



MEMORANDUM

TO: SLDMWA BOARD OF DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
DATE: AUGUST 2, 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 the Biden Administration, tracking water legislative developments in Congress, working on drought messaging, and influencing Western water infrastructure provisions to be included in bipartisan infrastructure legislation. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION DEVELOPMENTS

1. Appointments

a. Director of Bureau of Land Management

Amidst growing resistance by Republicans in both chambers of Congress, the Senate Energy and Natural Resources (ENR) Committee deadlocked on President Biden's nominee for director of the Bureau of Land Management (BLM), Ms. Tracy Stone-Manning, after more than an hour of contentious debate over her involvement in a tree-spiking case more than three decades ago. Senate Minority Leader Mitch McConnell (R-Ky.) joined a large group of Republicans, including Rep. Bruce Westerman (R-Ark.), who led 75 members in a letter to President Joe Biden, urging him to withdraw his nomination of Ms. Stone-Manning.

The 10-10 committee vote, split evenly along party lines, is likely little more than a procedural speed bump for Ms. Stone-Manning on her path toward eventual confirmation as director of BLM, the federal government's largest landowner, one that has a strong presence in many Western rural communities. While the tie vote will force her nomination to be referred "unfavorably" to the full

Senate, Democrats are expected to eventually approve a motion to discharge her nomination from the committee, setting up a narrow vote (timing uncertain) to eventually approve her as BLM director. It's possible the full Senate vote could end up in a 50-50 tie, requiring Vice President Kamala Harris to serve as tiebreaker.

b. Interior Department Solicitor

The committee also approved Mr. Robert Anderson as Department of the Interior Solicitor by a vote of 10-9. Alaska Sen. Lisa Murkowski was the lone Republican to vote in favor of Mr. Anderson, who is currently serving as the agency's principal deputy solicitor. The committee initially voted, by the same margin, to approve Mr. Anderson in May, but last month's revote was required to correct a procedural mistake.

c. Other Interior Appointments

Elsewhere at Interior, several key appointments were recently made to the agency leadership team, including Joe Younkle as Special Assistant to the Assistant Secretary for Water and Sciences, Tanya Trujillo, who oversees the Bureau of Reclamation and U.S. Geological Service. Mr. Younkle is a descendant of the Oneida Nation of Wisconsin and most recently served as Congressional Relations Associate at the National Indian Health Board where he led their Congressional advocacy on Medicare and Medicaid. According to an Interior press statement, more than 50% of the Biden leadership team identifies as Black, Indigenous or people of color, and 75% as women.

d. USDA Undersecretary for Farm Production and Conservation

The Senate Agriculture, Nutrition and Forestry Committee last month held a hearing on the nomination of Robert Bonnie, a former USDA undersecretary during the Obama Administration, for Undersecretary for Farm Production and Conservation. The hearing also considered the nomination of former Rep. Xochitl Torres Small (D-NM) for Undersecretary for Rural Development. Mr. Bonnie was questioned about the administration's approach to carbon markets as they affect farmers. He said he would consult both Congress and farmers while designing climate programs.

2. Westerman, Gosar Continue Investigating DOI Officials' Ethics Compliance

House Committee on Natural Resources Ranking Member Bruce Westerman (R-Ark.) and Subcommittee on Oversight and Investigations Ranking Member Paul Gosar (R-Ariz.) last month sent a letter to U.S. Department of the Interior (DOI) Deputy Solicitor of Water Resources Daniel Cordalis and DOI's designated agency ethics official Heather Gottry, requesting information to evaluate Cordalis's compliance with his ethical requirements. Cordalis "leveraged his position as a political appointee to overrule a January 14, 2021 legal policy penned by nonpolitical career

officials related to requirements” under the Central Valley Project Improvement Act (CVPIA), Reps. Westerman and Gosar wrote in a letter to Interior ethics official Heather Gottry.

Former Secretary Bernhardt signed a memo on Jan. 19 establishing that under the CVPIA, certain mitigation benchmarks had been "completed," which lowered the ceiling on the amount of money contractors were required to pay for mitigation by millions of dollars. The move was strongly criticized by Native American tribes like the Hoopa Valley and Yurok. The GOP critics now allege that a beneficiary of the latest policy change is the Yurok Tribe, which Mr. Cordalis represented in litigation against the Bureau of Reclamation during the Trump years while working for Earth Justice. They also note that Mr. Cordalis' wife, Amy, is the tribe's general counsel.

