



MEMORANDUM

TO: SLDMWA BOARD OF DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
DATE: DECEMBER 6, 2021

This memo is intended to keep you apprised as to what is happening behind the scenes on policy issues the Family Farm Alliance is engaged in. In the past month, much of our efforts have focused on engaging in Biden Administration rulemaking efforts, tracking, and influencing water legislative developments in Congress, and public outreach and speaking engagements. We also delivered some high-level presentations on drought and climate that took place in Denver (COLORADO) and the United Nations climate conference in Glasgow, Scotland. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION DEVELOPMENTS

1. President Biden Signs Bipartisan Infrastructure Bill into Law

With President Joe Biden's signature on the bipartisan *Infrastructure Investment and Jobs Act* last month, a national coalition representing thousands of Western farmers, ranchers, businesses, and rural and urban water providers declared a victory for Western water users and called on the Administration to immediately clear the path for projects that will address critical Western water supply needs. This is a great victory for Western water users. The Western water provisions included in this legislation represent a once-in-a-generation federal investment that will bolster our aging water infrastructure and keep water flowing to our nation's farms and ranches. It will also improve our ability to provide water supply reliability for cities and the environment in future droughts. The coalition behind the year-long effort to secure \$8.3 billion in Western water infrastructure provisions includes more than 220 organizations from 15 states that collectively represent \$120 billion in agricultural production—nearly one-third of all agricultural production in the country—and many of the local and regional public water agencies that supply water to more than 75 million urban, suburban, and rural residents.

a. Politics

The House passed the \$1.2 trillion infrastructure bill 228-206, sending the measure to President Joe Biden's desk after months of limbo. Only 13 House Republicans voted for the bill, alongside all but 6 Democrats. In order get the vote on the infrastructure package, moderate House Democrats essentially promised progressives they'd vote for the \$1.75 trillion *Build Back Better (BBB)* climate and social spending reconciliation bill once the Congressional Budget Office (CBO) score finalized the total cost of the legislation implementing the Biden Administration's agenda. Prior to the House vote, the two bills were effectively linked to each other, with House progressives calling for both bills to move together and with assurances the Senate would pass the reconciliation bill. But House progressives finally agreed to the vote on the bipartisan infrastructure package, even without ironclad commitments from moderate Senators to agree to the newly downsized \$1.75 trillion BBB. The Infrastructure Investment and Jobs Act includes more than \$8 billion for projects that will enhance water supply reliability across the West, including repairing aging dams and canals, building new surface and groundwater storage and conveyance facilities, funding water conservation and recycling projects, and improving watershed and ecosystem management.

b. Biden Administration Begins Work on Implementation

With the President signing the bipartisan infrastructure package into law, advocates will now turn their attention towards working with the Biden Administration to quickly drive implementation of the Western water provisions. Now, the energies of our infrastructure coalition will be redirected to the agencies overseeing administration of the funds; namely – the Bureau of Reclamation. We need to make sure that most of these dollars are spent on-the-ground for the intended purpose, and don't get swallowed up by red-tape and government administration. We've already put Reclamation on alert that we'll be working with them to ensure that billions of dollars are spent on new infrastructure in a way that is efficient and effective.

The Biden Administration quickly announced plans to staff up and expand the federal workforce to manage the record amount of funding allocated in the newly passed bipartisan infrastructure deal. The federal agencies responsible for disbursing the increase in funding are preparing to hire more workers to manage everything from fixing highways to removing lead water service lines and upgrading aging sewers. President Biden announced the appointment of Mitch Landrieu, former mayor of New Orleans and Louisiana lieutenant governor, whom he has charged with implementing a historic \$1.2 trillion infrastructure package. This Task Force will be "committed to break down barriers and drive implementation of infrastructure investments across all levels of government", according to the White House. Reclamation Commissioner Camille Touton says efforts are already underway across Reclamation as the agency prepares to implement the new law. Reclamation last month established a Program Management Team to lead implementation and develop a Program Management Plan (PMP), which will specifically address how we will request and share data on obligations, expenditures, procurement, regulatory compliance, management of human capital, and plans for celebrating project milestones. Reclamation will host a series of stakeholder listening sessions this month, prior to finalizing the PMP. We're hearing that

Reclamation plans to conduct listening sessions on existing programs (December 10), new programs (December 17) and other matters (January 7).

2. Appointments

The U.S. Senate last month confirmed three key Biden nominees to fill critical leadership roles in federal agencies important to Western water users. The Senate last month confirmed Hon. Michael Connor, a former Interior Department Deputy Secretary under the Obama Administration, to lead the Army Corps of Engineers (Corps) as the next Assistant Secretary of the Army for Civil Works. Also, the Senate confirmed the nomination of Ms. Camille Touton to be the next Commissioner of the Bureau of Reclamation. And, the Senate last month confirmed an important member of Secretary Vilsack's team at the U.S. Department of Agriculture (USDA), approving the nomination of Robert Bonnie to be undersecretary for farm production and conservation.

3. Department of Interior, Bureau of Reclamation: DRAFT Directives and Standards

a. Extended Repayment of Extraordinary Maintenance Costs

The Alliance last month worked with its members to develop formal comments in response to the Reclamation's draft revisions to PEC 05-03, "Extended Repayment of Extraordinary Maintenance Costs". Reclamation initiated the revisions to this Directive and Standard (D&S) immediately following the passage of Public Law 116-260 in December 2020. This law, which we supported, creates a revolving fund called the Aging Infrastructure Account. It also requires Reclamation to establish an annual application period for eligible contractors to apply for funds and extended repayment. The authorization for an aging infrastructure account at the U.S. Treasury Department is a game-changer for most transferred work operators and reserved work project beneficiaries in the Reclamation system. The ability to offer low interest long term loans from Reclamation for extraordinary maintenance have been long overdue. With this authority in place, we are now seeing "once-in-a-generation" funding to back this authority. The *Infrastructure Investment and Jobs Act* includes \$8.3 billion for Reclamation, including \$3.2 billion for the aging infrastructure account.

Our comment letter provides specific comments that revolve around one point: if Reclamation makes it difficult or places restrictions and barriers to their transferred work operators or reserved work project beneficiaries in obtaining these loans, the program will not work as planned or expected. This would make it highly unlikely that funding provided to the account will be disbursed in a timely manner. This in turn could further delay much needed improvements to aging federally owned transferred and reserved works in the West. We've also requested a virtual meeting with Reclamation leadership on the proposed changes to PEC 05-03.

b. Other D&S Developments

Reclamation has released several other draft D&S for public review, including:

- PEC 10-05 Reclamation Standard Water-Related Contract Articles, Standard Article 5: Operation and Maintenance of Transferred Works (Federal Construction)
- PEC 10-06 Reclamation Standard Water-Related Contract Articles, Standard Article 6: Operation and Maintenance of Project Works (Federally Assisted Construction)
- BGT 02-02 Reimbursability and Recharacterization of Project and Program Costs
- CMP 11-01 Title Transfer for Reclamation Project Facilities.

In part due to our request, the Commissioner's office has extended the comment deadlines for draft D&S to **12/9/21**. This is now indicated on the [Reclamation Manual web page](#).

4. Biden Administration Overhaul of Trump Environmental Rules

The Biden Administration is moving forward on the President's Inaugural Day pledge to undo rulemaking efforts completed by the Trump Administration associated with implementation of federal laws that have critical bearing on Western water management activities. While certain litigious environmental groups have cheered these recent developments, the Family Farm Alliance and other organizations who supported the Trump actions are concerned. The Biden Administration has proposed removing and replacing rules implemented by the Trump Administration that change implementation of the Clean Water Act (CWA), Endangered Species Act (ESA) and National Environmental Policy Act (NEPA). In our view, many of the changes made to these decades-old federal environmental laws by the Trump Administration helped bring them into the modern era. We'll go back to drawing board again with the Biden Administration and continue to focus on important process improvements. We need processes that allow for more efficient, informed, and transparent management and infrastructure development decisions without impacting the effectiveness of environmental or species protection measures.

I reported on the administration's proposed actions on these plans last month. Since that time, we've prepared the following comments letters:

- Final letter sent to White House Council on Environmental Quality via the [regulations.gov](#) portal (Tracking # kw6-z136-jq8b) regarding proposed changes to NEPA implementation procedures.
- Final letter submitted to the U.S. Fish and Wildlife Service regarding its proposed ESA implementation revisions. The letter supports and references more detailed letters prepared on this topic by the National Endangered Species Act Reform Coalition.

The Family Farm Alliance in August also developed formal comments for EPA and the Corps on the WOTUS matter. In related news, EPA and Corps officials released a *Federal Register* notice asking for input on the potential selection and location of 10 sites for regional roundtables to take input on how various regions are affected by the definition of WOTUS, and to learn about stakeholders' experience, challenges and opportunities under different regulatory regimes. The agencies are inviting stakeholders to organize a targeted set of interested parties and regional

representatives to participate in these discrete roundtables. The regional roundtable “contest” has many in the water world scratching their heads and scrambling to find partners and put together proposals. We’re working with the Arizona and California state Farm Bureaus to fill slots on two regional roundtable proposals.

5. Joint Secretarial Order: Tribal Homelands Initiative

As reported last month, the White House Tribal Nations Summit also took place on November 15, the same day President Biden signed the bipartisan infrastructure bill into law. Earlier in the day, the president announced that the U.S. Departments of Agriculture and the Interior have created the “Tribal Homelands Initiative”. This effort is intended to improve federal stewardship of public lands, waters, and wildlife by “strengthening the role of tribal communities in federal land management”. Through a [joint Secretarial Order](#) (PDF, 270 KB), the two Departments codified a policy to facilitate agreements with tribes to collaborate in the co-stewardship of federal lands and waters. Here’s the related [press release](#). The Order additionally directs the Departments to ensure that tribal governments play an integral role in decision-making related to the [management of federal lands and waters](#) through consultation, capacity-building, and other means consistent with applicable authority. I encourage you to read the secretarial order, with an eye towards implications, risks and opportunities.

6. Executive Order (EO) 14042: Vaccine Requirements

A federal appeals court last month temporarily blocked the Biden administration’s new rules that require many employers to ensure that their workers are vaccinated or tested weekly for Covid-19. A three-judge panel on the New Orleans-based Fifth U.S. Circuit Court of Appeals granted an emergency stay prohibiting enforcement of the rules for now, saying they raise “grave statutory and constitutional issues.” The Fifth Circuit said it would quickly consider whether to issue an injunction against [the vaccine and testing requirements](#), ordering the Biden administration to file initial legal papers by late this afternoon. The affected states include Texas, Louisiana, Mississippi, Utah, and South Carolina. We previously reported that the federal government has extended to January 4 (from December 8) the deadline from [E.O. 14042](#) for most American workers, as well as covered federal contractors to get vaccinated against Covid-19 or subject themselves to frequent testing.

