



**ITINERARY FOR CALF 50/51 SUMMER TOUR OF  
CENTRAL VALLEY WATER ISSUES  
AUGUST 18 and 19, 2022**

**Wednesday, August 17th**

**HOTEL CHECK-IN** for those arriving early at Hotel Mission De Oro, 13070 S. Hwy 33, Santa Nella (209) 826-4444.

**7:00 p.m. GET TOGETHER** at Paul Parreira's (CALF 44) Residence, Cocktails and Food, 1042 Van Buren Avenue, Los Banos.

**Thursday, August 18th - Focus: Local Problems – Creative Solutions**

**7:00 a.m. BREAKFAST** at Hotel Mission De Oro, 13070 S. Hwy 33, Santa Nella. *(Please be at breakfast on time to meet the tour schedule.)*

**7:30 a.m. BRIEFING during Breakfast**, Day's Agenda, Background Information, Chris White, Executive Director, Exchange Contractors, CALF 43, and Steve Chedester, Director of Policy and Programs, Exchange Contractors.

**8:30 a.m. DEPART** for Los Banos Detention Dam (LBDD).

**9:15 a.m. ARRIVE** at Los Banos Detention Dam (**Water Resources Solutions**) Jarrett Martin, General Manager, Central California Irrigation District (CCID), CALF 48.

**9:50 a.m. DEPART** for CCID's Regulating Reservoir site.

**10:30 a.m. ARRIVE** at CCID's Ingomar Regulating Reservoir (**Water Conservation Solutions**) John Relvas, Deputy General Manager of Operations, CCID.

**10:50 a.m. DEPART** for Volta Wildlife Area.

**11:10 a.m. ARRIVE** at Volta Wildlife Area (**Wildlife Management – Water Challenges**) Ric Ortega, General Manager, Grassland Water District.

**11:45 a.m. DEPART** for Del Bosque Farms.

**12:05 p.m. Stop for Box Lunch en Route.** Badger Flat at Hwy 152.

**12:40 p.m. ARRIVE** at Del Bosque Farms, Joe Del Bosque.

**1:30 p.m. DEPART** for Mendota Dam.

**2:00 p.m. ARRIVE** at Mendota Dam (**San Joaquin River Restoration Challenges and Solutions**) Discuss San Joaquin River Restoration Program (SJRRP). Steve Chedester, Randy Houk, General Manager, Columbia Canal Company (CCC) and Chris White.

- 2:30 p.m. DEPART for Meyers Groundwater Banking Project.
- 3:00 p.m. ARRIVE at Meyers Groundwater Banking Project (Delta Water Supply Shortages and Solutions) Jason Dean, Project Manager/Biologist.
- 4:00 p.m. DEPART for Red Top Subsidence Area.
- 4:40 p.m. ARRIVE at Sack Dam - Red Top Subsidence Area (Subsidence Challenges and Solutions) John Wiersma, General Manager, San Luis Canal Company (SLCC), and Case Mo. and Detroy. Mo., CALF 51, local ranch owners. Checking with Chase Hurley, CALF 35.
- 5:25 p.m. DEPART for Historic Delta Party Barn, 13816 W. Bisignani Road, Los Banos.
- 6:00 p.m. ARRIVE at Delta Party Barn – Dinner – Presentation by Cannon Michael, Bowles Farming, CALF 39
- 9:00 p.m. RETURN to Hotel.