3. Environmental Protection Agency / Corps of Engineers: WOTUS Rulemaking

The U.S. Environmental Protection Agency (EPA) and U.S. Department of the Army Corps of Engineers (Corps) have announced plans for upcoming community engagements to inform their efforts to revise the Trump Administration's definition of "waters of the United States" (WOTUS) to "better ensure clean and safe water for all". The agencies intend to replace the Trump Administration's Navigable Waters Protection Rule following a process that includes two rulemakings. A forthcoming foundational rule would restore the regulations defining WOTUS that were in place for decades until 2015, with updates to be consistent with relevant Supreme Court decisions. A separate, second rulemaking process would refine this regulatory foundation and establish an updated and durable definition of "waters of the United States."

a. Public Outreach Planned by the Administration

To help ensure that EPA and the Corps hear from diverse perspectives, future engagement activities will be developed in coordination with the U.S. Department of Agriculture (USDA). EPA and the Corps have announced a series of engagement opportunities, including an opportunity for stakeholders and the public to provide written recommendations and a series of public meetings in August to hear perspectives on both rules. In addition, the agencies are initiating consultations for the foundational rule. The agencies also intend to host a series of dialogues with state and Tribal co-regulators this fall to discuss both rulemakings. The agencies plan to convene ten regionally focused and inclusive roundtables during the upcoming fall and winter. These roundtables will allow a full range of stakeholders to engage and discuss their experience with definitions of WOTUS—including what has worked and what has not within their geographic areas.

b. WOTUS Controversy Continues

The 1972 Clean Water Act (CWA) prohibits the discharge of pollutants from a point source to navigable waters unless otherwise authorized under the Act. Navigable waters are defined in the Act as "the waters of the United States, including the territorial seas." Thus, "waters of the United States" is a threshold term establishing the geographic scope of federal jurisdiction under the CWA. The term "waters of the United States" is not defined by the Act but has been defined by

EPA and the Army in regulations since the 1970s and jointly implemented in the agencies' respective programmatic activities. Conservationists have challenged the Trump rule in multiple courts across the country.

EPA and the Corps earlier in the year said they would withdraw the Trump WOTUS regulation because it did not adequately protect waterways and wetlands in arid states. The agencies said they were also aware of 333 projects that would have required dredge-and-fill CWA permits before the Trump rule, but no longer do. A group of Republican senators wrote a letter to the Biden Administration demanding more details, including "the complete analysis" conducted by the agencies to identify the 333 projects that no longer required permits under the Trump-era rule. Senator Shelley Moore Capito (R-WV) led that effort, and raised the issue with Michael Connor, President Biden's nominee for Assistant Secretary of the Army (Civil Works) at his recent confirmation hearing before the Senate ENR Committee.

c. Federal Court Denies Request to Vacate Trump Rule

A federal court last month denied a request from conservation groups to throw out the Trump-era WOTUS rule while the Biden Administration works to draft its new regulation. The Biden Administration in June asked judges to remand the Trump WOTUS rule back to EPA while it writes a new rule, but not to throw it out in the interim. The conservation groups protested, filing a motion opposing the Biden Administration's request. In a short order without explanation, the U.S. District Court in South Carolina remanded the Trump WOTUS rule without vacating it. The court then dismissed the case, effectively leaving the Trump WOTUS rule in place in the interim.

d. WOTUS in the West

The Family Farm Alliance has made engagement on WOTUS – which now spans three presidential administrations- a top priority. During the Trump Administration era, working with a team of Western attorneys and water managers, the Alliance developed detailed comment letters to EPA and the Corps, urging them to repeal the 2015 rule, and providing guidance as to how the new rule should look. We thought the Trump rule repeal and replacement was actually a good thing for the West, despite what the media outlets said. It looks like we'll be dusting off our comments on the Trump rule to once again express our foundational concerns on any new WOTUS rule. For more information on submitting written recommendations or to register for the public meetings, see www.epa.gov/wotus.

DEVELOPMENTS IN CONGRESS

4. Bipartisan Infrastructure Agreement

The White House and a bipartisan group of senators finally reached an agreement on infrastructure stimulus legislation more than a month after tentatively agreeing to a framework. The Senate voted

67-32 on July 28 to move forward with the deal, which includes significant support for Western water infrastructure. While the Senate vote is a positive sign, the bill may not ultimately clear the chamber until this week. The deal includes \$550 billion in new federal investments in a wide array of infrastructure categories, including roads, bridges, rail and Amtrak improvements, broadband, clean drinking water, transit, ports, airports, and electric vehicle chargers.

The bipartisan legislation includes the Western water and forestry infrastructure provisions found in the Energy Infrastructure Act recently reported out of the Senate ENR Committee. The package will be financed through a combination of redirecting unspent emergency relief funds, targeted corporate user fees, and other measures, in addition to the revenue generated from higher economic growth as a result of the investments, the White House said. The Senate voted on July 30 to proceed to the bill. This is one critical step in what is likely to be a long and bumpy road to enactment. Final House-Senate action and enactment is unlikely before October, at the earliest.

a. Criticism

Not everyone is pleased with the bipartisan package, with critics from both parties vocalizing their concerns within hours of the announcement that a deal had been struck. House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OREGON) criticized the bipartisan package and questioned the negotiation process and messaging stemming from the White House. Rep. DeFazio and a group of 31 Democrats publicly warned party leaders that they're "concerned about suggestions that the House may take up any Senate product without input or modification." On the other side of the political spectrum, former President Donald Trump threatened "lots of primaries" ahead for any Republican lawmakers who cooperated with Democrats to get the bipartisan deal passed, according to *Insider*.

b. Reconciliation on the Horizon

If the Senate is able to pass the bill in the coming days, Democrats hope to quickly pivot to passing a budget for FY 2022, which would set up a fast-track process to enact much of the rest of President Biden's economic agenda without Republican support. Senate Budget Chairman Bernie Sanders told reporters he has the 50 votes needed to pass a budget resolution in early August, according to *Bloomberg Government*. However, Senator Kyrsten Sinema (D-ARIZONA), the lead negotiator for Democrats on the bipartisan bill, said that while she will vote to proceed on the budget resolution, the \$3.5 trillion price-tag is too high for her to support and will need to be modified.

