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Tuolumne River Conservancy, Inc.

feathersfurflowers@gmail.com
209.471.0476

April 11, 2022

Anthea G. Hansen
Del Puerto Water District
P.O. Box 1596
Patterson, CA 95363

Subject: Annual Status update: Bobcat Flat Phase III Restoration

Dear Ms. Hansen:

It has been about three years since we received your donation of \$100,000 for our project Bobcat Flat Phase III restoration.

During this period of time we have paid costs that were not covered by grants using \$28,208.54 of your donation.

Our grant request for construction was funded and we begin construction August 22. If you would like to tour the restoration during construction, September is the best time. Please give us a call to make arrangements for your visit.

Thank you for enabling us to keep the momentum toward construction and cover costs that were not funded by grants.

6380 Landmark Road
Stockton, CA 95215

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We look forward to showing you the restoration.

Sincerely,

Allison Boucher

Allison Boucher
Project Manager

6380 Landmark Road
Stockton, CA 95215

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Judge OKs plan for California water projects pending review of Trump-era policies

Rejecting objections by environmental and farming industry groups, a federal judge green-lighted a revised, government-endorsed plan to manage water projects in California with extra protections for endangered fish.

NICHOLAS IOVINO / March 15, 2022

The Shasta Dam across the Sacramento River in California.

FRESNO, Calif. (CN) — In a long-running dispute over water rights in California, a federal judge will allow a pair of challenged Trump-era biological opinions to remain in effect over the next three years with added safeguards that some groups complain fail to ensure the survival of endangered fish.

In December 2021, a coalition of fishing industry and environmental groups asked a judge to temporarily block agencies from relying on two “scientifically unsound and fatally flawed” biological opinions issued during the Trump administration in 2019.

The two opinions — issued by the National Marine Fisheries Service and U.S. Fish and Wildlife — enable more water to be sent to some 20 million farms, businesses and homes in Southern and Central California via two massive federal and state water diversion projects. The opinions eliminate certain requirements, such as mandating extra flows to prevent water temperatures from rising to levels high enough to damage and fry salmon eggs.

Supporters of the Trump-era water and wildlife policies say the biological opinions will help provide needed irrigation water to help family farms and ranches thrive, employ workers and keep California's \$50 billion-per-year agricultural industry afloat.

Opponents say those endangered species assessments for the Central Valley Project and State Water Project will jeopardize the survival of threatened Chinook salmon, steelhead trout, delta smelt and longfin smelt.

“The 2019 [biological opinions] were designed, contrary to the requirements of the [Endangered Species Act], to ‘maximize water deliveries’ to water contractors even in drought, at the expense of pushing these protected fish species toward extinction,” attorneys for a coalition of environmental and fishing industry groups argued in a motion for a preliminary injunction.

On March 11, a federal judge in Fresno rejected the coalition's motion, finding an alternate proposal by state and federal agencies was more reasonable.

In a whopping 122-page opinion, U.S. District Judge Dale Drozd endorsed the governments' plan to keep the two challenged biological opinions in place while the Biden administration reconsiders them. While those reviews are pending, an interim operations plan will be put in place with provisions designed to provide extra protections for the endangered fish. Drozd found the government-backed interim plan "takes balanced and reasonable steps" to address water temperature-related threats to winter-run salmon eggs and sets "reasonable carryover storage goals" for Shasta Dam water.

The judge concluded the interim plan's "middle-of-the road approach" on setting targets for water storage and temperatures was "more likely to be achievable" than what the coalition had proposed.

Members of the coalition that sought more stringent protections for endangered fish include the Pacific Coast Federation of Fishermen's Associations and Natural Resources Defense Council.

The judge also rejected opposition by certain water users and irrigation districts that said the interim plan would set up a potential conflict with senior contractors, whose water rights predate the existence of the Central Valley Project.

Claims that the interim plan will cause the U.S. Bureau of Reclamation to violate its contracts with senior water users is "purely hypothetical and speculative," the judge wrote.

"The court is in no position to micromanage exactly how Reclamation intends to make good on its commitments under the [interim plan] while also abiding by its contractual obligations," Drozd wrote, adding the contracts "make it exceedingly and increasingly difficult for Reclamation to operate Shasta Dam in a manner that is sufficiently protective of winter-run [salmon]."

Jon Rubin, general counsel for the Westlands Water District, which irrigates thousands of acres of agricultural land in California's Central Valley, said it's clear from the ruling that Judge Drozd spent significant time listening to and trying to understand each party's position.

"The order I think reflects the judge's perspective that it was asked to deal with a very complicated matter from both the operational standpoint as well as the law," Rubin said.

Westlands did not join other irrigation districts and water user groups in opposing the state and federal government agencies' proposal for an interim operations plan.

Doug Obegi of the Natural Resources Defense Council declined to comment on the judge's ruling, but his colleague Katie Poole, who heads the group's water division, wrote in a blog post that even with extra safeguards in place, Governor Gavin Newsom and the Biden administration will need to step up to ensure the survival of endangered native fish in California.

"While the court adopted stronger temperature requirements than the Trump [biological opinions], the Court declined to order Reclamation to limit deliveries to the Sacramento River settlement contractors, although it acknowledged the threat they pose," Poole wrote in the [blog post](#).

In an emailed statement, California Natural Resources Agency spokesperson Lisa Lien-Mager said the state is satisfied with Drozd's ruling.

"State agencies are pleased that a federal court has approved an interim operations plan for the Central Valley Project and the State Water Project through September 2022 to address severe drought while protecting species and ensuring water for human health and safety," Lien-Mager said.

Drozd also granted a request to pause litigation through the end of September, finding results of the agencies' reviews of biologicals opinions will "likely change the administrative landscape of the case."

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Lien-Mager said California agencies support a litigation pause to give stakeholders more time to confer on a longer-term plan for balancing competing water needs for communities, the environment and the economy.

“Last week’s court order is a key step toward resolving differences, bolstering protections for species and managing through the challenges of a third year of drought,” she said.

Representatives for the U.S. Bureau of Reclamation, National Marine Fisheries Service and U.S. Fish and Wildlife Service did not return emails and phone calls requesting comment by press time

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Anthea Hansen

From: Reclamation Public Affairs <reclamationpao@usbr.gov>
Sent: Friday, March 18, 2022 3:34 PM
To: Anthea Hansen
Subject: Reclamation & DWR seek temporary changes to Delta outflow requirements_water storage_drought



— BUREAU OF —
RECLAMATION



NEWS RELEASE

For Release: March 18, 2022

Contact: Mary Lee Knecht, Reclamation, 916-978-5100, mknecht@usbr.gov
Margaret Mohr, DWR, 916-820-8084, margaret.mohr@dwr.ca.gov

Reclamation and DWR seek temporary changes to Delta outflow requirements to preserve water storage amid extreme drought conditions

SACRAMENTO, Calif. - Today, the Bureau of Reclamation and California Department of Water Resources jointly filed a Temporary Urgency Change Petition with the State Water Resources Control Board to temporarily modify requirements in water right permits and licenses for the Central Valley Project and State Water Project between April 1 and June 30. These changes are in response to a historically dry January, February, and first half of March, which are typically our wettest months. Facing a third consecutive year of critically dry conditions, these changes are expected to conserve vital water supplies in upstream reservoirs for critical needs later in the year, including public health and safety, and environmental needs.