We have serious concerns that the effect of implementing the President’s EO could have devastating impacts on national food supply chains and Western water supply reliability. The White House guidance defines a “covered contractor employee” in broad terms, which raises questions from irrigation districts and others who have entered into water supply, operation and maintenance, construction, and other contracts with the Bureau of Reclamation (Reclamation). Many of these entities have specific concerns not only about the necessity of the vaccine mandates and timing of the potential vaccine requirements but also how far-reaching these mandates could be to ditch riders and farmworkers. There are legitimate questions on whether those with federal water supply and other contracts would be covered by the mandates. I shared with you late last

month the final letter that we sent on this matter to Interior Assistant Secretary Tanya Trujillo and Reclamation Deputy Commissioner Camille Touton.

DEVELOPMENTS IN CONGRESS

7. Build Back Better (BBB) House Budget Reconciliation Bill

After weeks of negotiations, the House on November 19 passed the \$1.85 trillion BBB (H.R. 5376), by a vote of 220-213, with Rep. Jared Golden (D-ME) being the lone Democrat voting against the measure. No Republicans supported the bill. Leading up to the House vote, Minority Leader Kevin McCarthy (R-CALIFORNIA) unexpectedly took control of the House floor, speaking for nearly nine hours to derail the vote. The highlights and the current state of play as the legislation moves forward in the Senate are discussed below.

a. House Highlights

Following the release of the full Congressional Budget Office score for the bill, moderate Democrats upheld a promise to vote for the \$1.85 trillion dollar package, which is centered on President Biden's social and climate agenda. This legislation includes:

- \$555 billion to fight climate change, including \$320 billion in the form of tax credits for companies and consumers who install solar panels, improve the energy efficiency of buildings, and purchase electric vehicles
- \$400 billion for universal pre-K for children ages 3-4.
- \$200 billion for child tax credits, extending the credit through 2022.
- \$165 billion in healthcare spending, reducing health care premiums under the Affordable Care Act and expanding Medicare coverage
- \$150 billion each to expand affordable home care and for affordable housing

The Ferguson Group have prepared a detailed report on this legislation. Please do not hesitate to contact me if you would like a link to their report.

b. Senate State of Play

The Senate will continue working on its version of the bill. Major points of contention remain, including: the State and Local Tax (SALT) deduction, paid family and medical leave, drug pricing, and provisions on immigration. The major players to watch during the negotiations are Sens. Joe Manchin (D-WV), Kyrsten Sinema (D-ARIZONA), and Bernie Sanders (I-VT), all of whom have taken aim at various provisions they want added or removed from the House-passed version of the bill. Sen. Manchin has objected to the overall price tag, spending in early years paired with offsets in later years, as well as the bill's four weeks of paid family leave and Medicare hearing coverage. He has expressed worries about inflation and he's not yet buying the argument from other Democrats that President Biden's BBB will lower everyday costs. Sen. Sinema has kept her

specific objections largely private but is seen as possible a dealmaker by many Democrats.

Speaker Pelosi downplayed the Democrat divisions remaining between the House and the Senate, saying more than 90 percent of the bill “was written together” and predicting Congress will get it to President Biden's desk without much trouble. Senate Majority Leader Chuck Schumer (D-NY) has set a Christmas goal for passage of the BBB. The federal debt ceiling still will need to be raised or suspended, as well. Treasury Secretary Janet Yellen has warned Congress that the U.S. faces a risk of default after December 15. There is no current plan for lifting the borrowing cap. The *New York Times* reports that Republicans continue to insist that Democrats must act alone to address the issue, while Democrats have countered that raising the borrowing cap is a shared responsibility given that both political parties have incurred big debts over the last several years.

8. Senate Clears Stopgap Government Spending, Averting Shutdown

Congress returned from the Thanksgiving holiday with a Friday, December 3 deadline to pass a stopgap funding bill to keep the federal government open. After significant political posturing, Congress passed a short-term Continuing Resolution (CR) late Thursday night funding the government at enacted FY 2021 levels through Friday, February 18, 2022. This also means that adoption of any FY 2022 Community Project Funding/Congressionally Directed Spending requests (i.e., earmarks) that advanced through the legislative process earlier this year in the House and/or Senate will be delayed until February at the earliest.

On Wednesday night, House Appropriations Committee Chair Rosa DeLauro (D-CT) introduced the Further Extending Government Funding Act (H.R. 6119), the short-term CR, which includes \$7 billion to continue supporting Afghanistan evacuees and an extension of the National Flood Insurance Program (NFIP) authorization, among other items. The House passed H.R. 6119 by a vote of 221-212, with Rep. Adam Kinzinger (R-IL) as the only House Republican voting for the measure early Thursday evening. The Senate then passed the bill by a vote of 69-28, with 19 Republicans voting in support. Senator Mike Lee (R-UT), who was one of the main voices leading the charge to shut down the government over vaccine mandates, shifted his stance to demanding a vote on an amendment to remove funding for the vaccine mandate at the 50-vote threshold. He and Senator Roger Marshall's (R-KS) request was granted, and the Senate voted on the amendment first, which failed by a vote of 48-50.

President Joe Biden quickly signed H.R. 6119 into law later, averting a government shutdown. Continued negotiations between House and Senate Democratic and Republican leaders on all twelve FY 2022 Appropriations bills will now continue into January and February 2022.

ALLIANCE INITIATIVES

9. Climate Change Initiative

The Alliance continues to engage and discuss potential effects and impacts of climate change in the West, building upon the interest created by the Alliance's report on climate change that was issued in 2007 and active engagement addressing climate change on Capitol Hill. The Alliance board of directors at its 2021 annual meeting supported its long-time policy of using climatic extremes and findings from its climate change report to advocate for "climate-smart" agriculture and needed changes in Western water policy. Through our involvement with Solutions from the Land (SfL) and the Steering Committee of the North American Climate Smart Agriculture Alliance (NACSAA), we have been monitoring United National global climate talks over the past two years and bringing the voice of North American producers and land managers to the discussion table. NACSAA believes public policy should provide incentives for climate-friendly and commonsense farm improvements.

c. The United Nations Climate Change Conference (COP26)

The 26th United Nations (U.N.) Climate Change Conference of the Parties (COP26) in Glasgow, Scotland was recently conducted, and Alliance President Pat O'Toole was definitely in the mix. The U.N. Framework Convention on Climate Change (UNFCCC) established an international environmental treaty to combat "dangerous human interference with the climate system". It was signed by 154 states at the Earth Summit, held in Rio de Janeiro in June 1992. The treaty called for ongoing scientific research and regular meetings, negotiations, and future policy agreements designed to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. These negotiations are said by many – including U.N. leaders – to be the single most important factor in determining whether humanity suffers the worst consequences of climate change.

Alliance President Pat O'Toole and his wife Sharon were part of a team of American farmers and ranchers who traveled to Glasgow, Scotland last month with the intent of injecting some common sense into global talks regarding agriculture's role in climate change. The O'Tooles were delegates to the COP26 event in Glasgow. The O'Tooles shared their experiences through a series of blog posts from the event, which are posted on the Intermountain West Joint Venture website (<https://iwjv.org>). Pat serves on the board of directors of Solutions from the Land (SfL), an organization which focuses on land-based solutions to global challenges. These ranchers, farmers, foresters, and partners advocate for enabling agricultural landscapes to provide solutions to challenges like food and energy security, sustainable economic development, and environmental improvement. (See solutionsfromtheland.org.)

a. Biden Administration Descends Upon Scotland

President Joe Biden during his election campaign said that he would aim to make American

agriculture the first in the world to achieve “net-zero” emissions if elected. His platform advocated for farmers to be able to participate in carbon markets, with the goal of creating new revenue streams. President Biden sought to restore the United States’ role as a major global player on climate change with an address on the opening day of the COP26 summit. Secretary of Agriculture Tom Vilsack in Glasgow underscored the USDA’s support for President Biden’s “whole-of-government” approach to combating climate change and creating jobs and economic growth in the United States. After President Biden joined leaders from the United Arab Emirates in officially launching the Agriculture Innovation Mission for Climate (AIM for Climate) on Nov. 2, Secretary Vilsack participated in numerous events to coalesce support for the initiative, which is designed to increase investment in climate-smart agriculture and food system innovation over five years.

Nearly 80 countries and non-government partners have joined in support and AIM for Climate has garnered \$4 billion in increased investment in climate-smart agriculture and food systems innovation, with the U.S. mobilizing \$1 billion over the next five years. Secretary Vilsack additionally highlighted USDA’s Climate Smart Agriculture and Forestry Partnership Initiative, which he first announced during U.N. Climate Week in September. The initiative will connect agricultural producers who are implementing climate-smart practices with retailers, companies and consumers who are demanding low-carbon agricultural commodities. Secretary Vilsack also announced USDA’s support of the newly launched Pathways to Dairy Net Zero, an initiative to help accelerate climate action in the global dairy sector, bringing together organizations throughout the dairy supply chain and dairy farms around the world to collectively achieve net zero emissions in the next 30 years. The Biden administration send a contingent of career staff and lower-level political appointees to accompany the Cabinet secretaries attending the international climate talks.

Back in the U.S.A., the White House announced it will create a new division of the Office of Science and Technology Policy (OSTP) that will coordinate federal climate change policy. The Biden administration will appoint Sally Benson, a professor of energy engineering at Stanford University, to head the newly created division, according to *The Washington Post*. The OSTP Energy Division will be focused on planning the transition to renewable energy and ensuring the U.S. meets its target of reaching net-zero greenhouse gas emissions by 2050.

b. The O’Tooles in Glasgow

While in Glasgow, the SfL delegation interacted with member state representatives, other farmer organizations and a wide cross-section of business, academic, conservation, environmental, renewable energy and health and nutrition stakeholders. Discussions with these parties focused on pathways to address growing climate change challenges across the globe. The European Union and others in Glasgow advocated for a top-down strategy to address global challenges. The SfL team argued that farmers must be at the center of all discussions and decision-making. Producers can offer the significant input needed from across a wide range of agricultural interests and organizations that fall outside of typical policymaking structures.

Fossil fuels, especially coal, were the crux of the COP26 negotiations. Oil, gas, and coal provides

about 80 percent of all the energy used by human civilization. According to Mr. O'Toole, deforestation was a topic of concern at the talks, but discussion was not as robust as it could have been. An emphasis was placed on deforestation, but other than an exhortation to plant trees, attention was not given to the role sound forest management has in sequestering carbon and managing water.