Majority Leader Chuck Schumer (D-NY) has also pushed his Democratic caucus to come to agreement on the budget resolution package of \$3.5 trillion in additional spending for social programs and health care. Senate Minority Leader Mitch McConnell (R-KY) said that the Senate Democrats' \$3.5 trillion budget deal is "wildly out of proportion to what the country needs now," at a time when inflation is "raging", according to *The Hill*. Speaker Nancy Pelosi (D-CALIFORNIA) has said the House won't act on the Senate's bipartisan package until it also passes the \$3.5 trillion FY 2022 budget resolution. This would unlock the budget reconciliation process

that Democrats are hoping will allow them to pass the rest of Biden's domestic infrastructure agenda by a simple majority in the Senate, bypassing the GOP in the evenly divided chamber, with the Vice President breaking the tie.

c. Recent Developments

POLITICO this morning reported that the Senate spent a long working weekend finalizing the text of the bipartisan infrastructure package. But House leaders are still vowing not to vote on the bill until a reconciliation measure also passes the Senate. On Sunday, Chuck Schumer said he predicted the chamber would pass the infrastructure framework "in a matter of days" and reiterated his vow that the chamber would pass both the bipartisan bill and a budget blueprint for Democrats' \$3.5 trillion social spending package before the August recess. But first, the bill will go through an intense amendment process, which we engaged in with several Western Senate offices.

d. Family Farm Alliance Actions

Contractors working for the Family Farm Alliance are analyzing the 2,540 page bill. So far, it appears that few, if any, changes have been made to the Western Water Title in the infrastructure bill reported out of the Senate ENR Committee. That bill included \$8.3 billion for the Bureau of Reclamation, including \$3.2 billion for aging infrastructure, \$1.15 billion for new storage and conveyance, \$100 million for small scale storage projects, \$250 million for ecosystem restoration, \$100 million for multi-benefit watershed projects and \$400 million for WaterSMART, including \$100 million for natural infrastructure projects.

Those provisions closely match the infrastructure package advanced by a Western water coalition that collectively represents thousands of Western farmers, ranchers, water providers, businesses and communities who help provide \$120 billion of agricultural production on millions of acres of productive land. The coalition is led by a steering committee comprised of the Alliance, Association of California Water Agencies, California Farm Bureau, National Water Resources Association (NWRA) and Western Growers. The Alliance and this coalition are urging the Senate to pass the bipartisan legislation, which includes the Western water and forestry infrastructure provisions found in the Energy Infrastructure Act recently reported out of the ENR Committee. These provisions align with the over \$13 billion needed to meet existing demand for a suite of Bureau of Reclamation programs that the coalition outlined in a June letter to the Committee.

Media attention on this matter continues to grow. New coverage in media outlets like *POLITICO* and *Agri-Pulse* reported on the Western ag/urban coalition's efforts, and Western water and ag interests have been steadily peppering the op/ed pages of Western newspapers with guest columns. Alliance President Pat O'Toole (WYOMING) and NWRA President Christine Arbogast (COLORADO) advocated for these provisions in a guest opinion that ran in the *Colorado Sun*.

5. Resilient Federal Forest Act (H.R. 4641)

As the drought worsens across the West, wildfire is threatening the entire ecosystem which includes the forests that provide the watersheds forming the basis of supplying water to rural communities and farms. With smoke from Western wildfires clouding the skies in Washington, D.C., Congress teed up a slew of forest policy bills last month. One of those was the *Resilient Federal Forests Act* (H.R. 4641), re-introduced from the past Congress by House Natural Resources Committee Ranking Member Bruce Westerman (R-Ark.). This bill – supported by 85 organizations, including the Family Farm Alliance - would address the environmental and economic threats of catastrophic wildfires. The bill enjoys the support of 67 original cosponsors from both parties. The Alliance in July issued an alert, asking its members to support H.R. 4641 and share that support with Members of Congress.

Lawmakers in both chambers introduced multiple proposals to encourage more intensive forest management, including thinning trees on national forests and streamlining environmental reviews that delay many projects. Many of the GOP-sponsored forest management bills will likely face opposition from some environmental organizations and Democrats, but some provisions could be dropped into larger legislative packages.