After a series of strong December storms, Reclamation and DWR had been hopeful that water from Folsom and Oroville reservoirs would provide for adequate water supply and environmental needs later in the year and a TUCP would not be necessary. However, following the historically dry January and February, Folsom and Oroville are seeing unprecedented declines in inflow forecast. With this decrease in expected inflow, these reservoirs cannot support Delta outflows as expected and there is inadequate storage in other CVP and SWP reservoirs to meet other critical water supply and environmental needs later in the year without a TUCP in place.

“Reclamation and DWR, along with the federal and state fish agencies, have been coordinating throughout the winter to address increasingly challenging hydrologic conditions for environmental flows and water supply,” **said Reclamation Regional Director Ernest Conant.** “We all recognize what a difficult year this is going to be for everyone. It’s definitely another roll-up-your-sleeves, all-hands-on-deck water year.”

“DWR has been planning for conditions to remain dry since the start of the water year on October 1. We are facing tough but important decisions about how to manage the system for a third year of drought,” **said DWR Director Karla Nemeth.** “We are taking critical steps like submitting the Temporary Urgency Change Petition in coordination with our federal and state partners, to balance the needs of endangered species, water supply conservation, and water deliveries to Californians.”

As part of the all-hands approach, DWR is also planning to refill the notch in the Emergency Drought Salinity Barrier in the Delta. Work will begin on April 1 to fill in the notch, with completion by April 15. The barrier reduces the amount of saltwater intrusion into the Delta, allowing for reduced flows from upstream reservoirs to conserve water supply. Additionally, based on a recognition by Reclamation and DWR as to the importance of better understanding the source of harmful algal blooms and their impact upon the Delta region, the two are committed to fully participating in multi-agency efforts to address this issue, such as that recognized by the Water Board in response to comments received on the 2021 drought actions.

Additional operational flexibility of the Projects is needed to support priorities, including: providing for minimum health and safety water supplies; preserving upstream storage for release later in the summer to control saltwater intrusion into the Sacramento-San Joaquin Delta; preserving cold water in Shasta Lake and other reservoirs to maintain cool river temperatures for Chinook salmon and steelhead; maintaining protections for state and federally endangered and threatened species; and meeting critical water supply needs.

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View the [TUCP](#). Visit the [California drought page](#) for drought resource information.

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The Bureau of Reclamation is a federal agency under the U.S. Department of the Interior and is the nation's largest wholesale water supplier and second largest producer of hydroelectric power. Its facilities also provide substantial flood control, recreation opportunities, and environmental benefits. Visit www.usbr.gov and follow [@USBR](#) & [@ReclamationCVP](#) on Twitter; Facebook [@bureau.of.reclamation](#); LinkedIn [@Bureau of Reclamation](#); Instagram [@bureau_of_reclamation](#); and YouTube [@reclamation](#).

The Department of Water Resources' mission is to sustainably manage the water resources of California, in cooperation with other agencies, to benefit the state's people and protect, restore, and enhance the natural and human environments. For more information, follow us on [Twitter](#) or [Facebook](#) and read our [news releases](#) and [DWR updates](#).

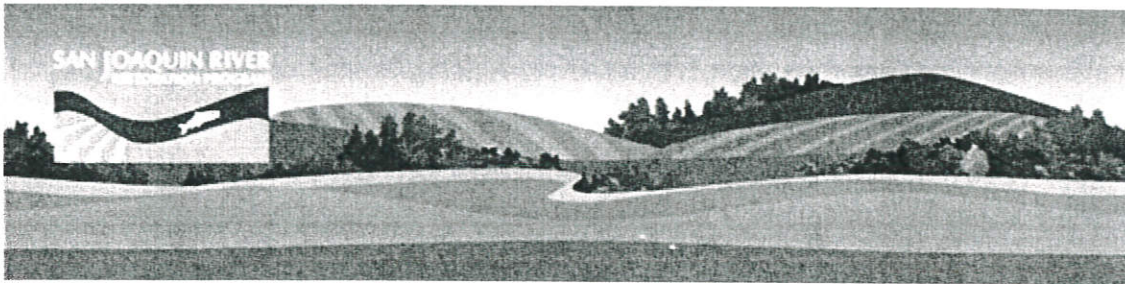
If you would rather not receive future communications from Bureau of Reclamation, let us know by clicking [here](#).
Bureau of Reclamation, Mid-Pacific Region 2800 Cottage Way, Sacramento, CA 95825 United States

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Anthea Hansen

From: San Joaquin <sjrrp@restoresjr.net>
Sent: Friday, April 1, 2022 1:11 PM
To: Anthea Hansen
Subject: Reclamation to deliver Friant Dam water for Exchange Contractors, Restoration Flows to be reduced



Reclamation to deliver Friant Dam water for Exchange Contractors, Restoration Flows to be reduced

On April 1, Reclamation will start deliveries to the San Joaquin River Exchange Contractors from Friant Dam. Normally, Exchange Contractor water supply is met from north-of-Delta water delivered through the Delta-Mendota Canal. However, because this is a "Shasta Critical" water year, Exchange Contractors are scheduled to receive 75% of their normal allocation, a total of 650 thousand acre-feet. While some of this supply is being met through normal means, the remainder is being met with supplies from Millerton Lake and released through Friant Dam to the San Joaquin River.

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The San Joaquin River Restoration Program (SJRRP) Seepage Management Plan establishes groundwater thresholds to address any material adverse impacts from groundwater seepage as a result of Restoration Flows. While Restoration Flows are constrained to these seepage limitations, other releases, such as the deliveries to the Exchange Contractors, are not. SJRRP anticipates that Friant Dam releases for the Exchange Contract will utilize most or all of the available capacity to operate. Therefore, SJRRP will cede available capacity in the river dynamically based on groundwater conditions.

San Joaquin River releases from Friant Dam will range between 700 cfs and 2000 cfs from April until August or September. Any releases above approximately 800 cfs will not include Restoration Flows (expected in mid-April). Exchange Contractor deliveries will be diverted at Mendota Dam and Sack Dam, with no Restoration Flows planned for release below Sack Dam for the remainder of the summer. This will result in the river being disconnected from below Sack Dam to the confluence with the Merced River. Once Exchange Contractor deliveries via the San Joaquin River diminish and there is capacity for Restoration Flows, the Restoration Administrator will schedule the resumption of Restoration Flows and reconnection of the San Joaquin River.

The public is strongly encouraged to monitor flow conditions if recreating on or near the San Joaquin River. Flows of this planned magnitude have not been seen since 2019 and currents will be strong.

The Restoration Flow schedule will be amended in the coming days and is presented in general terms below for public notification:

Date	Friant Dam Releases	Restoration Flows at Gravelly Ford	Exchange Contractor Flows reaching Mendota Pool
March 1 – March 31	Approximately 700 cfs	420 cfs	0 cfs
April 1 – April 30	700 cfs increasing to approximately 1000 cfs	425 cfs declining to 0 cfs	0 cfs increasing to approximately 700 cfs
May 1 – August 15	1000 cfs varying to approximately 2000 cfs	Likely 0 cfs	700 cfs varying to approximately 1200 cfs

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August 16 – September 30	Decreasing to approximately 700 cfs	Variable	Variable, decreasing to 0 cfs
October 1 – February 28, 2023	Approximately 450 to 700 cfs	Likely 200 cfs to 420 cfs	0 cfs

Any questions regarding the Exchange Contractor releases from Friant should be directed to the California Great-Basin Public Affairs Officer, Mary Lee Knecht, at 916-978-5101 or via email at mknecht@usbr.gov.

