didn't have a speaking role! In late November and early December, I traveled to Moses Lake (WASHINGTON), where I delivered the keynote address at the Columbia Basin Development League annual conference. In late November / early December, I also spoke at the annual conferences hosted by Oregon Water Resources Congress in Hood River and the Washington State Water Resources Association in Spokane. Later this month, I'll be speaking at the Four States Irrigation Council meeting in Fort Collins (COLORADO) and moderating two panels at the Mid-Pacific Water Users Conference in Reno (NEVADA).
- **ADVERTISE WITH US!** Beginning this month, digital advertising opportunities will be offered to Alliance supporters in our Monthly Briefing and Issues Updates. Opportunities are limited and on a first come, first served basis. Our email subscribers consist of thousands of Western farmers and ranchers, state and local elected officials, Members of Congress, committees on Capitol Hill and Congressional staff, federal agency policy staff, lobbyists, water purveyors, agri-business interests, nonprofit and NGO agricultural and water policy leaders, and the press. Open rates have been climbing over the past several years, ranging from 30 to 50%. (compared to the industry average which tends to be around 15%). The *Monthly Briefing* receives the highest open rates at consistently over 47%. Nearly 25% of those opening our emails click on available links when links are available. For more information and to reserve your space, please contact Jane Townsend at jane@familyfarmalliance.org.
- Christy Goldfuss, former Chair of the White House Council on Environmental Quality (CEQ) in the Obama Administration and most recently served as chief policy impact officer at the Natural Resources Defense Council (NRDC), has been selected as the organization's next Executive Director. Her promotion to manage internal operations comes amid organizational challenges at NRDC, including earlier staff layoffs and recent unionization.

This is a quick summary of just a few of the issues the Alliance has been engaged in. Please do not hesitate to contact me at 541-892-6244 or dan@familyfarmalliance.org if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.