6. Water and Agriculture Tax Reform (WATER) Act

The Family Farm Alliance last month formally supported the *Water and Agriculture Tax Reform (WATER) Act of 2021*, reintroduced in the Senate by Michael Bennet (D-COLORADO) and Mike Crapo (R-IDAHO). A companion bill was introduced in the House by Reps. Ken Buck (R-COLORADO) and Joe Neguse (D-COLORADO). This important legislation seeks to reform section 501(c)(12) of the Internal Revenue Code to provide mutual irrigation and ditch companies with added flexibility that will promote new economic activity such as rehabilitation or extraordinary maintenance on aging water delivery infrastructure to better meet the challenges of the future, including drought. Across the West, farmers and ranchers in this time of unprecedented drought struggle to make ends meet. This bill will help keep mutual irrigation and ditch companies in business and will help meet the needs of America's Western farmers and ranchers.

7. House Passes E&W Development Appropriations Bill

The House last month approved a seven-bill package of appropriations measures for Fiscal Year 2022, including the Energy and Water (E&W) Development Appropriations bill. The E&W bill is \$1.5 billion above the FY 21 level and includes just over \$1.9 billion for the Bureau of Reclamation, just under a 14 percent increase over Reclamation's FY 2021 appropriation. The bill includes \$67 million for the WIIN Act authorized water storage account, the same level approved by the House for FY 21, but half the amount ultimately approved in the final FY 21 E&W bill.

Storage was a hot topic of discussion when the appropriations package was debated earlier before the House Appropriations Committee, where Democrats denied multiple storage-related

amendments offered by Republicans, including one that would extend funds for the WIIN Act. The committee similarly rebuffed amendments from other Republicans from Western states who complained their proposals weren't included in the underlying appropriations legislation. The measure that was ultimately passed by the House would increase Reclamation's WaterSMART program to \$75 million, \$20 million more than was approved for FY 21. The bill also includes just over \$63 million for the Title XVI program, including \$10 million for water reuse projects eligible for funding under the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN Act) authority. We expect the final E&W bill for FY 22 to include additional resources for Title XVI projects, above the House-passed funding level.

The Senate Energy and Water Development Subcommittee is expected to mark up their version of the FY 2022 E&W bill sometime prior to the Senate's August break. Separately, the Department of the Interior has submitted its official request to the Hill for Title XVI projects authorized under the WIIN Act. The department seeks \$205 million for water storage project construction, \$30 million for water reuse projects, and \$12 million for desalination project construction. We were pleased to see Interior's request for water storage. Four important projects – Sites Reservoir, Del Puerto Canyon Reservoir, and the reservoir expansions at Los Vaqueros and B.F. Fisk - will better allow California water users to deal with future droughts.

8. Ocean-Based Climate Solutions Act (H.R. 3764)

The House Committee on Natural Resources last month held a markup, reporting a total of 14 bills out of committee. Twelve of these bills were bipartisan and passed by unanimous consent. However, committee Democrats also advanced legislation opposed by the Family Farm Alliance, the *Ocean-Based Climate Solutions Act* (H.R. 3764). Republican committee members offered 32 amendments to remedy some of the issues in H.R. 3764 and H.R. 2780, the *Insular Area Climate Change Act*. Committee Democrats rejected almost all of them, according to a press release issued by Committee GOP members.

An Alliance representative in June appeared before the same committee for a virtual, fully remote legislative hearing that focused on several of these bills. Mauricio Guardado, the general manager of United Water Conservation District represented his district and the Alliance at the hearing, where he focused his comments on concerns with H.R. 3764, sponsored by Rep. Raúl Grijalva (D-AZ). In advance of the July markup of H.R. 3764, the Alliance and several of its members wrote opposition letters expressing serious concerns with the bill and the impacts it could have on Western farmers, ranchers and water managers.

JUDICIARY DEVELOPMENTS

9. Judge Requires CWA Permit Under Supreme Court Groundwater Ruling

A federal judge is requiring a Hawaii county's treatment plant to obtain a Clean Water Act (CWA) permit to govern discharge of treated wastewater into its injection wells that then makes its way to

the Pacific Ocean. This is the first-time application of the Supreme Court's landmark test on when pollutants that travel through groundwater require a National Pollution Discharge Elimination System (NPDES) permit. The District Court's decision is an interesting - if not surprising - read. It contains a seemingly straight-forward analysis under the seven factors set forth by the U.S. Supreme Court. Four factors - including the most important, time and distance - weighed heavily in favor of a permit. Two factors - change in chemical composition and dilution- weighed against a permit. One factor was found not to favor either. The District Court also added another factor - the volume of wastewater reaching the ocean - which weighed in favor of a permit. Adding all of the factors up, the District Court easily found that an NPDES permit is required.

The decision, which comes after the suit was remanded back to the district court following the Supreme Court's April 2020 ruling in *Hawai'i Wildlife Fund, et al., v. County of Maui*, is winning praise from environmentalists, who are signaling they plan to use the precedent in a series of other pending cases over such releases from pipelines, animal feeding operations and coal ash disposal facilities. There is a takeaway message for Western irrigators. Absent additional guidance from EPA or Congress, it will be difficult to defeat a 'functional equivalent' argument under the Supreme Court's factors. This makes it even more important to protect and, where possible, strengthen existing point source/permit exemptions, such as those for irrigation return flows, storm water and water transfers.