**Friday, August 19th – Focus: Water Resources – The Big Picture.**

- 7:00 a.m. BREAKFAST at Hotel Mission De Oro, 13070 S. Hwy 33, Santa Nella.
- 7:50 a.m. DEPART for C.W. Bill Jones Pumping Plant, 15990 Kelso Road, Byron.
- 9:00 a.m. ARRIVE at C.W. Bill Jones Pumping Plant. Federico Barajas, Executive Director, San Luis & Delta-Mendota Water Authority, CALF 33, and Seth Harris, Water Operations Superintendent
- 10:30 a.m. DEPART for Tracy Fish Facility, 16650 Kelso Road, Byron.
- 10:40 a.m. ARRIVE at Tracy Fish Facility. (Scott Getting name of tour guide.)
- 11:40 a.m. DEPART for Apricot Woods BBQ.
- 12:20 p.m. LUNCH Apricot Wood BBQ, 2985 Renzo Lane, Patterson. Anthea Hansen, General Manager, Del Puerto Water District, will provide presentation of their North Valley Regional Recycling Project (Water Supply Solutions).
- 1:20 p.m. DEPART for Del Puerto Canyon Reservoir Project.
- 1:35 p.m. ARRIVE at Del Puerto Canyon Reservoir Project (Water Resource Solutions) Chris White, Anthea Hansen.
- 1:50 p.m. DEPART for San Luis Reservoir Romero Visitor Center.
- 2:30 p.m. ARRIVE at San Luis Reservoir Romero Visitor Center, Chris White.
- 3:05 p.m. DEPART for Santa Nella.
- 3:30 p.m. ARRIVE at Hotel – Tour concluded.

Contact Numbers:

Chris White (SJRECWA) - 209-761-4114 [cwhite@sirecwa.net](mailto:cwhite@sirecwa.net)  
 Joann White (SJRECWA) - 209-617-0619 [jwhite@sirecwa.net](mailto:jwhite@sirecwa.net)

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# Itinerary: Yuba/Sacramento Tour

August 30-31, 2022

## Schedule

Tuesday, August 30

TIME	DESCRIPTION
5:00 PM	Arrive at Hard Rock Hotel & Casino
6:00 PM	Joint Dinner between SLDMWA and YWA

Wednesday, August 31

TIME	DESCRIPTION
8:00 AM	Meet outside Hard Rock Hotel
8:00 AM - 8:30 AM	Travel to Yuba Water Agency (15 min)
8:30 AM	Meet at Yuba Water Agency
8:45 AM - 9:00 AM	Travel to Hallwood Fish Habitat Project (15 min)
9:00 AM - 9:45 AM	Tour Hallwood Fish Habitat Project
9:45 AM - 10:30 AM	Travel to New Bullards Bar Dam (45 min)
10:30 AM - 12:00 PM	Tour of New Bullards Bar Dam and Dam Base
12:00 PM - 12:15 PM	Travel to Clover Café (lunch location)
12:15 PM - 1:00 PM	Lunch Discussion
1:00 PM - 2:10 PM	Travel to Tisdale Weir (1 hr 5 min)
2:10 PM - 3:00 PM	Tour Tisdale Weir Rehabilitation and Fish Passage Project
3:00 PM - 3:45 PM	Travel to Hard Rock Hotel & Casino (45 min)
3:45 PM	End Tour

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Tuesday, August 30

Arrive and Check in at Hard Rock Hotel & Casino

Overview

Located just north of Sacramento, the Hard Rock brand's amped-up style, service, and signature hospitality have a new home in Northern California.

Location

3317 Forty Mile Road  
Wheatland, CA 95692  
(833) 337-3473

Dinner

Overview

An introductory dinner discussion with Yuba Water Agency and San Luis & Delta-Mendota Water Authority and member agencies.

Location

Hard Rock Café, Hard Rock Hotel & Casino

Wednesday, August 31

Requirements

- Participants should wear comfortable, closed-toed shoes and long pants.
- Hard hats (provided) must be worn at the base of New Bullards Bar Dam and at the Hallwood Fish Habitat Project.
- On the day of the tour, attendees must sign a liability waiver and present a government issued ID to participate.

It may be hot! A hat, sunglasses and sunscreen are recommended.

Yuba Water Agency

Overview

Yuba Water Agency is a stand-alone public agency governed by a board of seven elected officials to serve the people of Yuba County. Established by a special act of the California State Legislature in 1959, the agency's primary missions are flood risk reduction, water supply reliability, fish habitat protection and enhancement, hydroelectric generation, and recreation at New Bullards Bar.

Today, Yuba Water Agency owns and operates facilities capable of storing approximately one million acre-feet of water and generating more than 400 megawatts of hydropower. Each year, Yuba Water Agency releases more than 300,000 acre-feet of water to eight irrigation districts that convey the water to local farmers and ranchers in Yuba County.