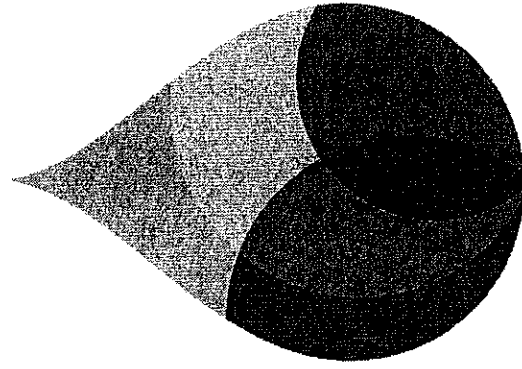
In the end, the O'Tooles believe the SfL team of seven was highly effective. They communicated with all sorts of representatives including the U.S. Special Presidential Envoy for Climate, John Kerry, to the lone delegate from Tajikistan about the importance of agriculture and forestry, and its role as a solution to climate change. They also told them not to be distracted by those who would advance an "agriculture is broken" agenda and simplistically call for an overhaul of the sector without understanding the interdependent functions that make up the world's food, feed, fiber, energy and ecosystem services production platforms. [HERE](#) is a link to a great interview Pat did with the China Global Television Network at COP26. [HERE](#) is another story that ran in the *New York Times*, explaining the powerful role bankers played in the climate change summit.

10. OpenET Project

On October 21, the OpenET project announced the launch of a new online platform that uses satellite data to estimate water consumed by crops. The platform makes the data for the 17 western states widely available for the first time. The data for the current year and previous five years is available at no charge and is accessible down to the field scale. The OpenET project is a public-private collaboration led by the Desert Research Institute, Environmental Defense Fund (EDF), Habitat Seven, and the National Aeronautics and Space Administration (NASA), with additional participation from Google, the U.S. Geological Survey (USGS), USDA, and various universities, with both government and private funding. The apparent core objective is to provide farmers and local water managers with free ET data, with revenue generated from organizations interested in large-scale access to the data beginning in 2022.

The House Water, Oceans and Wildlife (WOW) Subcommittee conducted a November 4 hearing where legislation that would inject major funding into this program and also modify the WaterSMART program to include this as an assessment tool. WOW Subcommittee majority staff reached out to us after hearing that on this matter last month, after hearing that we had some concerns. We organized a ZOOM meeting with other regional agricultural organizations and WOW Subcommittee staff after they told us they were "definitely open to feedback and changes to address any concerns you may have before moving the bill."

In our meeting, we expressed support for new technology that could help our members but shared our concerns about: 1) how the information could be misused by less constructive parties; 2) protection of private property rights; 3) accuracy of data; and 4) linkage to WaterSMART in the legislation. Later this month, our same ag group will be meeting with representatives from EDF and the Desert Research Institute to try to get some answers to the questions about OpenET that we've been posing since last summer.



More Water Now!

The Water Infrastructure Funding Act of 2022

<https://MoreWaterNow.com>



Key Provisions of Water Initiative

- Requires 2% of General Fund for water supply infrastructure
- Up to 50% of the 2% allocation may be securitized for immediate cash
- Funds cannot displace but may supplement funding for existing projects
- Eligible projects: Water producing infrastructure, conveyances, remediation, etc
- Projects get streamlined from CEQA and Coastal Act approval process
- State will fund attorneys representing local public entities to defend projects
- The 2% allocation sunsets when completed projects yield 5.0 MAF per year

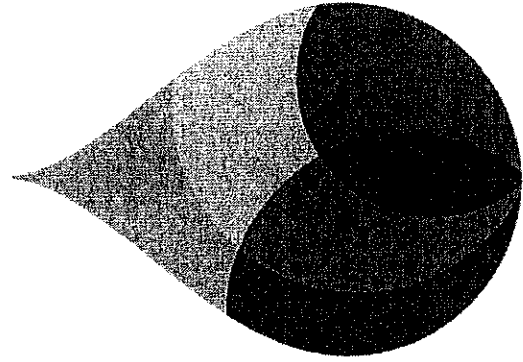
Californians will be voting to solve water scarcity forever



Eligible Project Categories

- Groundwater aquifer storage, remediation and recovery
- Recycling, purification and treatment of wastewater
- Expansion, repair or replacement of existing surface reservoirs
- Construction of new surface reservoirs
- Desalination plants
- Water conveyance development, maintenance and expansion
- Projects to increase the supply of safe and affordable water to all Californians with an emphasis on disadvantaged communities
- Research and development of new water technology, and conservation projects

Every mode of supply increase has unique value.



Water for Everyone!

The Water Infrastructure Funding Act of 2022

**Will not just eliminate water scarcity...
but create water abundance.**

<https://MoreWaterNow.com>

Interior secretary highlights new drought-fighting measures

Interior secretary highlights new drought-fighting measures

By **Blake Apgar** Las Vegas Review-Journal
December 12, 2021 - 2:42 pm

Don't miss the big stories. Like us on Facebook.

Interior Secretary Deb Haaland on Sunday touted a recently signed \$1.2 trillion infrastructure package, saying the law makes a historic investment in water and drought resilience.

During a visit to Springs Preserve in Las Vegas, Haaland said the new law will pay for water efficiency and recycling programs, rural water projects and grants, among other things. But she also recognized the need to do more, saying her department is committed to protecting water resources not only during times of drought, but every day.

“As we navigate this growing crisis, we’re committed to robust and continued engagement with state, local and tribal governments to develop longer term measures to respond to climate change and improve water security,” she said.

It was the latest stop in the Biden administration’s “Building a Better America” tour, a series of events featuring administration officials lauding the infrastructure package.

All-of-government approach

Haaland's visit comes as Nevada faces mandated water cuts from the first federally declared shortage on Lake Mead.

The secretary was joined in Las Vegas by Democratic U.S. Reps. Dina Titus and Susie Lee, Southern Nevada Water Authority General Manager John Entsminger and the Department of the Interior's assistant secretary for water and science, Tanya Trujillo.

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Haaland said her department is helping to lead the Biden administration's all-of-government approach to fighting drought by coordinating at the federal level, providing help to drought-stricken communities and developing long-term climate change solutions.

"There is an urgent need to minimize the impacts of drought and develop a long-term plan to facilitate conservation and economic growth, because drought doesn't impact just one community, it affects all of us, from farmers and ranchers, to city-dwellers to tribes," she said.

What's in the law

The infrastructure law, signed last month by President Joe Biden, contains \$8.3 billion for Western water infrastructure. It includes \$450 million for a competitive grant program that could help pay for a massive recycling project in Southern California that would leave Nevada with access to more water in Lake Mead.

The law also includes \$2.5 billion for tribal water rights settlements, Haaland said.

“We at the department are committed to upholding our trust responsibilities and delivering long-promised water resources to tribes, certainly to all their non-Indian neighbors, and a solid foundation for future economic development for entire communities dependent on common water resources,” she said.

Of the more than \$8 billion set aside for Western water infrastructure, \$300 million will go toward implementing aspects of a 2019 agreement called the Drought Contingency Plan.

New conservation plan

This year, water level projections triggered a provision in the 2019 agreement that forces the lower basin states to discuss ways to prevent Lake Mead from falling below a critical level.

A \$100 million plan being developed in the lower basin would scale back the amount of water taken from the lake. Those reductions would be in addition to federally mandated cuts from the shortage declaration.

Asked whether the federal government would contribute money to those efforts, Trujillo was noncommittal.

“We take the responsibility very seriously and are looking forward to the upcoming Colorado River water users conference and working with our partners on announcing some agreements relating to that and supporting, again, the good work that has been going on in Nevada, in Arizona, in California and with our

partners in Mexico, who are very, very key to the success of a sustainable river basin going forward,” she said.

The Colorado River Water Users Association conference will be held in Las Vegas this week

November 30, 2021

Dear Governor Newsom,

California is mired in a climate change fueled drought, leading to water shortages which pose a direct threat to the natural environment and California residents. The water shortages are being driven by large corporate interests who profit while poisoning our environment. We urge you to use your executive authority to take bold action to rein in these interests and balance water use and access in the state.

For much of the past 20 years California has been in a drought, and with fossil fuel driven climate change accelerating, droughts are going to get longer and temperatures will continue to get hotter. This is the new normal. Unfortunately, California manages its water as if we were anything but an arid state. At the same time, some of the industries most responsible for driving climate change continue to use vast quantities of water and pollute fresh water that could be used for people's basic needs or could remain in the environment. A few examples:

Almonds: Agriculture uses 80% of the state's water, but not all crops are equal. A tremendous amount of California water is used to grow water-intensive crops like almonds despite the arid climate that defines much of our state. While almonds may be appropriate in some regions where families have been growing them for generations, they are wholly inappropriate in the salty and selenium-rich soils of the south west San Joaquin Valley. Yet mega growers like the Wonderful Company produce massive quantities of almonds, mostly for exports. Westlands Water District, home to rampant almond production, has pumped more than 1 million acre-feet (or 326 billion gallons) of groundwater in just the past five years - enough to provide everyone in Los Angeles, San Diego, San Jose and San Francisco with the recommended amount of daily water (55 gallons/day) for more than two years.

Factory farms: Factory farms help drive climate change, produce tremendous amounts of pollution, and are also very water intensive. Food & Water Watch estimates that it takes 142 million gallons of water a day to maintain the dairy cows on California's mega-dairies (those with 500 cows or more), more than enough daily water for every resident of San Jose and San Diego combined. And this does not include the large quantities of water needed to move manure into storage systems or raise the feed for dairy cows (16% of agriculture water is used to grow alfalfa, another thirsty crop).

Oil and gas: An analysis by Food & Water Watch found that between 2018 and March 2021, the oil and gas industry used over 3 billion gallons of freshwater for drilling operations that could otherwise have supplied domestic systems. For perspective, this is enough water to provide everyone in the city of Pasadena with the recommended amount of daily water for an entire year, or everyone in the city of Ventura for 16 months. At the same time, oil and gas corporations' practice of injecting toxic wastewater produced during drilling, into aquifers threatens our groundwater resources.

Bottled Water: There are 97 water bottling plants in California and the most egregious is

Blue Triton (formerly Nestle Waters) which has been illegally bottling water at twenty five times the approved rate in San Bernardino National Forest. In 2020, Blue Triton withdrew 59 million gallons – and according to the State Water Resource Control Board, they should only be withdrawing 2.4 million gallons per year. While the SWRCB sent a cease-and-desist letter to Blue Triton in April to stop withdrawing water from the San Bernardino National Forest, Blue Triton is appealing this order and it appears they are still continuing their illegal water withdrawals.

The consequences of the misallocation of water resources to these industries is devastating. The diversion of water means that there is not enough water to fulfill the human right to water or for the environment, threatening the survival of key species in the Delta like salmon and smelt and historic tribal practices. The overuse and pollution of groundwater means that communities in the Central Valley — already overburdened by pollution — do not have sufficient clean drinking water. Dirty industries like factory farms and the oil and gas extraction threaten existing groundwater supplies even as these industries are fueling the climate crisis which lengthens and worsens droughts. This is a vicious cycle that must be stopped.