WESTERN WATER "HOT SPOTS"

10. The 2021 Western Drought

Historic drought conditions continue to rapidly worsen and expand with over 80% of the West now in drought, according to the U.S. Drought Monitor. Widespread impacts are being felt, particularly by Western farmers and ranchers. The Alliance last month was asked by the Biden Administration to provide an overview of the drought impacts facing producers in the Western U.S. My presentation focused on impacts to Western agricultural producers, their communities, and the environment. These impacts are driven by a combination of extreme hydrology and, in many cases, regulatory inflexibility.

a. Western Drought Webinar

The Western drought webinar, hosted by the National Oceanic and Atmospheric Administration (NOAA), was organized to provide the latest information on drought conditions across the Southwest, California, Pacific Northwest, and the Missouri River Basin, as well as the serious impacts on diverse sectors of the economy. NOAA's National Integrated Drought Information System (NIDIS) program joined with federal, state, tribal, and local partners to host the seminar, specifically intended for Western communities. Stakeholders, decision makers, and drought experts on the webinar discussed the latest on drought conditions and response efforts. Presenters from multiple sectors and communities spoke about the drought related impacts their communities are experiencing. Joining Mr. Keppen on the "Western Perspectives" panel were Jeff Schafer

(President, North Dakota Stockmen's Association), Laura Fox (EPHT Senior Epidemiologist, State of Arizona), Nicole Vaillant (U.S. Forest Service) and Biddah Becker (Navajo Nation).

The webinar featured remarks from USDA and Interior Department officials, and an update from NOAA Administrator Richard Spinrad, who said the lingering drought costs the U.S. \$63 billion annually, in addition to multibillion-dollar losses from wildfires. Representatives from President Biden's Interagency Drought Relief Working Group discussed the work being done across the federal government to address the drought conditions, financial and technical assistance, and other resources available to bring relief and build more drought-resilient communities. The webinar included a summary of past and current conditions, looking at a variety of drought indicators such as snowpack, temperatures, precipitation, and soil moisture. Outlook information for drought, heat, and wildfire was also provided.

b. Impacts to Western Farm and Ranch Communities

Western producers are increasingly selling livestock and letting fields go fallow due to severe drought in the western U.S. According to an American Farm Bureau survey, 85 percent of ranchers reported selling off portions of livestock herds due to drought impacts on water supplies and grazing lands. Some 77 percent of growers were destroying crops due to water shortages.

When surface water supplies diminish or disappear, farmers turn to groundwater, if they have access to it. In some areas, canal water is a prime source of recharge for shallow domestic wells. That's not happening this year - here in the Klamath Basin, and elsewhere - because the canals are bone dry. The Oregon Office of Emergency Management and local agencies are scrambling to get water storage tanks to those properties so they could have running water again. Thousands of wells in the Central Valley, the Klamath Basin, and elsewhere are at risk of drying up this summer. Many households are relying on bottled water to drink. Rural residents who don't even farm are having to stay with family and friends to shower and wash clothes.

c. Lessons Learned

I wrapped up my presentation by noting that the current drought crisis underscores some key concerns. First, it demonstrates that water infrastructure is needed to protect future water supply reliability. The drought also shows that water management in the West - particularly in those areas served by federal water projects - is becoming too inflexible, often driven by courtroom decisions. Finally, many of the presenters noted that fierce Western wildfire disasters are becoming an annual occurrence. More fires have already burned at this point of the year than in any other year in the past decade. Wildfires also pose a threat to watershed health and the safety of source drinking water in the West.

Perhaps the only silver lining is that this crisis will hopefully draw more public and political attention to our unique Western challenges. This could lead to needed reasonable policies that support farmers and investment in rural communities, including water infrastructure. In the short-

term, he recommended a fast-track response capability from the USDA and Interior Department that enables a localized response by farmers and ranchers. This unprecedented West-wide drought requires a level of reaction that is immediate and sustainable. My recent comments at the drought forum were noted in a July 25 story published by *Fox News*.

d. Congress Calls on USDA for More Drought Relief

The drought is getting political attention in D.C. Forty-five bipartisan lawmakers last month sent a letter urging USDA to come up with new ways to provide relief for Western farmers. The letter summarized impacts to producers and crop yields, and urged disaster declarations be expanded to cover those producers who suffered the greatest heat-related losses, but were either located in counties not covered by the drought designations, or who experienced losses not covered by assistance programs. USDA is authorizing emergency procedures to help agricultural producers impacted by extreme drought conditions. USDA's Risk Management Agency is working with crop insurance companies to streamline and accelerate the adjustment of losses and issuance of indemnity payments to crop insurance policyholders in impacted areas. These new crop insurance flexibilities are part of USDA's broader response to help producers impacted by drought, in the West, Northern Great Plains, and other areas.

e. GOP Westerners Question Interior Drought Response

Over at the Department of Interior, Secretary Deb Haaland last month defended the Biden administration's response to the drought, while acknowledging that federal and state water managers must do more. Secretary Haaland also highlighted the bipartisan infrastructure framework currently under consideration in Congress and President Biden's jobs proposal as offering key measures.