For Information about Restoration Flows, please visit <http://www.restoresjr.net/restoration-goal/restoration-flows/>.

For the Restoration Administrator recommendations, please visit <http://www.restoresjr.net/documentsreports/ra-recommendations/>

For additional information about the San Joaquin River Restoration Program, please visit <http://www.restoresjr.net> or contact Josh Newcom, Public Affairs Specialist, at 916-978-5508 or snewcom@usbr.gov.



San Joaquin River Restoration Program
 2800 Cottage Way, Sacramento, CA 95825
www.RestoreSJR.net

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Anthea Hansen

From: Reclamation Public Affairs <publicaffairs@usbr.gov>
Sent: Monday, March 28, 2022 9:01 AM
To: Anthea Hansen
Subject: President Proposes \$1.4 billion in Fiscal Year 2023 for Bureau of Reclamation



— BUREAU OF —
RECLAMATION

NEWS RELEASE

For Release: March 28, 2022

Contact: Rob Manning, Chief of Public Affairs, rmanning@usbr.gov

President Proposes \$1.4 billion in Fiscal Year 2023 for Bureau of Reclamation

Budget continues Reclamation’s efforts to enhance water and hydropower reliability across the West.

WASHINGTON - The Biden-Harris Administration today submitted to Congress the President’s Budget for fiscal year 2023. The President’s Budget details his vision to expand on the historic progress our country has made over the last year and deliver the agenda he laid out in his State of the Union address—to build a better America, reduce the deficit, reduce costs for families, and grow the economy from the bottom up and middle out.

President Biden proposed a \$1.4 billion Fiscal Year 2023 Budget for the Department of the Interior’s Bureau of Reclamation. The budget builds on recent accomplishments and supports the Administration’s goals of ensuring reliable and environmentally responsible delivery of water and power for farms, families, communities and industry, while providing tools to confront widening imbalances between water and power supply and demand throughout the West.

“The American West is facing growing challenges to water and power availability and ecosystems due to climate change, aging water delivery systems and competing demands that are outstripping supply,” said **Assistant Secretary for Water and Science Tanya Trujillo**. “President Biden’s FY 2023 budget will enable Reclamation to address these challenges by developing long-term measures that build more resilient communities, protect the natural environment and modernize aging infrastructure.”

“Reclamation manages water and power, but we serve people,” said **Acting Commissioner David Palumbo**. “President Biden’s FY 2023 Budget continues his administration’s support for the people of the American West, ensuring that Tribes, farmers, ranchers, communities and businesses have the clean, affordable and reliable water and power that nurtures their lives and livelihood and protects the environment, ecosystems, and the species on which we all rely.”

The Budget makes critical investments in the American people that will help lay a stronger foundation for shared growth and prosperity for generations to come. The proposed FY 2023 budget includes \$1.3 billion for Reclamation’s principal operating account (Water and Related Resources), which funds planning, construction, water conservation, management of Reclamation, efforts to address fish and wildlife habitat needs, and operation, maintenance and rehabilitation activities—including dam safety—at Reclamation facilities. The budget also includes funding requests of \$33 million to implement the California Bay-Delta Program to address California’s current water supply and ecological

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challenges, and \$45.8 million for the Central Valley Project Restoration Fund to protect, restore, and enhance fish, wildlife, and associated habitats in California's Central Valley and Trinity River Basins.

The FY 2023 Budget request complements the funding Reclamation has received through the Bipartisan Infrastructure Law (P.L. 117-58), which authorized and appropriated \$8.3 billion into Water and Related Resources in \$1.66 billion annual installments from FY 2022 – FY 2026. Section 70101 of the Bipartisan Infrastructure Law also appropriated \$2.5 billion to support the Secretary of the Interior's efforts to implement existing authorized Indian Water Rights Settlements through the Indian Water Rights Settlements Completion Fund.

Reclamation's budget supports the Biden-Harris Administration's conservation and climate resilience priorities through funding for programs in the Colorado River Basin to continue to implement the drought contingency plans, implement long-term, comprehensive water supply solutions for farmers, families, and communities in California, and continued funding for programs such as WaterSMART that allow Reclamation to work in close collaboration with non-federal partners to address emerging water demands and water shortage issues in the West.

Reclamation's request continues to support racial and economic equity through commitments to underserved communities and tribal areas. For example, the budget includes \$63.3 million to advance construction and continue operations and maintenance of authorized rural water projects to supplement the historic funding available through the Bipartisan Infrastructure Bill for those projects and increases funding to support a \$20 million Native American Affairs Program, which provides technical support and assistance to tribal governments to develop and manage their water resources.

Recognizing the importance of maintaining our aging infrastructure and in furtherance of the opportunities and commitments through the Bipartisan Infrastructure Law, the FY 2023 budget includes \$210.2 million for the Dam Safety Program to address continued critical infrastructure needs and effectively manage risks to the downstream public, and \$99.7 million for extraordinary maintenance activities across Reclamation—part of a strategy to improve asset management and deal with aging infrastructure to ensure continued reliable delivery of water and power.

Reclamation's FY 2023 request includes \$5.0 million in Power and Program Services to advance the Administration's clean energy and climate change goals by increasing Reclamation's hydropower capabilities and value. This funding will also support Reclamation efforts to develop and implement mitigation strategies for supply chain risks to hydropower and asset management efforts.

In addition to taking proactive measures to address the drought, Reclamation has requested funding to continue to work with partners to address the continued threats of and responses to wildfire. Over \$7 million is included in the budget request to maintain, develop and update fire suppression contracts while continuing to support a coordinated approach to wildland fire response efforts.

Other highlights of Reclamation's FY 2023 budget proposal include:

- \$50.3 million for the Yakima River Basin Water Enhancement Project (WA) to continue the construction of the Cle Elum Fish Passage, development of irrigation district implementation grants, construction of the Toppenish Creek Corridor, and the Wapato Irrigation Project conservation improvements.
- \$34.8 million for the Klamath Project (OR, CA), including funds for studies and initiatives related to improving water supplies and addressing competing demands for agricultural, tribal, wildlife and environmental needs.
- \$27.4 million for the Site Security Program which includes physical security upgrades at key facilities, guards and patrols, anti-terrorism program activities and security risk assessments.

The Budget makes these smart investments while also reducing deficits and improving our country's long-term fiscal outlook.

For more information on the President's FY 2023 Budget, please visit: <https://www.whitehouse.gov/omb/budget/>. Additional details about Reclamation's budget request are available at www.usbr.gov/budget.

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The Bureau of Reclamation is a federal agency under the U.S. Department of the Interior and is the nation's largest wholesale water supplier and second largest producer of hydroelectric power. Our facilities also provide substantial flood control, recreation opportunities, and environmental benefits. Visit our website at <https://www.usbr.gov> and follow us on Twitter [@USBR](#); Facebook [@bureauofreclamation](#); LinkedIn [@Bureau of Reclamation](#); Instagram [@bureau_of_reclamation](#); and YouTube [@reclamation](#).