In 2012, Governor Brown signed legislation establishing a human right to water in California and as governor you have broad executive authority to address the drought and climate emergency. We call on you to use your authority in light of the statewide drought emergency to help rebalance California's water allocation, for the benefit of Californians and the environment. We call on you to do the following:

- * Place an immediate moratorium on new oil and gas operations, new and expanded factory farms, and large slaughterhouses. We should not be expanding these industries, especially during a drought.
- * Declare using groundwater to grow almonds and alfalfa in the southwest San Joaquin Valley waste and not a beneficial use. Move to reduce use of groundwater from these industries and halt all new planting of almonds and alfalfa, while providing assistance to help small growers transition to more sustainable and less thirsty crops.
- * Improve water management regulations and practices to conform with the public trust doctrine and the human right to water putting needs of the people first. California water policy must ensure everyone has access to safe, clean, affordable and accessible water. California water regulations should take into account the reality of our changing climate.
- * Improve the transparency of water rights transactions, including prices, volumes and regulations.
- * Respect the water rights of Indigenous communities, actively consult with Indigenous communities on water rights and best water management practices in the true spirit of AB 52 and prioritize state support to disadvantaged communities experiencing water shortages.
- * Accelerate the implementation of Sustainable Groundwater Management Act groundwater

sustainability plans, while ensuring the groundwater agencies and Groundwater Sustainability Plans reflect the needs of all stakeholders, centering vulnerable communities and small and rural water systems as codified in California law. The human right to water must be discussed in GSPs.

* Declare mandatory conservation measures across the state, limiting water consumption to 55 gallons per person per day to get closer to the milestone set by AB 1668.

* Reject public subsidies for water projects that support privatized ocean desalination projects and the wasteful water practices of Big Ag. Stop the private extraction of water for bottling for profit and reject additional bottling permits.

* Prioritize locating and repairing leaky water pipes as our water infrastructure continues to age. We cannot afford to waste the water we have.

Taking these steps now will help protect the environment and water for all people in our state, and avoid much harsher measures as this drought continues. Now is the time for bold leadership. We urge you to take action swiftly for the benefit of all Californians.

Sincerely,

ActiveSGV
AD53 ADEMS
Alliance of Nurses for Healthy Environments
Azul
Ban SUP
Center for Biological Diversity
Clergy and Laity United for Economic Justice
Climate Hawks Vote
Desal Response Group
East Valley Indivisibles
East Yard Communities for Environmental Justice
Environmental and Climate Justice Hub, UC Santa Barbara
Fannie Lou Hamer Institute
Food & Water Watch
Fossil Free California
FracTracker Alliance
Friends of the Earth
Green Faith
Ground Game LA
Heal the Bay
Hunger Action Los Angeles Inc

Los Angeles Community Action Network (LA CAN)
Los Angeles Waterkeeper
Mothers Out Front California
Mothers Out Front Capital Region Team
Mothers Out Front SF
Mothers Out Front Silicon Valley
Movement Rights
NELA Climate Collective
Plant-Based Advocates
Progressive Democrats of America
Rainforest Action Network
SanDiego350
Santa Cruz Climate Action Network
SoCal 350 Climate Action
Somos Familia Valle
Southern California Watershed Alliance
Stand.earth
Stop Fracking Long Beach
SumOfUs
Sunflower Alliance
The environmental justice coalition for water
The River Project
The Story of Stuff Project
Together We Will/Indivisible-Los Gatos
Venice Resistance

Youth Vs Apocalypse

Water Blueprint

for the San Joaquin Valley

On October 6, 2021, the Executive Committee met for a special session to discuss the future governance structure for the Water Blueprint Education Nonprofit Board. To that end, a governance structure was presented and approved. This component is critical for the organization to fulfill its mission to engage with a variety of industries to advance common sense water solutions for our state.

During that meeting, four participants were selected to form a Nominating Committee that was tasked with nominating Board members for the proposed revised governance structure. Austin Ewell, Geoff Vanden Heuvel, Sarah Wolf, and Scott Petersen met twice to thoroughly discuss and propose participants who would represent the five categories chosen by the Executive Committee for seats on the Board – Agriculture, Water Agencies, White Lands Growers, Government, and At-Large.

On Friday, October 22, 2021, the Nominating Committee proposed to include a sixth category, Committee Chairs.

According to the by-laws and after Executive Committee consensus, the executive group gave the Nominating Committee the task of recommending between 3-15 participants to serve on the Education Nonprofit board. While examining potential candidates for each category, it became clear to the Nominating Committee that a larger board was necessary. The Nominating Committee therefore recommends that **21 board seats** be created to cover the categories of Agriculture, Water Agency, White Lands Growers, Government, Committee Chairs and an At-Large category.

The Nominating Committee had additional discussions and met again on November 2, 2021 to further update the recommendations.

After productive deliberation, the Nominating Committee advances the following names for consideration:

Agriculture: Casey Creamer, CA Citrus Mutual
Ian Lemay, CA Fresh Fruit Association
Geoff Vanden Heuvel, Dairy

Water Agencies: Scott Petersen, San Luis & Delta-Mendota Water Authority
Jason Phillips, Friant Water
Kassy Chauhan, Fresno Irrigation District
Steve Chedester, SJ River Exchange Contractors Water Authority
(pending ratification by SJRECWA Board)

White Lands: Johnny Gailey, Delta View Water Association
Jack Rice, Western Resource Strategies
Deanna Jackson, Tri-County Water Authority

Govt: Augustine Ramirez, Fresno County
Stephanie Anagnoson, Madera County
Paul Boyer, Farmersville

At-Large: Sarah Woolf, Water Wise
Eddie Ocampo, Self-Help Enterprises
Austin Ewell, Ewell Group
Christina Beckstead, Madera County Farm Bureau
Vince Lucchesi, Patterson Irrigation District
Vacant (north Valley or westside)

Committee Chairs: Scott Hamilton, Ag Economist
(Technical Committee)
Mike Wade, CA Farm Water Coalition
(Communications Committee)

**1 Board seat remains vacant*

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DEADBEAT DAM DECEMBER



Deadbeat Dam December

Dams and Reservoirs have devastating impacts on our native fish and rivers. These deadbeat dams steal our wildlife and our money.

In 2014, Californians voted for Proposition 1, which directed \$2.7 billion dollars of public money for the so-called "public benefits" of new water storage, reviving the prospects for a series of previously deadbeat dams and projects. Some of those projects are still alive today—and despite a year of climate impacts, pandemic and new research showing more surface water storage harms more than helps—California is still moving forward with these dams.

Friends of the River has several concerns with the projects, and urges you to join us in taking action in the next couple weeks.

Sites Reservoir

The current plan

Sites Reservoir
is dangerous for
our future.

Sites Reservoir will deplete the salmon population and taxpayer pocket books. If the project is allowed to move forward, more water will be taken from

the Sacramento River than environmentally responsible. And the taxpayers will foot the bill of between \$3-\$3.5 billion. This project does not pencil out. This is an expensive project, and Northern California water districts are trying to make a buck selling it to the state of California using your money. To make matters worse, the Metropolitan Water District of Southern California said it would require the Delta Conveyance Project (aka, Delta Tunnel or California Water Fix), which adds another \$15 billion on top of the original cost.

Del Puerto Canyon Dam

Sucking more water from the Delta is not the solution to California's water supply challenges.

Del Puerto Canyon would draw more water than allowed under current contracts and strain a delta water system that's on the brink of collapse. It relies on water pumped out of the troubled Sacramento and San Joaquin Rivers, as well as the San Francisco Bay Delta. This reservoir will only fuel increased demand among the agricultural interests in the San Joaquin Valley, worsening dependence on the already strained Delta. This project takes inexpensive taxpayer-subsidized federal water, puts it in a reservoir and privatizes it, then sells it to the highest bidder.

It turns our right for clean and healthy water into a money-making commodity allowing access to only those who can afford it.

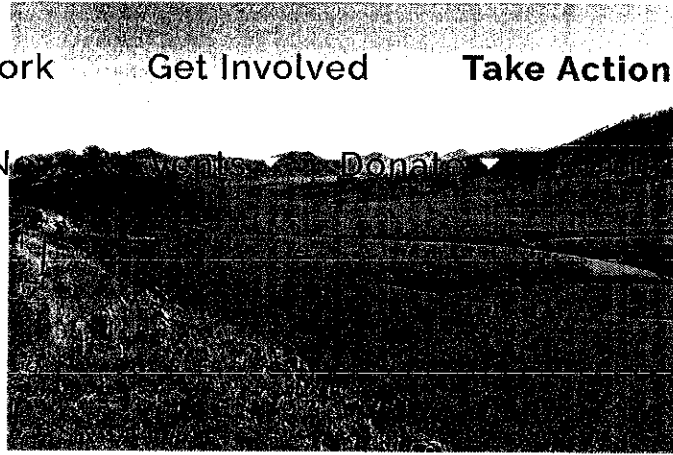


Figure 1: Proposed site for Sites Reservoir, taken in November 2021 by FOR supporter Greg.





Photos by Osha Meserve

Pacheco Reservoir Expansion Project

Affordable water is necessary for all residents and this would make water costs too expensive for many.

At \$2.5 billion, the proposed new **Pacheco Dam** is an expensive deadbeat dam in need of cash from state taxpayers. Located in the foothills east of the Santa Clara Valley, Pacheco puts a reservoir on the Henry Coe State Park. The Santa Clara Valley Water District (Valley Water) is looking at taxpayers to contribute nearly \$500 million and their customers will be expected to foot the remainder of the bill. When the Board voted to continue this project, one board member was quoted saying, "All of us should work toward completing this project, as long as it takes and **how much it ever costs.**"

Do you want to pay for a deadbeat dam?

Take Action Today!

**Attend a Meeting To Give Public
Comment About Your Concerns On One**

Of These Projects.

Our Work

Get Involved

Take Action

California Water Commission Meeting

Contact

December 15th 9:30am

Join Zoom Meeting or Call in—(408) 638-0968 or (669) 900-6833 **Meeting ID:**
854 8457 8491 Passcode: 067304

The Commission will be making financial determinations for all three projects about whether they are eligible to continue to receive public funding and move forward. The Commission is required to make this finding before the end of 2021.

Environmental Review Public Comment Meeting for Sites Reservoir

Wednesday | December 15th 6-8pm

OR Thursday | December 16th 9-11am

TBA - The virtual meeting links and phone number will be available closer to the meetings.

Under federal and state environmental laws, Sites proponents are required to hold public meetings to hear public's comments on the projects impacts to the environment. Make your voice heard and join us for these important meetings!

We need 21st century water solutions, because the climate crisis is a water crisis—and we need to start treating it as one.



HighCountryNews

KNOW THE WEST

Who should pay to fix California's sunken canals?

Agribusiness and its proponents say repairs will benefit disadvantaged towns. Those residents disagree.

Theo Whitcomb | Dec. 8, 2021 | From the print edition

California's San Joaquin Valley is one of the richest agricultural regions in the world, but growers there have a problem: Unfettered groundwater pumping has caused the land to sink and the regional canal system to break.