Some Western Republicans in the House of Representatives believe the Administration needs to do more. In April, President Biden established an Interagency Working Group to address the drought crisis, but Republicans claim the administration has yet to provide any plans or details. House Natural Resources Ranking Member Bruce Westerman (AR-04) recently hosted a Special Order alongside 10 Western Caucus Members to call on the Biden Administration and Democrats in Congress to address the severe drought crisis plaguing communities throughout the West. Western Caucus Members spoke about the impacts this historic drought is placing on the constituents and communities they represent. Earlier in the month, Members of the GOP Western Caucus and Natural Resources Committee sent a letter to the Biden Administration urging for a clear plan to address the drought crisis and deliver relief to impacted communities.

f. The Outlook

There has been some good news to report in some regions of the West, as a strong monsoon is bringing heavy rain to the Southwest. This has provided short-term drought relief and should cut down wildfire risk in several Western states. The latest U.S. Drought Monitor shows improvement

in parts of five Southwestern states. Additional heavy rainfall hit parts of southern Colorado and Utah in late July and was forecast to spread farther north. While the precipitation is welcome, some experts believe it is not enough to relieve the long-term drought conditions. The punishing drought conditions afflicting much of the West are expected to endure for months, climate experts with NOAA recently reported. Forecasters are assessing the odds of a La Nina emerging, where currently conditions are neutral in the tropical Pacific and favored to last through the American summer and into the fall. La Nina episodes in the winter months feature a wave-like jet stream flow across the United States and Canada, which causes colder and stormier than average conditions across the North, and warmer and less stormier conditions across the south. There is a 60% chance, NOAA experts said, of a La Niña event this winter.

ADMINISTRATIVE AND MISCELLANEOUS

- Critics of the American food system have long argued that our extremely efficient and affordable food supply doesn't account for all the hidden costs to public health, the environment and vulnerable low-wage workers. Now they have a new estimate for just how expensive the system may be: \$3.2 trillion. That calculation, [released last month by the Rockefeller Foundation](#), is about triple the size of the \$1.1 trillion food system. The alleged "true cost" accounts for a long list of hidden costs, like diet-related diseases, lost biodiversity and contributions to climate change. You can expect that critics of production agriculture will use this information to influence all sorts of agricultural and environmental policies in the near future.
- Our old friend, former Wyoming U.S. Senator Mike Enzi passed away last week. He was 77. The former senator had recently sustained serious injuries while riding a bicycle, his family said in a statement last Monday. Family Farm Alliance President Pat O'Toole sat next to Mr. Enzi for six years when the two of them served in the Wyoming Legislature. Two of Pat's kids also worked for interns as Senator Enzi in D.C. He was a true gentleman, a "quiet and unfailingly kind workhorse", and will be missed.
- Last month, I spoke at the Western meeting of American Farm Bureau executives in Santa Fe (NEW MEXICO), where I discussed the Alliance's initiatives and the current drought.

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 dan@familyfarmalliance.org if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.



XV.

AMERICAN SOCIETY OF CIVIL ENGINEERS SACRAMENTO SECTION

P.O. BOX 2402, Granite Bay CA 95746
Phone & Fax: 916-961-2723

August 02, 2021

Stephen Fremming
Principal Civil Engineer
City of Turlock
156 S. Broadway
Turlock, CA 95380

Dear Mr. Stephen Fremming,

The American Society of Civil Engineers (ASCE) Sacramento Section is pleased to announce that the North Valley Regional Recycled Water Program – Turlock Component Project has been selected as the 2020 ASCE Sacramento Section Outstanding Wastewater Treatment Award. This is a tremendous accomplishment for the project team, your organization, and all project proponents.

We would like to honor you by highlighting your project and achievements to members and the greater Sacramento Community at our 2020-21 Sacramento Section Project and Individual Awards Banquet. The Awards Banquet's date is yet to be announced. During the banquet you will receive an award plaque which will include the name of the project, engineer of record, and project owner as provided on the nomination form. Additional award plaques are available for purchase by August 18th, 2021. Each additional plaque will include a \$100 fee, payable to the ASCE Sacramento Section. You may use the enclosed order form to place your order.

A PowerPoint presentation and informational graphics will be created to highlight this year's Project Awards. Please email up to three (3) project photos to Claudia Lewis at CLewis@odinconstruction.com by Wednesday, August 18th, 2021.

If you should have any questions, please do not hesitate to contact me directly. Once again, congratulations on this prestigious award.

Sincerely,
AMERICAN SOCIETY OF CIVIL ENGINEERS, SACRAMENTO SECTION

A handwritten signature in cursive script that reads "Megan LeRoy".

Megan LeRoy, P.E., M.ASCE
President
ASCE Sacramento Section

A handwritten signature in cursive script that reads "Claudia Lewis".