If you would rather not receive future communications from Bureau of Reclamation, let us know by clicking [here](#).
Bureau of Reclamation, Denver Federal Center, Alameda & Kipling Street PO Box 25007, Denver, CO 80225 United States

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http://www.westsideconnect.com/community/latest-water-allocations-released-amidst-prolonged-drought/article_74c2e676-aae6-11ec-b369-bb945633c894.html

Latest water allocations released amidst prolonged drought

By Pawan Naidu | Westside Connect

Mar 23, 2022

Local irrigation districts have released information on how much water they will be able to allocate to farmers this water year. With dry weather conditions in the past few years, farmers will be feeling the impact of less water available to them.

Water allocation is how irrigation districts distribute limited local water supply. Districts manage allocating water to agriculture, cities and farmers, and have to decide every year how much water to allocate to serve various needs. Each water allocation is assigned annually and is measured by acre-feet/gross acre.

The Central California Irrigation District has a tier two system for allocating water to farmers. Those farmers who operate on tier one land will receive 2.5 acre feet/gross acre (815,000 gallons) of water at a cost of \$20 per acre foot. There will be no district water available for tier two lands, however CCID will transport private well water to those who have access to wells that can be pumped into their canals. Tier two lands are allocated 0.5 acre feet/gross acre (163,000 gallons) of water at a price of \$50 per acre foot

These initial allocations can change as there are updates in the hydrology report.

"We are constantly reviewing water supply conditions across the state," said CCID general manager Jarrett Martin. "We sent out our initial allocation to our growers and will make any updates as necessary."

The annual grower meeting will be in person this year at 6 p.m. March 29 at the Los Banos Fairgrounds. If interested, please RSVP with the district office.

Del Puerto water district's farmers got more unfortunate news, because the district will not be able to allocate any water to them this water year.

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“Unfortunately we will not be able to allocate any water to our farmers this year,” said Del Puerto general manager Anthea Hanson. “Del Puerto has some unique factors that allow us to provide less water to farmers, and in some years like this one, provide none.”

The Central Valley Project, a federal water project owned and operated by the U.S.

Bureau of Reclamation, is one of the world’s largest water supply projects. The

CVP covers approximately 400 miles in California, from Redding to Bakersfield, and draws from two large river basins: the Sacramento and the San Joaquin, which are also where Del Puerto relies on to get most of their water.

According to Hanson, the CVP resulted in significant changes to the area’s natural hydrology and there is debate around how to deal with changes to the hydrologic system that were not significantly mitigated when the project was constructed.

In late 2018, the State of California finalized revisions to its Bay-Delta Water Quality

Control Plan that would require more flows from the San Joaquin and Sacramento Rivers to reach the Bay-Delta for water quality and fish and wildlife enhancement; which resulted in districts like Del Puerto having less water available to them.

XIII.

DEPARTMENT OF WATER RESOURCES715 P STREET, 7th FLOOR P.O. BOX 942836
SACRAMENTO, CA 94236-0001

April 15, 2022

TO: Contractors and Grantees with Contracts or Agreements with the Financial Assistance Branch

RE: Contractor and Grantee Compliance with Economic Sanctions Imposed in Response to Russia's Actions in Ukraine

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (EO) regarding sanctions in response to Russian aggression in Ukraine. The EO is located at <https://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf>.

The EO directs all agencies and departments that are subject to the Governor's authority to take certain immediate steps, including notifying all contractors and grantees of their obligations to comply with existing economic sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law.

This correspondence serves as a notice under the EO that as a contractor or grantee, compliance with the economic sanctions imposed in response to Russia's actions in Ukraine is required, including with respect to, but not limited to, the federal executive orders identified in the EO and the sanctions identified on the U.S. Department of the Treasury website (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>). Failure to comply may result in the termination of contracts or grants, as applicable.

Please note that for any agreements or grants valued at \$5 million or more, a separate notification may be sent outlining additional requirements specified under the EO.

Sincerely,

A handwritten signature in black ink that reads "Carmel K. Brown".

Carmel K. Brown
Manager, Financial Assistance Branch
Division of Regional Assistance
Department of Water Resources

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MEMORANDUM

TO: SLDMWA BOARD OF DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
DATE: APRIL 4, 2022

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, monitoring federal agency implementation of the *Infrastructure Investment and Jobs Act*, working with Congressional staff on upcoming hearings and draft legislation, and expanding public outreach associated with global food insecurity and the importance of Western irrigated agriculture. These issues and other matters important to our members are further discussed in this memo.

UKRAINE AND GLOBAL FOOD INSECURITY

As the war in Ukraine kindles fears of global food shortages, rising food prices and a multitude of rippling consequences, the recognition of a secure domestic food supply – driven in large part by irrigated agriculture in the Western U.S. – is catching the attention of political leaders around the world, the national media, and consumers. President Biden last month said the world will experience food shortages as a result of Russia's invasion of Ukraine, and food production increases were a subject of discussions at a Group of Seven (G7) meeting in Europe. The Family Farm Alliance last month released a report that describes current and projected food shortages resulting from the Russia-Ukraine war and explains that food security is a concern that we have warned policy leaders about for over fifteen years. We also helped spearhead an effort that led to the publication of a full-page advertisement in the April 2, 2022 edition of the *Wall Street Journal*.

1. Farm Input Costs on the Rise

There is growing national concern on escalating gas and equipment prices, which in turn drive up

food prices throughout the supply chain. *Bloomberg Law* reports that retail gasoline prices surged since the invasion of Ukraine one month ago, with most of that increase due to soaring crude oil prices, which account for an estimated 61% of gas costs at the pump, according to Energy Information Administration data released last month.

Because Russia is a main global supplier of fertilizer, the Ukraine conflict could affect what is grown in America and other countries. Russia last month instructed producers to halt exports. Russian ally Belarus, another leading fertilizer source, is also being hit with sanctions. In the United States alone, fertilizer bills are expected to jump 12% this year, after rising 17% in 2021, according to American Farm Bureau Federation and U.S. Department of Agriculture (USDA) data. Production is most at risk in developing nations, whose farmers have fewer financial resources to weather the storm. USDA recently announced it will support additional fertilizer production for American farmers to address rising costs by making available \$250 million through a new grant program this summer to support American fertilizer production to supply American farmers.

2. Global Food Insecurity Concerns

Politico reports that countries across the globe are pulling back on food exports out of fear that Russian President Vladimir Putin's war in Ukraine will cut off their own imports. Some countries have scrambled to find new sources of staples like grain that were heavily exported from Ukraine before the invasion. But countries that could meet the new demand are holding back, fearing that they will face their own food insecurity. The prospect of international food shortages could also spark political instability in poorer nations. The cost increases stemming from the war and resulting sanctions on Russia will could push more than 40 million additional people into extreme poverty, defined as subsisting on less than \$1.90 a day, according to an analysis published last month by the Center for Global Development, a non-profit think tank. According to *Bloomberg*, President Biden said he raised the possibility of a "significant major U.S. investment" in food and other humanitarian assistance. Meanwhile, China is being challenged to ensure food supplies for its 1.4 billion population, according to another *Bloomberg* report, making Beijing increasingly vulnerable to trade tensions and supply shocks. At the same time, natural disasters have caused widespread crop damage and shrunk the amount of arable land, making it harder to boost local production.