If the agencies in charge of the canals don't fix them, water deliveries to thousands of farms and some cities across the valley's \$25 billion agricultural economy will continue to be affected, impacting everyone from farm owners to low-wage farmworkers. But repairs are complicated and expensive.

The Friant Kern Canal — the waterway that is furthest along in repairs — will eventually cost nearly \$1 billion to fix. The 152-mile-long canal pulls water from the distant San Joaquin River through monocropped acres of vines, trees and vegetables. It is an essential artery for agribusiness, and so growers and their irrigation districts — and the politicians who represent them — want the expenses to be partially covered with taxpayer money.

But there's an issue with the [sales pitch \(https://www.npr.org/2021/07/03/1012832012/sen-melissa-hurtado-on-central-californias-brutal-heat-wave-and-water-shortages\)](https://www.npr.org/2021/07/03/1012832012/sen-melissa-hurtado-on-central-californias-brutal-heat-wave-and-water-shortages). Proponents claim that repairing the canal is vital for the millions living in nearby towns and cities. This is technically true for some canals and some communities, but in the San Joaquin Valley, 90% of Friant Kern's water is used for irrigation, meaning that very little goes to the majority low-income Latino farmworker towns most vulnerable to the impacts of drought. Nearly all of these towns rely on groundwater, not surface water, and projections show that the over-extraction of that resource is only getting worse. There's no clear evidence that the proposed canal fixes will directly benefit these vulnerable communities' water access.

"The same political power that caused the problem is the same political power that is continuing to over-pump groundwater," said Jennifer Clary, the California Director of Clean Water Action, a nonprofit advocacy group. "These canals have been flowing past at-risk communities for decades."

ON A HAZY DAY in mid-October, I met Doug DeFlitch, the Friant Water Authority's then-chief operating officer, near Terra Bella, California. DeFlitch, a tall man and a measured speaker, shuffled back and forth with his hands in his pockets as we talked. His job, among other things, involved managing the operation of the Friant Kern Canal. (DeFlitch recently left the water authority.) We stood together at the canal's lowest point — what DeFlitch calls the "pinch point" — a few paces from the placid water creeping south. "This is ground zero," DeFlitch said, "the bottom of the bowl. We are unable to get as much flow past this location as we once used to."



Doug DeFlitch, chief operating officer of the Friant Water Authority, stands beside the Friant-Kern Canal in Terra Bella, California.

Martin do Nascimento / High Country News

The reason that the Friant Water Authority struggles to get as much flow as it used to is because overpumping has caused a portion of the canal to sink and create a large U-shaped depression. Where the gradual slope previously ferried water downhill through the canal's boxy, open-air concrete mass without a problem, the water now gets stuck in what can be fairly described as a pit — hence DeFlitch's "pinch point."

The Friant Water Authority is responsible for getting Sierra Nevada snowmelt to roughly 15,000 farms and a handful of towns across a million acres of industrialized farmland. But over the decades, those surface water supplies have decreased. To continue growing crops like table grapes, almonds and pistachios (<https://californiawaterblog.com/2021/09/05/lessons-from-three-decades-of-evolution-of-cropland-use-in-the-central-valley/>) — which fetch high prices around the world — agribusinesses, particularly large corporate growers without surface water rights, dug deeper wells and pumped ever more water. This caused the land to sink, and, ironically, the canal the industry depends on to sink along with it.

The impact of overpumping is landscape-scale and nearly beyond perception, save for certain visual clues. The county bridge, once high above the canal, now barely clears the water.

The Friant-Kern Canal is one of three state and federal canals impacted by such woes. It's also in the worst shape: About 60% of its carrying capacity has been lost, meaning that farms past the pit get less water, and the water ends up costing more for others.

There have been attempts to fix this. In 2018, a state proposal would have funded \$750 million in repairs along the Madera and Friant Kern Canals. It failed. Critics maintained that the infrastructure's real beneficiaries — private agribusinesses — should pay for it, not the public.

In 2021, during an exceptionally dry year, the "State Water Resiliency Act" cleared California's Senate and was poised (<https://sd14.senate.ca.gov/news/5282021-hurtado-releases-statement-after-state-water-resiliency-act-passes-senate-34-1>) to deliver nearly \$800 million to the same effort. In this attempt, the bill covered only a third of repairs across three canals, including the California Aqueduct, which delivers water to large cities in Southern California. But in September, the bill was halted by the Appropriations Committee because lawmakers were unclear on how public funding would benefit disadvantaged communities or the public — one of the measure's central claims. According to Kyle Jones, the policy director at Community Water Center, an environmental justice organization, it also lacked adequate public oversight and accountability. "The attempt to get public funding was originally structured in a way to make people think it did more than it actually did," Jones said. "To say that rural communities should be happy because they get what's left over from industry is the problem. We've seen this in the environmental justice movement forever."

“To say that rural communities should be happy because they get what’s left over from industry is the problem. We’ve seen this in the environmental justice movement forever.”

The Friant Water Authority has already secured over \$400 million — a combination of federal grants, loans, and money from farmers most responsible for over pumping. But they still want the state’s taxpayers to pay the final third. So far, Gov. Gavin Newsom has promised a separate \$200 million for canal repair funds.

If the water needs of vulnerable communities were the real priority, taxpayer funds might be spent differently, Clary said. “You could build many groundwater-recharge projects for that much.”

TOOLEVILLE, an unincorporated town of 290 people, sits underneath the east valley’s foothills. It’s entirely dependent on the aquifer, despite being bordered on its eastern boundary by the Friant Kern Canal. Gloria and Jose Mendoza live a quarter mile away from the canal. When I visited them in October, Jose had just finished pruning the pomegranate tree in the glaring sun and sunk into a camping chair to relax. Before retirement, the couple worked on farms while raising their two children, Jose said. “We were so good at picking oranges we paid off our house in 11 years.”



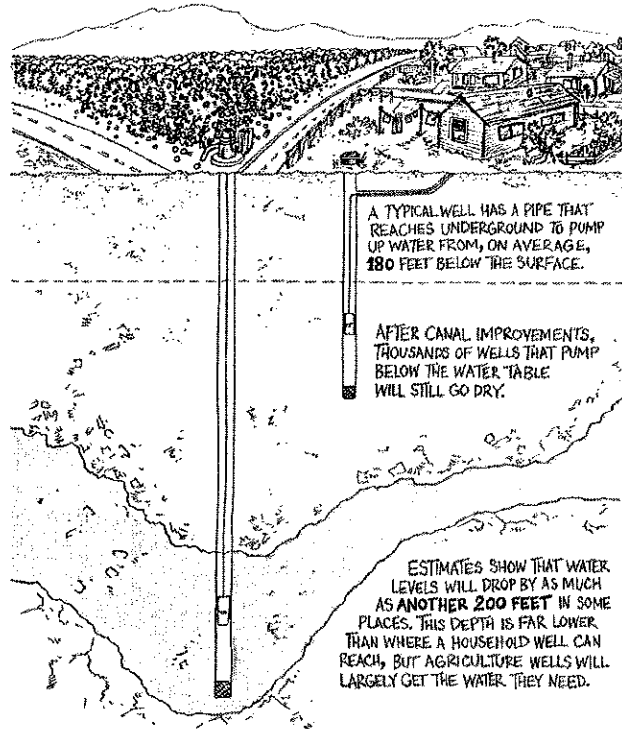
Jose and Gloria Mendoza, sit beneath a pomegranate tree that they planted over 25 years ago in their front yard in Tooleville, California. Tooleville abuts the Friant-Kern Canal, but its residents have long struggled to access clean water. Nearby town Exeter, which has long stalled connecting Tooleville residents’ water system to theirs, was recently ordered by the state to do so.

Martin do Nascimento / High Country News

Like nearly all the families in the area, the Mendoza family relies on groundwater pulled from the town’s two wells, even though the Friant Kern Canal is just up the road. However, the well water is contaminated with hexavalent chromium, a carcinogen, and nitrates, the latter a consequence of agricultural runoff. Every day since 2014, they’ve relied on bottled water to drink. This past summer, one of the wells went dry after pumping caused water levels to plummet nearly 200 feet. “It was scary. We’ve had so many problems with the water,” said Gloria, who volunteers on the Tooleville Mutual Nonprofit Association, whose mission is potable water distribution. “We’ve also had a lot of promises that have not been kept.”

Gloria is skeptical of the claim that repairs to the canal would benefit them. “We haven’t seen any benefits to this date. That public money should be used for things that are going to benefit the community.”

Proponents of publicly funding the repairs disagree. They say that restoring capacity to the canal means getting reliable surface water to agribusiness, which means less groundwater overpumping — one cause of Tooleville’s water problems.



Under California's Sustainable Groundwater Management Act, local agencies are in charge of setting the lowest possible depth groundwater can reach. Studies show that, under the current plans, the majority of the San Joaquin Valley's wells are likely to fail and require costly fixes. About 40% of the threatened wells are in low-income majority-Latino communities.

The State Water Board says that the plans don't do enough to protect domestic wells. (Sources: 2020 San Joaquin Valley groundwater analysis by the Water Foundation, a nonprofit that supports research; University of California, Davis, Center for Regional Change 2020 study; 2021 report on the impact of groundwater management on public supply wells by the Pacific Institute, a research institution.)

Emily Poole / High Country News

But plans developed by local agencies in charge of groundwater show that overpumping will continue for another 20 years, causing water levels to drop up to 200 more feet in some places, according to a study by the University of California Davis Center for Regional Change. This could cause half the valley's 1,200 public wells and up to 12,000 private wells to go partially or fully dry by 2040.

Proponents argue that fixing the canal will help aquifer recharge during wet years, which is essential for getting water back in the ground. But advocates say it's inadequate (<https://socialecology.uci.edu/news/examining-groundwater-management>), and add that directly assisting disadvantaged communities with recharge is still largely theoretical.



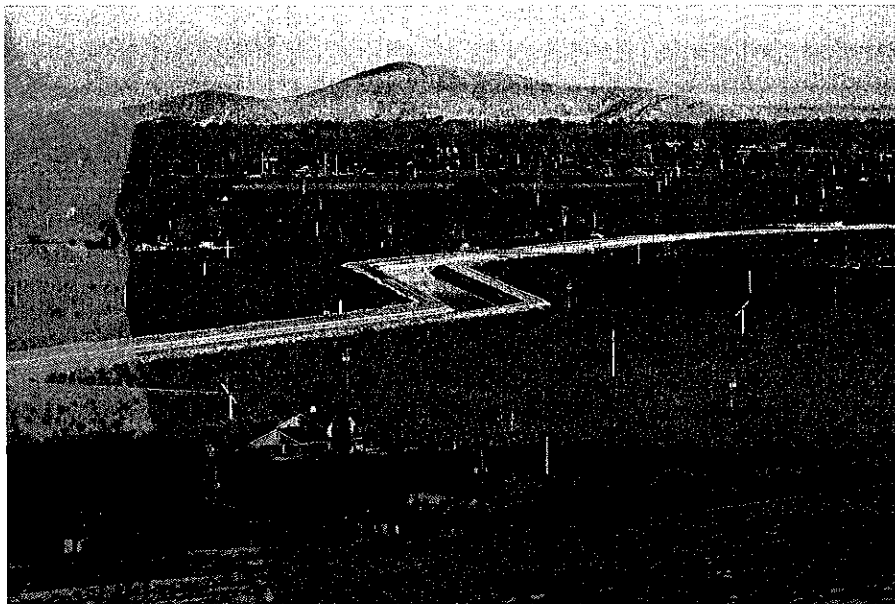
Aaron Fukuda, general manager at Tulare Irrigation District, sits on bales of hay in a field where the district plans to build a basin to use canal water to recharge the local groundwater supply.