Claudia Lewis M.ASCE
Senior Director
ASCE Sacramento Section

Plaque Order Form

ASCE Sacramento Section 2020 Project Awards

- Please verify information listed for your complementary plaque. This is what will be printed on the plaque.
- Please return completed form no later than **August 18th, 2021.**
- You may also order additional plaques. These additional orders will include the project name and owner as shown below, but can be specialized as desired for the Architect, Engineer, Contractor, or other entities. Please order additional plaques online at the following link: <https://asce-sacto.starchapter.com/catalog.php?cat=5>

One Complimentary Plaque will be presented as follows:

2020 WASTEWATER TREATMENT AWARD

For: North Valley Regional Recycled Water Program – Turlock Component Project

Owner: City of Turlock

Engineer: Carollo Engineers, Inc.



Friant-Kern Canal

Overview

As part of the Central Valley Project, the 152-mile Friant-Kern Canal delivers water to one million acres of some of the most productive farmland in the country and provides drinking water to thousands of San Joaquin Valley residents. The canal begins at Friant Dam and conveys water from Millerton Lake, a reservoir on the San Joaquin River, south to its terminus at the Kern River in Bakersfield. Friant-Kern Canal was designed as a gravity-fed facility and does not rely on pumps to move water.



The Friant-Kern Canal near Fresno.

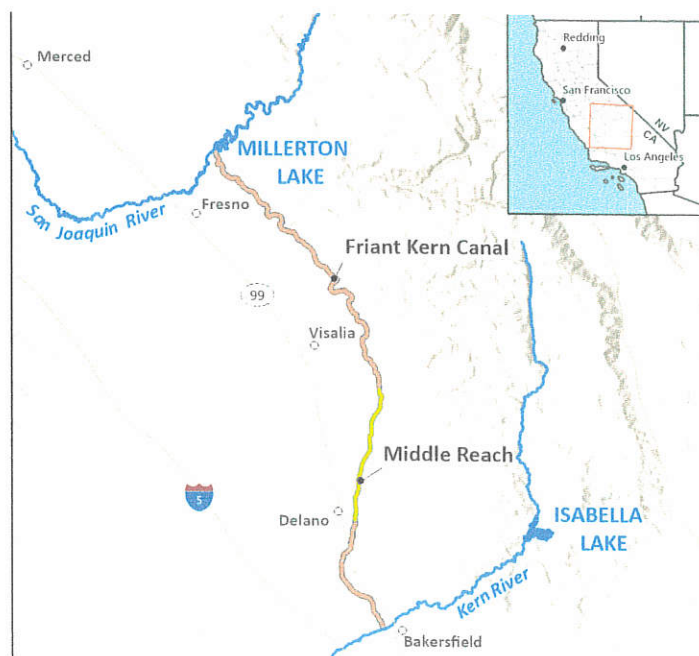
Subsidence and Canal Operations

Completed in 1951, Friant-Kern Canal was constructed to have a capacity of 5,000 cubic feet per second (cfs) that gradually decreases to 2,000 cfs at its terminus. The canal is built in both concrete-lined and unlined earth sections. Subsidence in the area, caused by pumping excess groundwater faster than it can be recharged, has caused parts of the canal to subside (or sink). This negatively affects the canal's ability to convey water, reducing the canal's capacity. When the land elevation lowers, the canal must be operated at a reduced flow to ensure that water does not overflow banks thereby restricting the ability to make full water deliveries.

The diminished capacity in the canal has resulted in up to 300,000 acre-feet of reduced water deliveries in certain water years with effects most prominent in the middle reach of the canal (milepost 88 to milepost 121).

Middle Reach Capacity Correction

To address the canal's capacity loss, Reclamation and the Friant Water Authority completed a feasibility study and environmental review in 2020. The Friant-Kern Canal Middle Reach Capacity Correction Project will restore capacity in the 33-mile section of the middle reach where it is most restricted. When complete, the project will return the canal's conveyance capacity from the current 1,600 cfs to the original 4,000 cfs. Construction on the \$500 million project is expected to begin in the winter of 2021 with Phase 1 of the project complete in 2024.



More information on the project can be found here: www.usbr.gov/mp/fkc-fr.html

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GARTH STAPLEY

Glimmer of hope for Stanislaus-area water storage in federal infrastructure deal

BY GARTH STAPLEY

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Whenever politicians are asked about the California water wars that threaten our well-being in Modesto and Stanislaus County, eventually the talk gets around to something like, “Well, you know what we really need is more water storage.” As in dams, mostly, and also off-stream reservoirs holding water captured in wet years for use in dry ones.

They say something similar when reporters ask about drought, and sometimes about wildfires and climate change.

I’m tempted to roll my eyes, because everyone has always said the same thing for the three decades-plus I’ve been in journalism in this Central Valley. But nothing ever changes.

New Melones Reservoir on the Stanislaus River was the last major dam built in California, in 1979, and two-thirds of the state’s dams are at least 50 years old. In more than a generation, we’ve seen nothing new despite big talk from countless bigwigs who are fast to identify the cure and slow to admit reality — that the environmental lobby is powerful, and that water projects are just ungodly expensive.