3. Media Attention to Food Supply Grows

Public awareness and media coverage is expanding daily as the ripple effects of the conflict in Ukraine further drive up U.S. food prices, intensify global food scarcity, and increase farm production costs. A flood of recent national news stories has shed light on the impacts the global food shortage and inflation are having on domestic food security. The *Washington Post* recently ran back-to-back stories, with one article covering both the national conflict's impact on expected food and farming costs, and another focusing specifically on the California drought, where water deliveries to millions of acres of productive farmland could be curtailed, in part due to state and federal regulatory policies. *Capital Press* last month posted a guest editorial written by Alliance President Pat O'Toole which outlined the importance of food security, and how that critical

strategic national priority is now often taken for granted by the American public. *Western Farmer – Stockman* magazine carried a similar guest column that I authored.

The *Capital Press* editorial referenced a new Alliance report – “Is Anyone Listening? A Wake-up Call to Our National Leaders from an American Rancher” - that further and explains that food security is something that Alliance leaders have warned policy leaders about for over fifteen years. The report details Alliance efforts during that time, urging federal leaders to begin seeking the right combination of tools and incentives, as well as both public and private sector investments, to allow Western irrigated agriculture to help close the global food productivity gap and sustainably meet the world’s needs in 2050. Alliance leaders in their February 23rd internal meetings traded stories how arguments in support of Western irrigated agriculture have in recent years been drowned in a flood of commentary from faraway critics who downplay and even criticize the importance of using water to produce affordable and safe food and fiber.

4. Climate Change Still a Top Priority for Many

Despite the pandemic, war in Ukraine, supply chain disruptions, and soaring inflation, tackling climate change continues to be the highest priority with many policy makers, environmentalists and academics. At a House Agriculture Committee hearing on the next farm bill held last month, Democrats and witnesses advocated for better access to USDA conservation programs for smaller and historically disadvantaged farmers, as well as better access to international carbon markets (*E&E Daily*). But Republicans questioned the utility of the exercise, given potential impacts of the Russian invasion of Ukraine on fertilizer and crop prices.

Climate change continues to be employed by activist environmental groups as a means of casting dispersion on water infrastructure that millions of Americans rely upon. An environmental coalition of 125 organizations has requested that the Biden Administration’s Environmental Protection Agency (EPA) include dams and reservoirs as a new category of facilities required to report their annual greenhouse gas emissions to the EPA. They want EPA to include dams and reservoirs as a new “source category” under the Greenhouse Gas Reporting Program. The coalition pointed to scientific studies they say show that dams and reservoirs “produce and emit substantial amounts of carbon dioxide, methane, and nitrous oxide. “However, the harsh reality of the war and disruptions to supply chains are forcing some critics of production agriculture to rethink grandiose plans of achieving global carbon neutrality.

5. “Farm to Fork” Reassessed

The EPP, the European Parliament’s largest political party, is calling on the European Commission to halt the European Union’s Farm to Fork Strategy, which is part of the EU’s Green Deal, which aims to make Europe carbon neutral by 2050. That particular deal calls for reducing pesticide use by farmers by as much as 50 percent, and reducing fertilizer use by 20 percent. It also calls for farmers to take 10 percent of existing farmland out of production. In fact, European scientists recently published a study that includes a map showing where the world’s major food crops should

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be grown to maximize yield and minimize environmental impact. The idealistic solution would capture large amounts of carbon, increase biodiversity, and cut agricultural use of freshwater to zero. The study was published in the journal *Nature Communications Earth & Environment*. In this reimagined world map of agriculture, huge areas of farmland in Europe and India would be restored to natural habitat. The redesign - assuming high-input, mechanized farming - would theoretically cut the carbon impact of global croplands by 71%, by allowing land to revert to its “natural, forested” state.

The EPP now apparently wants to halt these types of green initiatives in favor of developing “concrete measures” to ensure Europeans don’t have empty plates due to the disruption of agricultural markets caused by Russia’s invasion . *Business Post* reported last month that all farmers in Ireland will be asked to plant some of their land in wheat, barley and other grains, as part of emergency plans being drawn up by the government to offset a predicted food security crisis in Europe amid Russia’s ongoing assault on Ukraine.

6. Wall Street Journal Ad

As you know, we have always wrestled with our ability to communicate with the people who take for granted that food will always be plentiful and available. Two weeks ago, an idea to sound the alarm of the pending food scarcity issue began with some Klamath Basin farmers. The idea seemed simple: tell the story in a full-page ad in a major newspaper to start the conversation with the unaware public. It was a much bigger project than we could have imagined.

The Alliance and California Farm Water Coalition teamed up with the Klamath interests and went to work. The paper chosen was the *Wall Street Journal*. Circulation of that paper is the largest on Saturdays, about 900,000 copies in print. The digital version reaches even further, but the readership and reputation of the paper make it the ideal place to make an impact. A single day, full page, black and white ad in the Wall Street Journal costs over \$90,000. That’s a lot of money, no matter how fast you say it...but people believe in this message and are ready to have their voices heard. Funds poured in from individuals, farms, businesses and organizations from six states. We more than crested the fundraising goal, and we are proud to say that Saturday, April 2nd, the full-page ad was on page 5 of the *Wall Street Journal*.

The key to the ad is a link to a landing page which strives to be both informative and thought-provoking to consumers, politicians and government agencies that have a hand in developing water policy. We also hope to inspire stories to be written by journalists in other papers to tell the story before 2022 is set in stone, and food scarcity becomes an unavoidable consequence. We are in a drought, no doubt. But water policy will create food deserts this year. Farmers, provided with essential and necessary water, can produce food. State and Federal governments need to get real about the real problem, and balance water policy.

BIDEN ADMINISTRATION DEVELOPMENTS

7. Recent Appointments

The White House on March 8 announced the nomination of David Applegate as the Director of the U.S. Geological Service (USGS). He currently serves as the USGS Associate Director for Natural Hazards, and as an adjunct full professor in the University of Utah's Department of Geology and Geophysics. USGS is the sole earth science agency for the Department of the Interior and the federal government. It is sought out by thousands of partners and customers for its natural science expertise and its vast earth and biological data holdings.

8. Bipartisan Infrastructure Funds Hit the Ground in the West

The Bureau of Reclamation (Reclamation) appears to be on track to quickly implement new programs funded and/or authorized by the Bipartisan Infrastructure Law (BIL) and expand existing work to deliver results. In the past month, Reclamation has announced project-specific (B.F. Sisk Dam) and program funding for components of the \$8.3 billion federal investment in infrastructure.

a. Reclamation announces funding for drought resiliency

Reclamation last month announced a funding opportunity for WaterSMART: Drought Resiliency Projects. This program provides federal cost-share funds for entities to take a proactive approach to drought through building projects that increase water supply reliability and improve water management. Up to \$500,000 in federal funds will be available for projects that generally should be completed in two years. Up to \$2,000,000 in federal funds will be available for larger projects that may take up to three years to complete. Projects in this group may be funded on an annual basis, and if so, funding for the second and third years of the project is contingent upon future appropriations. Up to \$5,000,000 in federal funds will be available for larger projects that may take up to three years to complete.