Martin do Nascimento / High Country News

The closest example of this in practice can be found 30 miles west of Tooleville. Aaron Fukuda, who oversees the Tulare Irrigation District, showed me a pilot groundwater recharge project for Okieville, a town of just over a hundred people. The pilot project would take canal water and inject it into the ground at a site near Okieville. Fukuda sees this as a template for how the Friant Kern Canal can benefit disadvantaged communities. "This is essentially a multimillion-dollar science fair project," said Fukuda. "Anecdotally, we know there's some benefits to recharge around disadvantaged communities. But we've never really studied it."

Experts say few

(<https://www.researchgate.net/publication/348554114> Assessing the Feasibility of Managed Aquifer Recharge in Cal: districts have done what Fukuda's district has. The pilot project, still a parcel of land with hay bales stacked high, came to the Tulare Irrigation District through a philanthropic gesture by a local landowner, Fukuda said.



The Friant-Kern Canal is surrounded by agricultural fields as it passes through Tooleville, California.

Martin do Nascimento / High Country News

Recharge, at most, will only remediate 20% of overdrafted water, said Clary, with Clean Water Action, and that is a very rough estimate. Without reducing pumping, recharge won't provide public benefits to vulnerable communities dealing with dry wells. Reliable surface water to put in the ground is increasingly scarce as climate change eviscerates (<https://www.nature.com/articles/s43017-021-00219-y>) snowpack in the Sierra Nevada, the source of the Friant Kern Canal's water.

“It’s a huge bonus for them to fix the canal and sell it by saying it’s going to help poor people,” said Susana de Anda, the director of the Community Water Center. “But it’s not true here. If they need it, they need to pay for it. It’s only going to benefit them.”

Theo Whitcomb is an editorial intern at High Country News. We welcome reader letters. Email him at theo.whitcomb@hcn.org (<mailto:theo.whitcomb@hcn.org>) or submit a [letter to the editor](https://www.hcn.org/feedback/contact-us) (<https://www.hcn.org/feedback/contact-us>). See our [letters to the editor policy](https://www.hcn.org/policies/le) (<https://www.hcn.org/policies/le>).

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California Drought: Deja Vu All Over Again

December 06, 2021 [Kate Poole](#)

California's Department of Water Resources recently announced its plan for operating the massive State Water Project in 2022 if dry conditions persist. When rolling it out, DWR's Director acknowledged that "[i]t is going to take a multi-pronged approach to successfully respond to these unprecedented drought conditions." But DWR is not on track to successfully respond to drought; in fact, it is not doing much of anything different from the same old disastrous response to drought over the last decade. It's time for the State Water Resources Control Board and other decisionmakers to take the reins of drought management away from DWR and put California on a track to successfully manage the new normal of intense and frequent droughts

DWR's main strategy for 2022—just like its main strategy in the drought years of 2014, 2015, and 2021—is to seek to weaken water quality standards to allow for diversions for water users from our already parched rivers, worsening the drought's impacts on our beleaguered fish and wildlife and ensuring that the fishing, Native American, and other communities that depend on healthy rivers for their livelihoods will suffer for years to come. This approach of waiving environmental protections to deliver millions of acre-feet of water to primarily agricultural water contractors has proven disastrous in the past, with the State Water Board explaining in 2016 that the approach is "not sustainable for fish and wildlife and that changes to the drought planning and response process are needed to ensure that fish and wildlife are not unreasonably impacted in the future and to ensure that various species do not go extinct."

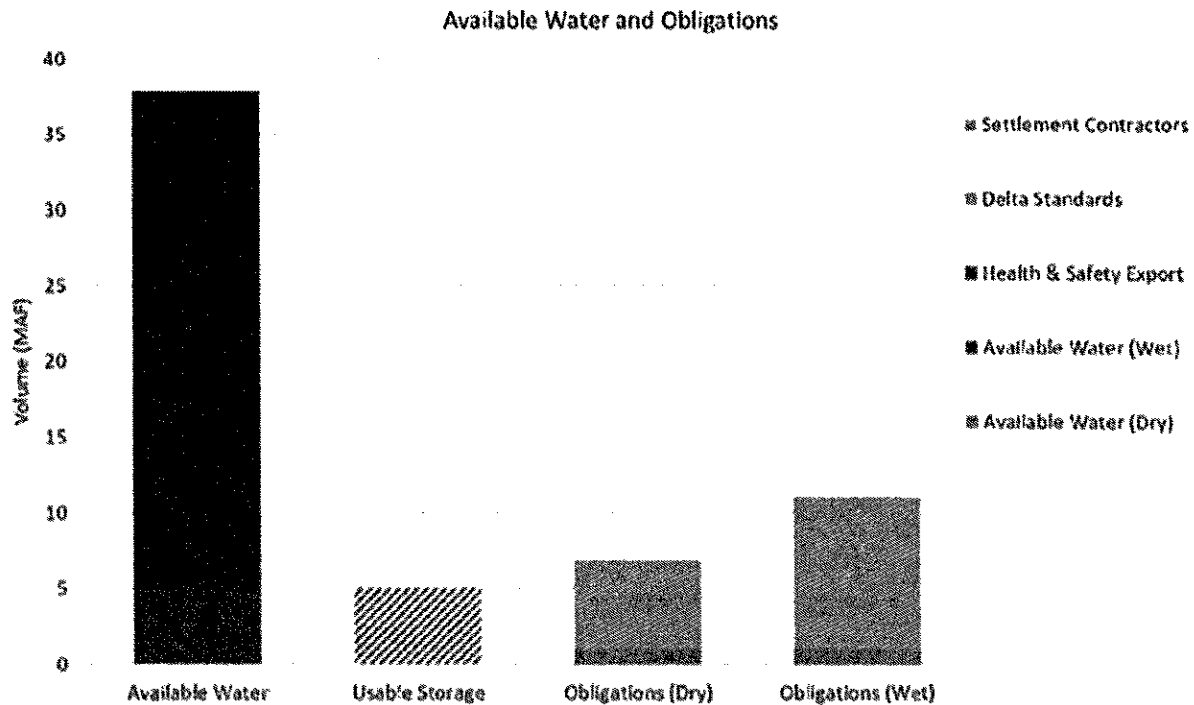
Despite the State Board's caution, DWR and Reclamation plan to follow the same playbook in 2022, after their similarly disastrous drought operations in 2021:

- Waiving water quality standards while diverting more than 4 million acre-feet of water out of our rivers for delivery mainly to agricultural water contractors;
- Draining the State's main reservoirs, leaving us all worse off with less water in storage that we should have this fall;
- Nearly killing off the second year in a row of young endangered winter run chinook, placing this species that typically only lives three years at very high risk of extinction in the wild during a dry 2022 (and DWR's interim operations plan is likely to result in a third consecutive disastrous year for this endangered salmon run, with NMFS estimating that the plan would kill up to three quarters of the winter-run Chinook salmon from lethal water temperatures if 2022 is critically dry);
- Worsening toxic algal outbreaks in communities like Stockton and Discovery Bay in the Delta.

DWR's own "TUCP" (temporary urgency change petition) for 2022 admits that, if approved, it likely would appreciably reduce the survival of juvenile salmon migrating through the Delta, harm Delta Smelt and Longfin Smelt, and worsen conditions for other native fish and wildlife in the estuary.

The State Water Board must not allow DWR to take this same approach in 2022. First and most importantly, DWR has entirely failed to show that it's necessary for it to waive water quality standards again this year. Instead, the agency is once again prioritizing delivery of water to agricultural contractors that hold so-called settlement contracts over the rights of everyone else in the system, including the environment. In fact, this presentation below (that DWR and Reclamation made to the State Water Board on September 21st) shows that DWR and Reclamation generally do have enough water to

meet Delta water quality standards, except for their water deliveries to settlement contractors:



*** Settlement Contractors Include: SRSC, FRSA, and Exchange**

This year, DWR delivered nearly 600,000 acre-feet to those “Feather River contractors” – water that could have and should have been used for higher priority tasks, such as increasing storage in Oroville reservoir and improving water quality and fisheries by increasing downstream flows. DWR appears to be on track to do the exact same thing this year, with its modeling for 2022 operations showing 50% of contract deliveries to its Feather River contractors (an amount close to 600,000 acre feet), even in a dry year, and 100% in an average water year (more than 1 million acre feet) (indicated below by the notation that “the 90% studies reflect a 50% FRSA delivery pattern; and the 50% study reflects a 100% FRSA delivery pattern”).

**Allocation Analysis for 2022 (TAF)
 WY 2022 based on Historical Hydrology WRI forecast**

	2021 (Act)	2022												TGR (2021)	Priority Table A %				
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec						
80% Exceedance Moderate OMR		0												SRI = 10.0	SVI = 6.3	Priority 2022 Table A %		1.827	87%
Delta EOM Storage	1150	1403	1637	2265	2667	2591	2798	2791	3119	3000	1694	1638	1453	-	-	-	-		
Weather R. release (avg. dth)	950	950	950	950	1050	1050	2520	2300	1400	4320	2370	1760	1700	-	-	-	-		
DWP Delta PP exports	37	118	118	112	40	40	16	17	358	323	173	313	265	2.542	-	-	-		
Potential South of Delta Act. 21 Water Avail	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000	-	-	-		
SWP San Luis EOM Storage	367	410	400	450	364	305	355	40	300	319	445	631	707	-	-	-	-		
SWP Contractor Deliveries	54	87	82	85	119	127	155	126	185	325	131	115	112	1.000	-	-	-		
80% Exceedance Moderate OMR		0												SRI = 8.8	SVI = 4.1	Priority 2022 Table A %		0.427	18%
Delta EOM Storage	1063	1165	1380	1621	1602	1524	1405	1140	955	918	872	905	962	-	-	-	-		
Weather R. release (avg. dth)	950	940	105	900	4740	3700	2270	4930	3500	1660	900	900	900	-	-	-	-		
DWP Delta PP exports	37	109	102	108	16	15	16	16	17	57	38	65	106	0.654	-	-	-		
Potential South of Delta Act. 21 Water Avail	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000	-	-	-		
SWP San Luis EOM Storage	360	434	468	511	472	418	373	331	268	317	358	358	444	-	-	-	-		
SWP Contractor Deliveries	54	37	35	35	41	50	41	12	26	29	28	27	26	0.427	-	-	-		

Notes:
 * SWPAG's initial delivery plan: 80% for the 80% study; 81% for the 80% study.
 • The 80% studies reflect a 50% FRESA delivery pattern, and the 80% study reflects a 100% FRESA delivery pattern.
 • When Biological Opinions' (BO) impacts occur at the export facilities, SWP and CVP will share the available water supply according to the revised GQA Article 1(b).