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### *Collaborative Efforts*

As a leader in water transfers, efficient water management and fisheries restoration, the agency is involved in many collaborative efforts with local, state and federal agencies, and conservation groups. In 2009, Yuba Water Agency received the Governor's Environmental and Economic Leadership Award (GEELA) for the Lower Yuba River Accord. Presented to the agency by Arnold Schwarzenegger, the GEELA is California's highest and most prestigious environmental honor.

### *History*

Yuba Water Agency was established in 1959 to reduce flood risk and provide a sustainable water supply for the people of Yuba County.

Yuba County has historically endured devastating floods, due in part to Gold Rush-era hydraulic mining practices that washed millions of cubic yards of debris into the Yuba River, raising the riverbed and increasing the flood risk.

As gold mining gave way to farming and ranching, water users south of the Yuba River overdrafted the aquifer, causing dramatic declines in groundwater levels.

To resolve these problems, Yuba Water Agency proposed the Yuba River Development Project, a multipurpose flood control, water and power project that was approved in 1961. In 1966, the Federal Energy Regulatory Commission (FERC) issued a license for the project, and Yuba Water Agency completed construction in 1970.

### *Location*

1220 F Street  
Marysville, CA 95901

## Hallwood Fish Habitat Project

### *Overview*

The Hallwood Side Channel and Floodplain Restoration Project is designed to enhance the lower Yuba River ecosystem by increasing available juvenile salmon habitat to improve the natural production of Chinook salmon and Central Valley steelhead. The project will also reduce flood risk through lower water surface elevations and velocities during flood events.

### *Background*

In the project area, the Yuba River is constrained by tall, linear cobble embankments called training walls, which were constructed in the early 1900s by hydraulic dredges following the Gold Rush. These training walls are within the highly modified Yuba Goldfields setting where hundreds of millions of cubic yards of hydraulic mining sediment was deposited in the lower Yuba River through the early 1900s. The area was subsequently dredged multiple times, creating significant impacts for the natural flow of the river and the floodplain. A large training wall in the middle of the river, known as the Middle Training Wall, runs more than two miles long the length of the project.



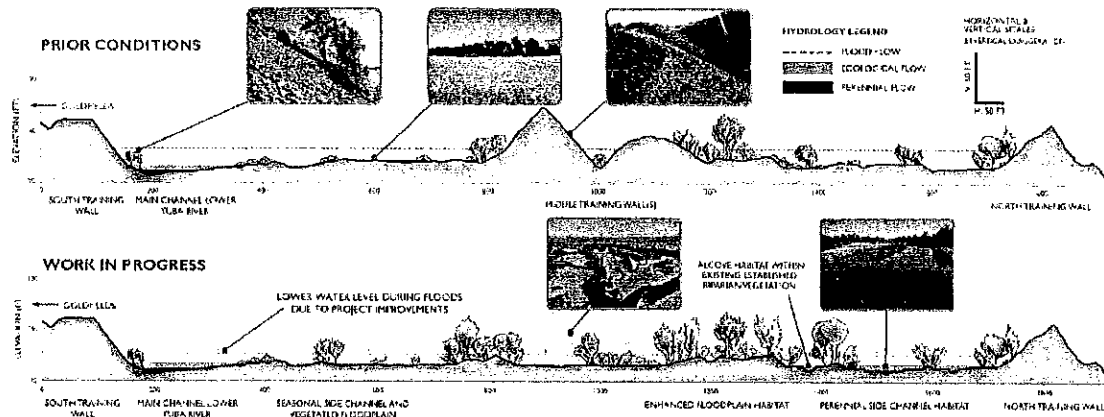
**Project Location**  
The project area is along the north bank of the lower Yuba River, downstream of the Daguerre Point Dam.