Applications are due June 15, 2022. For more information on this funding opportunity, visit www.grants.gov and search funding opportunity number R23AS00005. The Bipartisan Infrastructure Law contains \$400 million over five years for WaterSMART grants, including drought resiliency projects. In 2022, Reclamation is making \$160 million available and will release other funding opportunities this spring. To learn more about how Reclamation is implementing the Bipartisan Infrastructure Law, please visit www.usbr.gov/bil.

b. Inspector IG to track infrastructure programs

Interior's Office of Inspector General (OIG) is now preparing to hire more auditors and evaluators who will monitor infrastructure work, including Western water projects. Among other issues, OIG plans to focus on Reclamation's \$8.3 billion in new funding for Western water infrastructure. The targets are identified in the annual oversight plan for 2022-2023 published by OIG's Office of

Audits, Inspections and Evaluations. Reclamation’s management of California irrigation districts’ repayment for construction of the massive Central Valley Project network of dams, canals and pumping plants — can expect more scrutiny, according to *E&E News*.

c. Alliance Actions

The Family Farm Alliance board of directors at its February 2022 annual meeting in Reno (NEVADA) identified federal implementation of the BIL as a top priority for the Alliance to engage in for 2022. Senior leaders from the Department of the Interior’s Office of Water and Science and the Bureau of Reclamation were also present at the Alliance’s annual conference, to highlight the implementation of the BIL and reinforce the importance of partnerships. The Alliance in January submitted a letter- co-signed by the Association of California Water Agencies, California Farm Bureau, National Water Resources Association and Western Growers - to the Secretaries of Agriculture and Interior and the Chair of White House Council on Environmental Quality, outlining four general concerns the groups have regarding implementation of the BIL. We had several key implementation concerns that we raised in the letter, including “Build America, Buy America” provisions, Reclamation’s interaction with its water customers, the importance of working with local interests on restoration projects, and environmental compliance challenges.

d. Aging Infrastructure Account

Last month, Alliance representatives met remotely with Reclamation on the final version of PEC 05-03, the Reclamation policy on the newly created BIL aging infrastructure account and associated loan program. The Alliance sent a detailed letter last fall to Reclamation, outlining concerns with the earlier draft version of PEC 05-03. It appears that Reclamation has taken into account our comments in the final version of the policy. In their final policy, Reclamation has determined that a project beneficiary of a transferred work operator can enter into a third-party contract with Reclamation to repay its portion of XM costs to Reclamation under the aging infrastructure account and loan program. This was a matter of importance to several of our members. The final version of the D&S is now posted on the Reclamation Manual website.

e. Build America, Buy America

In addition to the massive levels of infrastructure funding, the BIL also includes changes to domestic content procurement requirements, such as making permanent an American iron and steel requirement for the drinking water State Revolving Fund (SRF). The requirement was made permanent for the clean water SRF starting in fiscal year 2014. For example, some key provisions from the Made In America Act included in the BIL are expanding the “Buy America” requirements to common construction materials beyond just iron, steel and manufactured products. The January coalition letter raised concerns about how BIL requirements regarding Build America, Buy America could impact infrastructure projects costs and time frames. The coalition letter urged the Council, among other things, to issue an explicit general applicability waiver for manufactured products for water infrastructure investments.

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While the BIL includes expanded mandates for Buy American, it also allows for waivers under certain circumstances. Speaking to the Association of Metropolitan Water Agencies (AMWA) Water Policy Conference in Washington, D.C. last month, Environmental Protection Agency (EPA) Assistant Administrator for the Water, Radhika Fox told the representatives of large municipally owned drinking water utilities that the agency is in “close contact” with White House officials to discuss “Buy American” provisions in the law and may soon create a process for utilities to apply for waivers. In a meeting with representatives from the Reclamation Commissioner’s office last month, the Alliance and other members of the Western water infrastructure steering committee urged the Interior Department to take action similar to EPA’s work on setting up a waiver application process.

10. USDA: Payments to Livestock Producers Impacted by Drought or Wildfire

USDA on March 31 announced that ranchers who have approved applications through the 2021 Livestock Forage Disaster Program (LFP) for forage losses due to severe drought or wildfire in 2021 will soon begin receiving emergency relief payments for increases in supplemental feed costs in 2021 through the Farm Service Agency’s (FSA) new **Emergency Livestock Relief Program (ELRP)**. On September 30, 2021, President Biden signed into law the *Extending Government Funding and Delivering Emergency Assistance Act* (P.L. 117-43). This Act includes \$10 billion in assistance to agricultural producers impacted by wildfires, droughts, hurricanes, winter storms and other eligible disasters experienced during calendar years 2020 and 2021. Additionally, the Act specifically targets \$750 million to provide assistance to livestock producers for losses incurred due to drought or wildfires in calendar year 2021. FSA received more than 100,000 applications totaling nearly \$670 million in payments to livestock producers under LFP for the 2021 program year. Congress recognized requests for assistance beyond this existing program and provided specific funding for disaster-impacted livestock producers in 2021.

11. FY 2022 Omnibus Appropriations Act Signed into Law

On March 15, President Joe Biden signed the *Consolidated Appropriations Act, 2022* (P.L. 117-103) into law, which includes \$1.5 trillion in annual appropriations for the federal government for the fiscal year ending on September 30, 2022. The package provides about \$1.5 trillion across the 12 regular spending bills, including \$730 billion in nondefense discretionary spending, a 6.7% increase over FY 2021, and \$782 billion in defense spending, a 5.6% increase over FY 2021. Federal agencies had been operating under short-term continuing resolutions that extended FY 2021 funding for more than five months. Some groups, mainly progressive organizations, praised the 2,700-page measure. Others, including conservative and moderate think tanks, criticized it for excessive spending. The Alliance’s advocacy firm in Washington, D.C. – The Ferguson Group (TFG) - has compiled a special report that outlines critical features of the FY 2022 omnibus bill and provides insight into the upcoming FY 2023 appropriations process. The report provides an analysis of funding programs and comparisons to past budgets and spending levels.

12. Biden Administration Releases FY 2023 Budget

The Biden Administration late last month released the President's \$5.8 trillion Fiscal Year (FY) 2023 budget. Key items highlighted in the budget include: \$31 billion in additional defense spending (up from \$813 billion in FY 22), \$10.6 billion for global health security, including COVID-19 funding, and \$32 billion in funding for crime prevention. President Biden also plans to reduce the federal budget deficit by increasing taxes on the "ultra-rich" and corporations. The new "Billionaire Minimum Income Tax" would require households worth over \$100 million to pay taxes on at least 20 percent of their full income. The tax would reduce the deficit by about \$360 billion over the next 10 years, according to the White House.

a. Reclamation Budget Priorities

President Biden proposed a \$1.4 billion Fiscal Year 2023 Budget for Reclamation. The budget builds on recent accomplishments and supports the Administration's goals of ensuring reliable and environmentally responsible delivery of water and power for farms, families, communities and industry, while providing tools to confront widening imbalances between water and power supply and demand throughout the West. The proposed FY 2023 budget includes \$1.3 billion for Reclamation's principal operating account (Water and Related Resources), which funds planning, construction, water conservation, management of Reclamation, efforts to address fish and wildlife habitat needs, and operation, maintenance and rehabilitation activities—including dam safety—at Reclamation facilities. The FY 2023 Budget request complements the funding Reclamation has received through the Bipartisan Infrastructure Law, which authorized and appropriated \$8.3 billion into Water and Related Resources in \$1.66 billion annual installments from FY 2022 – FY 2026. Additional details about Reclamation's budget request are available at www.usbr.gov/budget.