There is simply no excuse for DWR to prioritize these deliveries over meeting higher public needs. The State Water Board should curtail DWR and Reclamation from making any deliveries to their settlement and exchange contractors unless water quality standards and other environmental protections are being fully met in 2022.

Second, it's important to note that deliveries to the so-called settlement and exchange contractors of DWR's State Water Project and the U.S. Bureau of Reclamation's Central Valley Project are NOT deliveries for human health and safety purposes, such as the deliveries that DWR has committed to make to its urban water contractors. Instead, these deliveries are overwhelmingly for agricultural water use, primarily to grow high water use crops like flood-irrigated rice and nuts. These are precisely the types of water use that the State can and must curtail in extensive drought periods to ensure that people receive sufficient water for drinking and bathing, that our wildlife refuges can keep migrating birds alive, and our rivers are maintained to provide us with resources for future years. The State Water Board has curtailed these uses of water in several other river basins this year, such as the Scott and Shasta Rivers. If they had done the same in the Bay-Delta watershed, the public would have seen close to 4 million acre-feet more water available for public uses from the SWP and CVP alone, resulting in no waivers of water quality standards, far fewer salmon killed by lethal water temperatures

below Shasta Dam, and more water stored in Shasta and other reservoirs to begin this water year. .

DWR announced plans to deliver 340,000 acre feet of water for human health and safety purposes in 2022. That's 130,000 acre feet MORE water than DWR allocated to its non-settlement SWP contractors in 2021 (210,266 acre feet). We are not asking the State Water Board to modify those deliveries, nor would an order that curtails agricultural deliveries when water quality standards are not being met affect those deliveries. But there is so simply no excuse for the State Water Board to allow DWR to keep making the same mistakes in drought over and over again, and allow them to provide its Feather River settlement contractors with nearly 600,000 acre feet if next year is dry, while waiving water quality standards. The rest of us are paying a heavy price for those mistakes, and the price tag is only getting steeper as drought persists in holding California in its grip.

ABOUT THE AUTHORS

KATE POOLE

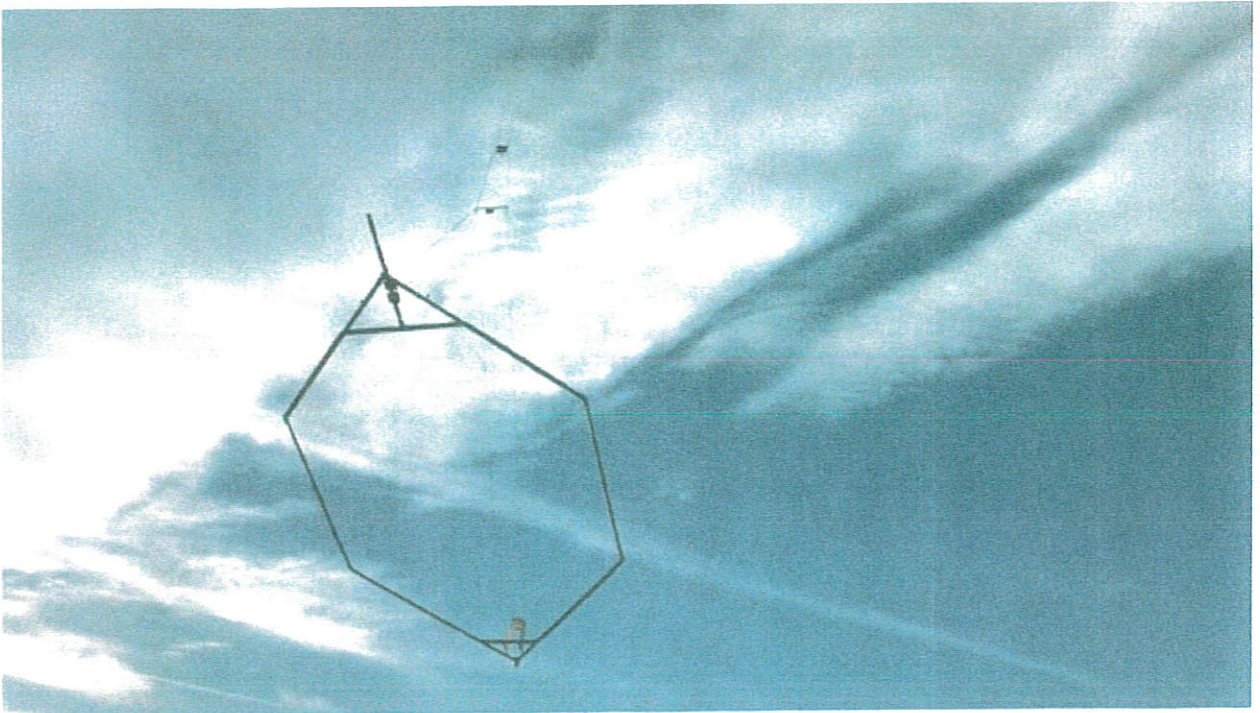
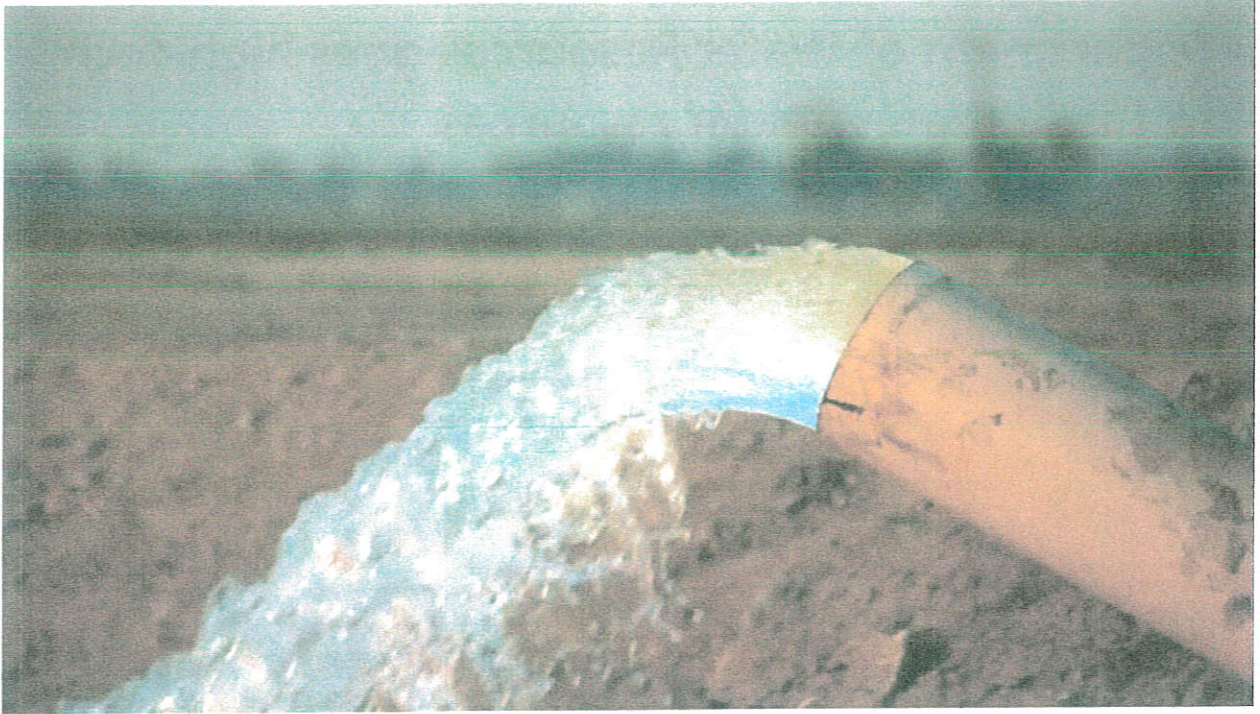
Senior Director, Water Division, Nature Program

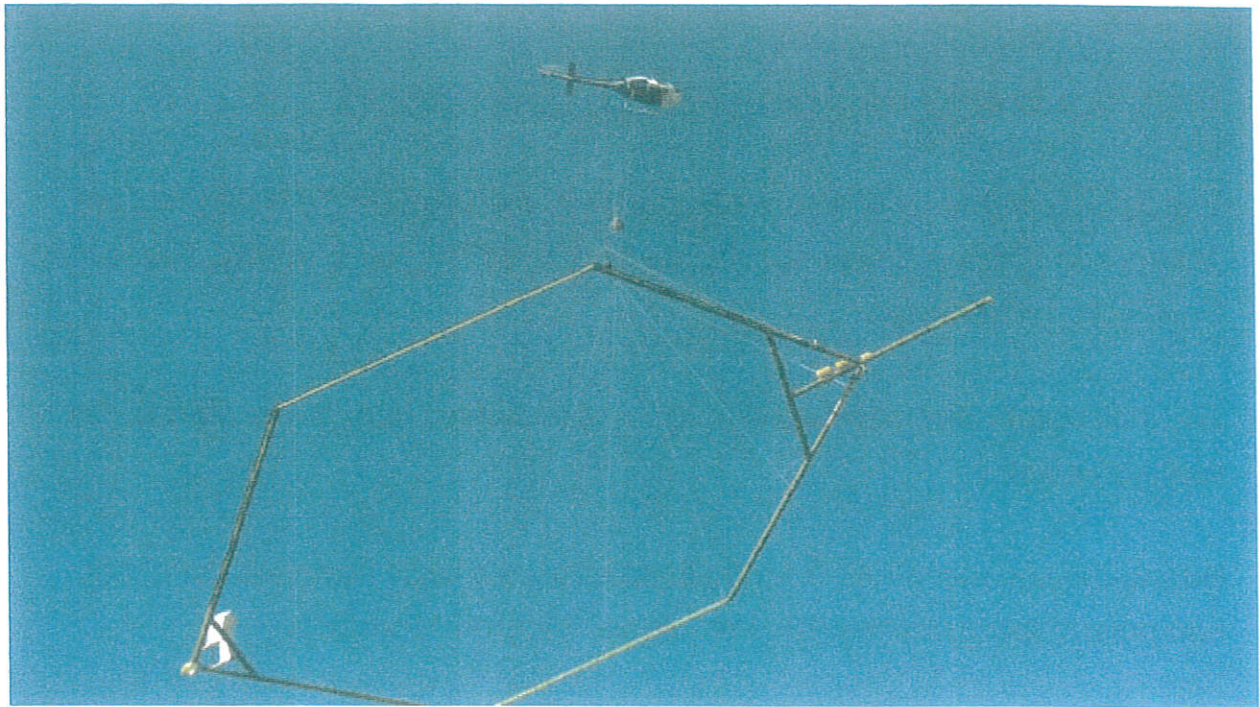
Department of Water Resources goes high-tech to study groundwater resources

by Stephen Hawkins

Wednesday, November 10th 2021







Department of Water Resources goes high-tech to study groundwater resources (Courtesy: CDWR)

SACRAMENTO, Calif. (FOX26) — The California Department of Water Resources (DWR) is using innovative, helicopter-based technology to gather information about the state’s groundwater aquifer structure to support drought response and the implementation of the Sustainable Groundwater Management Act (SGMA).