**PROJECT AREA**  
**LOWER YUBA RIVER**  
**DAGUERRE POINT DAM**  
(U.S. Army Corps of Engineers dam)  
MARYSVILLE  
--- The project area is 2.5 miles long

*The Project Plan*

The project design is based on the premise that restoration of natural river and floodplain processes, including the removal of large portions of the Middle Training Wall, will create a healthier, more natural, and therefore, more productive river. Improvements will enhance up to 157 acres of seasonally inundated riparian floodplain, approximately 1.7 miles of perennial side channels, and approximately 6.1 miles of seasonally inundated side channels, alcoves, and swales. Enhancements will be made through land surface changes, riparian planting, and placement of large woody material embedded to simulate a more natural river at key locations. The total project cost is estimated to be \$12 million, with Teichert’s in-kind contribution of rough grading and aggregate removal estimated at \$70 million. Funding has been provided by grants from the California Natural Resources Agency, Wildlife Conservation Board, USFWS and Yuba Water Agency.

**Hallwood Side Channel and Floodplain Restoration Project**



*Project Schedule*

**Phase 1** included the removal of approximately 1.2 million cubic yards of sediment from the elevated floodplain and a section of the Middle Training Wall, followed by enhancing 89 acres of side channel and floodplain habitat. Phase I was completed in 2020.

**Phase 2** involved removal of approximately 800,000 cubic yards of sediment from the Middle Training Wall and surrounding floodplains in the upper reach and enhancing 34 acres of floodplain and seasonally inundated side channel habitat. Phase 2 was completed in 2021.

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Phases 3 and 4 will remove large portions of the Middle Training Wall, yielding approximately 815,000 and 400,000 cubic yards of sediment, respectively, and enhancing an additional 13 and 21 acres of floodplain and seasonally inundated side channel habitat. Construction of the project is expected to be complete in 2023.

#### *Project Partners*

This project is a collaborative effort among many different organizations. Primary partners include: U.S. Fish and Wildlife Service, California Natural Resources Agency, cbec eco engineering, South Yuba River Citizens League, Cramer Fish Sciences, Teichert and Western Aggregates, Wildlife Conservation Board and Yuba Water Agency.

#### Location

3331 Walnut Avenue  
Marysville, CA 95901

#### New Bullards Bar Dam

##### *Overview*

At 645 feet tall, New Bullards Bar Dam is the fifth tallest dam in the United States and the largest dam in the country that is not owned by a state or the federal government. Completed in 1970, New Bullards Bar Dam impounds the North Yuba River and has a total storage capacity of 969,000 acre-feet.

##### *A New Spillway at New Bullards Bar Dam*

In one of its most significant flood risk reduction efforts since building New Bullards Bar Dam and Reservoir, Yuba Water Agency is designing a second spillway at the dam. The new Atmospheric River Control (ARC) Spillway will significantly reduce flood risk to communities and agriculture along the Yuba and Feather rivers, improve levee resilience, enhance climate resilience and dam safety, and bring new jobs and economic benefits to the region.

The ARC Spillway gates will be 31.5 feet lower than the existing spillway gates, allowing for the release of 35,000 cubic feet of water per second. The lower elevation will make it possible to manage an additional 117,000 acre-feet of reservoir space and release water from the reservoir before large, threatening storms hit, while there is still plenty of capacity downstream.

The improved control of water releases enabled by the ARC Spillway could be used to reduce water levels on levees protecting Marysville, Yuba City and other communities by as much as three feet during a storm like the 1997 New Year's flood – the largest on record. The ARC Spillway will also be able to independently handle flows like those recorded in 1997, providing a redundant dam release option and enhancing dam safety.

Yuba Water considered several alternative designs and determined an open-channel second spillway is the best public safety option with the most operational flexibility at the lowest cost, with the fewest environmental impacts.



### *Forecast-Informed Reservoir Operations (FIRO) and Water Control Manual Updates*

Current and historical trends suggest that the strength, duration and frequency of atmospheric rivers – large, wet storms – is increasing in Northern California. To maximize the benefit of the ARC Spillway, Yuba Water is working with Scripps Institution of Oceanography's Center for Western Weather and Water Extremes on atmospheric river research to improve forecasting. Implementing FIRO for both New Bullards Bar Reservoir and the California Department of Water Resources' nearby Oroville Reservoir will allow for coordinated, early releases of water on the Yuba and Feather rivers in advance of large storms, creating more storage capacity to manage flows during the peak of a flood event. Using this research, Yuba Water is also working with the U.S. Army Corps of Engineers to develop new operational procedures, known as a water control manual, for managing flood flows. Together, the ARC Spillway, the new water control manual and implementation of FIRO will improve climate resilience and reduce flood risk to Yuba and Sutter counties and other downstream communities.