b. USDA Budget Priorities

The President's FY2023 budget proposal includes \$31.1 billion in discretionary spending for USDA, a 12-percent increase from the 2021 enacted level. Within the conservation portfolio, the budget proposes \$1 billion for Conservation Operations, the account that funds conservation planning and technical assistance. That is \$100 million more than in FY22. Of that \$1 billion, \$885 million is for Conservation Technical Assistance. The budget proposes \$125 million dollars in discretionary spending for Watershed Operations and \$10 million for Dam Rehab. The budget requests \$20 million in discretionary funds for the Healthy Forest Reserve Program. Unlike past budgets, there are not extensive legislative proposals.

Within the Office of the Secretary, \$4.5 million is requested to coordinate climate activities across the Department. Office of the Chief Economist is requesting \$6 million for research and analysis necessary to assist stakeholders in implementing climate smart agriculture and forestry practices and oversee the production of the Department's resilience and climate change adaptation plan. The Budget includes an increase of \$39 million above the 2021 enacted for the Forest Service to invest more in research related to climate mitigation, adaptation, and resilience, including expanding the

scope and scale of research and program delivery related to reforestation, carbon sequestration, carbon accounting, and fire and fuels research. The Budget includes \$6 million for Forest Service and \$8 million for the Natural Resources Conservation Service (NRCS) for climate hubs.

Additional funding of \$15 million is also requested to increase coordination between USDA, Department of Energy, and Department of Interior to support the creation of the Rural Clean Energy Initiative. The Budget requests \$21 million to support key climate priorities within NRCS, including establishing a soil health monitoring network that will include a network of soil sampling sites, integrating soil carbon monitoring into the conservation planning process, and efforts to increase the internal capacity of NRCS staff regarding key soil carbon and climate smart activities.

The Budget includes \$2.7 billion to mitigate wildfire risk, an increase of \$751 million from 2021 enacted. This includes \$321 million for hazardous fuels reduction, an increase of \$141 million from the 2022 annualized CR level. It also proposes \$20 million for the Healthy Forests Reserve Program to enroll private lands and acreage owned by Indian Tribes. Of note, an increase of \$41 million for NRCS will expand staffing capacity to keep pace with increased mandatory programs.

c. EPA Budget Proposal: Focus on Infrastructure and Environmental Justice

The budget proposes \$11 billion for the EPA in fiscal 2023, an increase of about \$1.5 billion from the \$9.56 billion Congress authorized last year. The White House unsuccessfully sought similar increases in its proposed fiscal 2022 budget, with Congress eventually increasing the agency's budget by about \$323 compared to the previous year. It funds a broad suite of programs enacted by the Bipartisan Infrastructure Law, and it will enable EPA to implement the President's Justice40 commitment, among other key priorities.

d. Earmarks and Next Steps

Congressional earmarks returned for the first time in more than a decade. House Members could submit a total of 10 projects to the appropriations subcommittees, and there was no project limit for Senate offices. House earmarks were dubbed "Community Project Funding," and the Senate used the term "Congressionally Directed Spending." The omnibus spending package includes more than 4,400 earmarks. Of note, House Members can submit up to 15 project requests. House Members and Senators have begun to publish their office deadlines, but no subcommittee deadlines have been announced. The Ferguson Group (TFG) has compiled a Memo titled "Project Funding Accounts for FY 2023 Appropriations and Sample Earmarks from FY 2022" that outlines all available accounts and project examples from FY 2022. The memo includes subcommittee deadlines and links to subcommittee guidance in the House and Senate and highlights nuanced changes for this cycle.

The budget really serves as a suggestion from the White House to Congress and outlines the Administration's priorities. And like all previous Administration budget proposals, Congress will most certainly change the request to meet congressional priorities as well as the Administration's.

The House and Senate Appropriations Committees will hold hearings with Cabinet secretaries and the heads of federal departments and agencies to discuss the FY23 budget over the coming months.

13. U.S. Fish and Wildlife Service: Foothill Yellowlegged Frog Listing

Last week, we signed on to a letter prepared by a coalition of agriculture, timber, water and county government organizations regarding the U.S. Fish and Wildlife Service (Service) Proposed Rule to list four of six distinct population segments (DPSs) of the foothill yellow-legged frog, a stream dwelling amphibian from Oregon and California, under the Endangered Species Act (ESA). The Service is specifically proposing to list the South Sierra and South Coast DPSs as endangered and the Feather and Central Coast DPSs as threatened. The North Feather and Central Coast DPSs would also each include a rule issued under section 4(d) of the ESA. I've previously reported on this issue, since earlier this year we joined California Farm Bureau, the Association of California Water Agencies and others, requesting and securing an extension to the public comment deadline.

If finalized, the Proposed Rule would impact 25 counties across California. The organizations signing on to the attached letter cumulatively either reside in or manage nearly 50% of the state's land as well as substantial water resources, making our organizations particularly concerned with the potentially negative impact of this proposal. The final letter states our collective opposition to the proposed listing due to the irreparable damage that we anticipate would occur. We were asked to provide input and guidance on the "water management" section of the proposed listing, which we did, with assistance from our members in the Deschutes-Crooked River Basin in Oregon, who have extensive and hard-earned experience dealing with another not-so-charismatic critter protected by the ESA: the Oregon spotted frog. Many thanks to those managers and attorneys who helped point me in the right direction, and whose input is reflected in the final letter.

DEVELOPMENTS IN CONGRESS

14. Alliance Sends Forest Health Testimony to House Oversight Committee

Last week, we developed written testimony for a House oversight subcommittee hearing conducted earlier in March on the federal government's wildfire preparation measures. The hearing featured testimony from Forest Service Chief Randy Moore, but much of the media coverage focused on comments made by another witness - singer Carole King, a prominent land conservation advocate. One of the bills discussed at the hearing is Rep. Carolyn Maloney's (D-NY) *Northern Rockies Ecosystem Protection Act* (H.R. 1755), which would designate about 23 million acres in Idaho, Montana, Oregon, Washington and Wyoming as wilderness lands, marking it as the largest public lands protection bill in the Lower 48 in history (*E&E Daily*, March 12, 2021). H.R. 1755 would also designate 1,800 miles of rivers and streams as wild and scenic rivers.

The draconian 'non-management' measures envisioned by H.R. 1755 would be instituted in the heart of our membership area and would have devastating impacts to some of the most critical headwater areas of the West. We urged the Committee in our testimony to resist this flawed land

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management strategy and focus on active management of our Western forests. To provide further background on how Western forests are impacting those who live and rely on them for water resources, along with approaches to address the issues, the Alliance testimony – submitted before the close of the hearing record - included excerpts from an earlier written statement by Alliance President Patrick O’Toole, who testified on forest health issues before the House Natural Resources Committee last October.