DWR’s use of airborne electromagnetic (AEM) surveys advances Governor Newsom’s Water Resilience Portfolio goal of using technology to support the state’s understanding of groundwater resources.

“The data collected during these surveys will provide a better understanding of California’s groundwater systems, and in turn support more informed and sustainable groundwater management and drought preparedness and

response approaches," said Steven Springhorn, DWR's SGMA Technical Assistance Manager.

DWR plans to begin using [AEM surveys on Friday, Nov. 19](#).

The surveys will be of groundwater basins in the San Joaquin Valley in Kern, Tulare, and Kings counties, specifically in White Wolf, Kern County, Tulare Lake, Tule, and Kaweah.

The helicopter crew may run test flights several days prior to the start of the surveys as well.

During the surveys, a low-flying helicopter tows a large hoop with scientific equipment approximately 100 feet above the ground surface.

The AEM method is safe, and surveys have been conducted successfully in several locations throughout California.

Surveys will be conducted during daylight hours only, and the helicopter will not fly over businesses, homes, other inhabitable structures, or confined animal feeding operations.

The helicopter operator follows all established Federal Aviation Administration rules and regulations and their highest priority is public safety.

Learn more at water.ca.gov.



**54th Annual
Mid-Pacific
Water Users' Conference**

**January 19-21, 2022
Silver Legacy Resort
Reno, Nevada**

2022 MID-PACIFIC WATER USERS' CONFERENCE SCHEDULE AT A GLANCE

Please visit our website for a more detailed schedule and updates: www.waterusersconference.com
ONLINE REGISTRATION NOW AVAILABLE!

WEDNESDAY, JANUARY 19

- 8:00am CONTINENTAL BREAKFAST
- 8:30am-12:00pm **CALL TO ORDER/GENERAL SESSION**
Welcome Address *Water Users' Conference Planning Committee*
Keynote Address *Camille Calimlim Touton, Commissioner, Bureau of Reclamation (invited)*
Bureau of Reclamation Regional Director Address *Ernest Conant*
Deep Dive with the Deputies *Panel Presentation*
Bureau of Reclamation Area Managers Roundtable *Panel Presentation*
- 12:15pm-2:00pm **LUNCHEON and PROGRAM**
Cachuma Project Report *Paeter Garcia, Santa Ynez River WCD ID #1*
Keynote Address *Congressman Josh Harter (invited)*
- 5:30pm-7:30pm **EXHIBITOR RECEPTION & SLOTS TOURNAMENT**

THURSDAY, JANUARY 20

- 8:00am-9:10am **BREAKFAST and PROGRAM**
Klamath Project Report *Paul Simmons, Klamath Water Users Association*
Keynote Address *Senator Melissa Hurtado*
- 9:20am-12:00pm **GENERAL SESSION**
The 2022 Interim Operations Plan: What it Means for Central Valley Water Managers and Rural Communities *Panel Presentation*
The 2021 Wildfires: Lessons Learned and Strategies for the Future *Panel Presentation*
- 12:15pm-1:30pm **LUNCHEON and PROGRAM**
Regional Director's Water Conservation Award *Presented by Ernest Conant*
Western Water Policy Developments: The View from Capitol Hill *Panel Presentation*
- 1:45pm-3:30pm **GENERAL SESSION**
Dried-Up and Disparaged: Is This Rock Bottom? *Panel Presentation*
The Bright Side: Securing Multi-Benefits in Limited Water Supply Years *Panel Presentation*
- 4:00-5:30 **USBR TECHNICAL WORKSHOP: Two Decades of District Modernization** *Moderated by Stuart Styles, Cal Poly ITRC*

FRIDAY, JANUARY 21

- 8:30am-10:50am **BREAKFAST and PROGRAM**
Bowling and Slot Tournament Awards
Newlands Project Report *Rusty Jardine, Truckee-Carson Irrigation District*
Meet the Cal Poly Scholarship Students
Speaker/Presentation (TBA)
2022 Water Supply Outlook *Bureau of Reclamation*

THE CONFERENCE

The Mid-Pacific Water Users' Conference is an annual conference attended by Managers, Directors, O&M Personnel, Consultants, and Government Agency Representatives from districts served by the United States Bureau of Reclamation facilities in California, Nevada, and Oregon.

OPTIONAL ACTIVITIES

USBR PRIVATE MEETINGS

The U.S. Bureau of Reclamation Management Team and Water Conservation Team will be available for private meetings during the conference. Questions or to arrange meetings in advance, please contact the following:

- U.S.B.R. Management: Kathryn Osborn kosborn@usbr.gov
- U.S.B.R. Water Conservation: Anna Sutton at (916)978-5214 or asutton@usbr.gov (see enclosed flyer)

USBR Technical Workshop: Two Decades of District Modernization

*Thursday (January 20, 2022) 4:00-5:30pm (time approximate). Following the conclusion of the General Session, Dr. Stuart Styles of Cal Poly ITRC will moderate a workshop open to all interested parties. There will be three general managers that will discuss their district modernization programs that have been implemented in the last 20 years. The workshop will cover the technical topics that the ITRC supports and solicit input from the participants for potential new projects and training opportunities. ITRC will renew water district training opportunities in San Luis Obispo in February 2022. Speakers include **Jarret Martin**, GM Central California Irrigation District (Modernization of CCID reservoirs, SCADA sites, and flow measurement options); **Bill Stretch**, GM Fresno Irrigation District (Improvements including pipeline replacement, conversion to automated gate valves, adding over 100 long crested weirs, adding over 100 SCADA sites, 800-acres of recharge basins) and **Bert Bryan**, GM of Walker River Irrigation District (Management of a \$10 million program to update river diversions in the Walker River basin including new automated gates, new flumes, several long-crested weirs and miles of pipeline replacement). Moderated by Stuart Styles – Director of Cal Poly Irrigation Training and Research Center.*

SLOTS TOURNAMENT

Feeling lucky?? Try your hand at our exclusive slots tournament during the Exhibitors Reception on Wednesday evening. \$20 cash buy-in per person per play payable at the tournament. All cash taken in will be paid out! Pre-registration is not required.

SCHOLARSHIP SILENT AUCTION

Our 9th Annual Silent Auction to benefit the Water Users' Conference Scholarship will be held during this year's conference. Formed in 2010, the Mid-Pacific Water Users' Conference Scholarships are awarded annually to students pursuing fields of study offered by the BRAE (BioResource and Agricultural Engineering) and ITRC (Irrigation Training and Research Center) departments at Cal Poly San Luis Obispo. See the enclosed flyer to donate.

READY, SET, LET'S BOWL!

Join us Thursday evening for dinner and bowling at the National Bowling Stadium, which the LA Times calls the "The Taj Mahal of Tenpins". Enjoy the company of friends, a great dinner, hosted bar and cosmic bowling. You don't have to be a bowler to enjoy this event!!!! Tickets are only \$75 and include dinner, hosted bar, bowling (games, balls, shoes), and shuttle transportation to/from the National Bowling Stadium. Separate registration is required. See enclosed flyer.

CONFERENCE WEBSITE

Please visit us at www.waterusersconference.com for conference information, up-to-date schedule, hotel information, online registration, and to download registration, exhibitor, sponsorship and auction contribution forms. **ONLINE REGISTRATION IS NOW AVAILABLE ON OUR WEBSITE.**

HOTEL INFORMATION & RESERVATIONS

The 2022 Mid-Pacific Water Users' Conference will be held at the Silver Legacy Resort Casino, located at 407 N. Virginia Street in downtown Reno, Nevada. Room rates start at \$65 for Luxury King rooms; discounted upgrades to Premium King and Deluxe Spa Suites are also available. Make reservations online or by phone:

- Book online at www.waterusersconference.com. Click on the Hotel Information tab.
- Call the hotel reservations line at (866)985-9771. Please mention the Water Users Conference and/or group code **WTR2022** to ensure the group rate.
- **MAKE YOUR RESERVATIONS EARLY!!!! THE DEADLINE FOR HOTEL RESERVATIONS AT THE SPECIAL RATE IS JANUARY 3, 2022 OR UNTIL OUR ROOM BLOCK IS FILLED.**

CONFERENCE DEADLINES

- The Silver Legacy room reservation deadline is January 3, 2022 OR until our room block fills.
- Conference pre-registration deadline is January 7, 2022. Register early for discounted registration fees.

CANCELLATIONS

- Silver Legacy room reservation cancellations must be made directly with the hotel at least 48 hours prior to your scheduled arrival to avoid a cancellation penalty.
- Conference registrations cancelled by January 7, 2022, will be refunded in full. There will be no refunds for registrations cancelled after January 7.

EXHIBITOR INFORMATION

An Exhibitor Reception will be held Wednesday evening, January 22. **BECAUSE OF OUR NEW LOCATION AT SILVER LEGACY**, vendors will have the opportunity to exhibit for the entire conference. For details, please refer to the enclosed Exhibitor Information and Application. If you have questions, please call us at (916)206-7186 or email jane@agamsi.com. Information is also available on our website: www.waterusersconference.com

SPONSORSHIP INFORMATION

A limited number of sponsorship opportunities are available. Please refer to the enclosed sponsorship opportunities menu. Information is also available on our website: www.waterusersconference.com

CONFERENCE COMMITTEE

Chair: Chris Dahlstrom, Santa Ynez River Water Conservation District ID #1 (ret.)
Jeff Bryant, Firebaugh Canal Water District
Anthea Hansen, Del Puerto Water District
Kevin Kasberg, CVP Water Association
Dan Keppen, Family Farm Alliance
Adam Nickels, U.S. Bureau of Reclamation
Bob Oakden, Truckee Carson Irrigation District
Jason Phillips, Friant Water Authority
Paul Simmons, Klamath Water Users Association
Jeff Sutton, Tehama-Colusa Canal Authority
Jane Townsend, Conference Coordinator
Debbie Murdock, Conference Staff

QUESTIONS?

Contact Jane Townsend at (916)206-7186 or jane@agamsi.com