Then-new Congressman Josh Harder of Turlock piqued a fair amount of interest when he first trotted out the vision of a future dam in Del Puerto Canyon near Patterson, in April 2019. But it would needs lots of money in a time when little seemed available.

Until now, maybe.

Tuesday’s landmark U.S. Senate approval of the \$1.2 trillion infrastructure bill feels like a turning point. Finally, government seems willing to move beyond lip service and dedicate meaningful funding to something we’ve needed for so long.

It’s not a small thing, in a time of bitter partisan divide, that 19 Senate Republicans found enough in the bill to support it, joining all 50 Democrats. The bipartisan embrace is noteworthy and encouraging.

Harder deserves some recognition. He presented a wishlist for the infrastructure bill back in March, with water projects at the top, and at an April House Appropriations hearing, he pushed Interior Secretary Deb Haaland to include the Del Puerto project in the package.

In June, Harder said he and House Republican Rep. David Valadao of Hanford were behind a letter urging congressional leaders to make sure water storage funding got into the bill. Two

other California GOP representatives signed on, as well as seven Democrats. That was impressive, and we should give credit where it's due.

It started to feel real when the White House on July 28 released the actual text of the infrastructure compromise, confirming in black and white our hopes for water storage funding. But the most significant corner-turn came Tuesday with the Senate vote, because everyone assumes some version will sail through the House once it's back in session, in September.

APPLAUSE FOR INFRASTRUCTURE DEAL

Specifically, the infrastructure deal provides \$8.3 billion for water projects in western states, including \$1.15 billion earmarked just for water storage.

"Today is an important day for our community," Harder agreed Tuesday. Of bipartisan cooperation, he told The Modesto Bee, "That's what I came to D.C. to do. We're rounding the final bend, and I'm going to keep pushing to make sure this package gets across the finish line."

People here will see actual results of Tuesday's vote in other things — like spending on roads and bridges, and probably broadband and maybe even new water pipes — long before California welcomes a new dam. That's still years off, if not decades.

And I should note that the Del Puerto project is not identified by name in the bill. So more work remains to be done — a lot more.

And growers face more immediate challenges, particularly in recent sobering news that an appointed Sacramento bureaucrat in theory could decide whether our farmers will get river water if the drought persists next year.

But those looking for even a glimmer of hope for California water storage on Tuesday finally found one

http://www.westsideconnect.com/community/harder-secures-federal-funding-for-del-puerto-canyon-reservoir/article_0470d2a4-f621-11eb-8f23-cb0ebec6d547.html

Harder secures federal funding for Del Puerto Canyon Reservoir

By ANGELINA MARTIN/ AMARTIN@TURLOCKJOURNAL.COM
Aug 5, 2021

The Del Puerto Canyon Reservoir project will likely move forward with federal funding thanks to advocacy from Rep. Josh Harder, who recently announced he helped secure a historic \$65 million in recommended funding levels for Central Valley water storage.

Harder urged Secretary of the Interior Deb Haaland to recommend that the Water Infrastructure Improvements for the Nation Act include \$15 million for Del Puerto Canyon Reservoir and \$50 million for the Los Vaqueros Reservoir Expansion. The two water storage projects are being planned as California experiences a second-straight year of drought and represent one of the Valley's largest investments in storage in a generation.

"The last major federal surface water storage project built in our state was in 1979. Since then, we've doubled our population statewide and done things like invented the internet and ended the Cold War. It's time our water storage system was made to keep up with the times," Harder said. "Securing \$65 million for Central Valley water means more jobs for our workers, more crops for our farmers, and more water for our families. This is a huge investment in the future of our community and I'm proud we could make it happen."

The proposed Del Puerto Canyon Reservoir would be located in Del Puerto Canyon in the Coast Range foothills west of Patterson and south of the Sacramento-San Joaquin Delta, just west of I-5. The project will deliver water from the Delta-Mendota Canal into the new reservoir, where it will be stored and released on a carefully managed basis. The reservoir would allow water to be delivered into storage during wetter periods until it is needed in drier periods for irrigation, groundwater recharge, or wildlife beneficial uses.

The last major Central Valley reservoir was New Melones, which was completed in 1979 when California had 24.2 million residents. Oroville, the last major State Water Project reservoir with 3.5 million acre feet of capacity, was finished in 1969 when the state had 19.9 million residents.

California today has 39.3 million residents.

The Del Puerto Canyon Reservoir projects stands as the district's first new surface storage in 50 years. Harder last year secured \$1.5 million and \$7.84 million for the Del Puerto and Los Vaqueros projects, respectively.

The previous \$1.5 million in funding for Del Puerto Canyon Reservoir was used to conduct feasibility studies for the project; last October, the Del Puerto Water District Board of Directors certified a final Environmental Impact Report on the controversial project. While the canyon is a treasure trove of historical and cultural resources for many community members, it would serve as an invaluable water source for local farmers who are south of the Delta.

The project will expand off-stream water storage up to 85,000 acre-feet for DPWD, ensuring growers have access to more water during dry years.