15. The STREAM Act

The Alliance last month transmitted to Senator Diane Feinstein (D-CALIFORNIA) a letter in support of the "STREAM Act", which would authorize additional funding for water infrastructure. The draft bill also:

- Expedites recycling, desalination and non-federal storage projects with less than \$250 million in federal funding by allowing Interior to approve projects.
- Eliminates the WIIN Act requirement that the Appropriations Committee must not only appropriate storage, recycling, and desal funding but approve funding awards for specific projects.
- While future federal storage projects must be Congressionally authorized, expedites their approval through a “Reclamation WRDA” process, where Reclamation notifies Congress of completed feasibility studies each year to set up an orderly process to authorize projects.
- Authorizes modifications of extraordinary maintenance projects to increase public benefits and other project benefits.

The Alliance has worked over the past year with Senator Feinstein’s staff on several of these bill components.

16. House GOP demand answers from activists on allegation of Russian collusion

House Energy and Commerce Committee Republicans are calling on certain environmental groups to disclose their ties to a non-governmental organization which is, according to the committee, reportedly used by Russian President Vladimir Putin to make an impact on American energy production. Three environmental groups – the League of Conservation Voters (LCV), the Natural Resources Defense Council (NRDC), and the Sierra Club – reportedly have ties to the San Francisco-based NGO environmental organization called the Sea Change Foundation, according to Republicans on the committee. In a letter sent to each of the groups, Republicans inquired about the funding the groups have received from Sea Change since 2006 and called for disclosure of whether the groups "are aware of concerns that Sea Change may be a conduit for Russian funding."

17. House Republicans Lead Inquiry into EPA Pesticide Proposal

Nearly 50 Members of Congress last month sent a letter to Environmental Protection Agency (EPA) Administrator Michael Regan to inquire about a recent proposal that could hinder the registration process of new pesticide active ingredients. The letter includes several questions for the EPA regarding the proposal, which could severely limit producers' access to important pesticides, and urges the Agency to work directly with states and the U.S. Department of Agriculture to provide certainty for farmers across the country. Members outlined several concerns with the proposal, including the conflict between the Endangered Species Act (ESA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which has been the subject of several court cases and has resulted in granting undue jurisdiction of critical pesticide decisions to federal judges. The Alliance over the course of the past decade has on several occasions supported efforts similar to the latest GOP action on this matter.

ALLIANCE INITIATIVES

18. Colorado River Initiative

Within weeks of putting Colorado River agricultural water use policy as top priority for the upcoming year, the Alliance board of directors on March 11 formally adopted a policy brief that sets forth Colorado River principles developed in collaboration with several key agricultural interests. We have helped organize a group of Basin agricultural water users from the headwaters to the Mexican border to come together to present key principles and expectations that are critical to sustainable and durable operation of the Colorado River into the future. We believe this group can play a major role as the seven Colorado River Basin States and Basin stakeholders engage to replace the 2007 Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead. These Interim Guidelines are set to expire in 2026.

The policy brief urges Colorado River Compact decision-makers to incorporate 8 principles into new operating guidelines. The Alliance formally transmitted the policy brief along with a letter to Interior Assistant Secretary for Water and Science Tanya Trujillo and Acting Commissioner of Reclamation David Palumbo following a February 15, 2022 listening session led by those two, with Basin agricultural representatives. The letter requested that Interior and Reclamation consider conducting further meetings focused solely on Colorado River Basin agricultural interests on a quarterly basis.

19. Clean Water Act Initiative

Political activity continues to mount following the announcement earlier this year by the Supreme Court of the United States (SCOTUS) that it would revisit the scope of Clean Water Act (CWA) precedent in *Sackett v. EPA*. The 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 U.S."

(WOTUS) 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 Corps in regulations since the 1970s and jointly implemented in the agencies’ respective programmatic activities.

The case to be taken up by the Supreme Court centers on a conflict between an Idaho couple, Chantell and Michael Sackett, and EPA. The Sacketts attempted to build a home on land the EPA claims to be federally protected wetlands under the CWA. The Supreme Court in 2012 sided with the Sacketts in their battle for judicial review of an EPA order that stopped them from building a house on their northern Idaho land and threatened heavy fines. The justices in January agreed to consider whether the 9th U.S. Circuit Court of Appeals erred when it affirmed that the federal government has permitting authority over the couple’s property.

a. House GOP Call on Biden Administration to Halt WOTUS Expansion

Over 200 House Republicans sent a letter last month urging the Biden Administration to halt their rulemaking expanding the definition of WOTUS until the U.S. Supreme Court rules on *Sackett v. EPA*. The letter was led by Rep. Dan Newhouse (R-WASHINGTON), Transportation and Infrastructure Ranking Member Sam Graves (R-MO), Water Resources and Environment Ranking Member David Rouzer (R-NC) and signed by every Member of the Congressional Western Caucus. Agricultural interests also weighed in support of a pause in the rulemaking. Scott Yager, Chief Environmental Counsel, National Cattlemen’s Beef Association noted that for too long, cattle producers have endured shifting WOTUS definitions.

b. EPA Science Advisers to Review Science Behind WOTUS

The EPA Science Advisory Board (SAB) has unanimously voted to review the science behind EPA’s recent proposed rulemaking to repeal the Trump Administration’s Navigable Waters Protection Rule and revert to the WOTUS definition that was in place before 2015, updated with relevant Supreme Court decisions. The outcome of the review could possibly help shape EPA’s proposed WOTUS regulation. The basic science supporting the pre-2015 regulations was considered by SAB back in 2015, but since the agency is also considering Supreme Court decisions to the pre-2015 regulations, a more in-depth analysis was required.

c. Agricultural Amicus Brief for Supreme Court Review

The Alliance board of directors at its February meeting in Reno authorized General Counsel Norm Semanko to work with other national agricultural interests to file an amicus brief in the Supreme Court review of the *Sackett* case this fall. The Alliance is joining has been offered an opportunity to participate in an “agriculture” brief, led by the American Farm Bureau (AFB). Our brief will generally explain how the uncertainly and broad scope of jurisdiction asserted by the agencies over the years have made it difficult for farmers to operate, that the agencies have failed to create a workable definition, and the need for SCOTUS to clearly define WOTUS. Others in the “ag”

coalition include the American Sheep Industry Association, National Pork Producers Council, U.S. Poultry & Egg Association, The Fertilizer Institute, National Corn Growers Association, National Cotton Council, American Soybean Association, United Egg Producers, American Sugar Alliance, USA Rice and National Association of Wheat Growers.

WESTERN WATER “HOT SPOTS”

Longer-term drought remains entrenched across much of the West, according to the U.S. Drought Monitor. Following a very wet December 2021 across parts of the West, a very dry pattern has persisted during much of 2022 so far, mainly from southern Oregon southward. Given the small gains made in recent weeks, targeted hydrologic improvements were seen across northern Oregon, northern Idaho, and western Montana. Some basins across the Four Corners region are even reporting near and above-normal seasonal snowpack following recent storms. However, more will be needed to curb long term drought across these areas. The April 2022 Family Farm Alliance “*Monthly Briefing*” – published last Friday – provides more detail on the dire drought conditions in California, the Pacific Northwest, the Great Basin, and parts of the Great Plains. It also discussed new water projects that are underway in California.

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.