#### Location

12571 Marysville Road  
Dobbins, CA 95935

#### Tisdale Weir

##### Overview

Built in 1932 by the U.S. Army Corps of Engineers atop an early structure built around 1911, the Tisdale Weir is a 1,150 foot-long concrete structure located on the east side of the Sacramento River, south of the town of Meridian in Sutter County, and four miles west of the Sutter Bypass. The Tisdale Weir is a critical component of the Sacramento River Flood Control Project (SRFCP). It is one of five major overflow weirs in the SRFCP, and during Sacramento River flood events, it is typically the first to overflow and the last to stop flowing. The Sacramento River conveys 66,000 cubic feet per second (cfs) above the weir but only 30,000 below. When the flow exceeds 30,000 cfs, more than half of the floodwaters are diverted from the river over the weir and into the bypass system.



FIGURE 1. A DRONE VIEW OF FLOODWATERS FROM THE SACRAMENTO RIVER FLOWING OVER THE TISDALE WEIR IN SUTTER COUNTY.

##### Project Need

The existing Tisdale Weir has been in operation for 87 years and needs structural rehabilitation due to aged concrete that is spalling (flaking) and exposing rebar. In addition, there is a long history of fish stranding behind the weir when flows from the Sacramento River recede below the weir crest.

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The proposed project would rehabilitate the weir to extend the design life and also provide passage for fish to the Sacramento River.

*Proposed Project*

The proposed project would address key food risk concerns due to the aging and deteriorating condition of the weir. Installation of fish passage facilities will allow fish to return to the Sacramento River as flow to the bypass recedes. Collectively, these outcomes support the primary goal of the Central Valley Flood Protection Plan (CVFPP) to improve food risk management while achieving specific supporting goals including improving O&M, promoting multi-benefit projects, promoting ecosystem functions, and addressing key stressors such as fish passage barriers.

*Schedule*

If the proposed project is approved, the current schedule is to award a contract for construction in 2022 for completion in 2023.

*Location*

Site

Meridian, CA 95957

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**MEMORANDUM**

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**TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS**

**FROM: DAN KEPPEL, EXECUTIVE DIRECTOR**

**SUBJECT: UPDATE REPORT**

**DATE: SEPTEMBER 11, 2022**

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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 working with our members on short-term solutions to prop up reservoir levels on the Colorado River, planning for our 2022 Farmer Lobbyist trip, 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.

**BIDEN ADMINISTRATION DEVELOPMENTS**

**1. Appointments**

The Biden White House energy and climate team is changing with the announced departure of Gina McCarthy, the climate czar who previously served as the head of the Obama Administration Environmental Protection Agency (EPA). Replacing McCarthy as climate advisor will be her deputy, Ali Zaidi. John Podesta will also be joining the Biden White House. He is a former senior White House climate advisor in the Obama Administration who supposedly will head up implementation of the massive \$369 billion climate and energy spending bill, the *Inflation Reduction Act (IRA – see Item 2, below)* which passed in August using the budget reconciliation process to get around a Senate filibuster on a 51-50 vote in the evenly split Senate.

On August 15, the Department of the Interior swore in the new Director of the U.S. Geological Survey (USGS), David Applegate. He joined the USGS in 2004, and in 2021 began serving as the USGS Associate Director for Natural Hazards. 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.

## **2. President Signs Massive Health Care/Climate/Tax Bill into Law**

President Biden on August 16 signed the \$459 billion Inflation Reduction Act (IRA) – a massive health care, climate and tax bill - into law. Much of the spending goes to climate programs. The White House is preparing for a much larger celebration on September 6, when Americans are expected to pay more attention to what's at stake in the fall midterm elections (*Washington Post*). House Democrats on August 12 voted 220-207 to clear the bill, with no Republicans joining Democrats in supporting the act. Senate Democrats passed the bill five days earlier, by a 51-50 margin, with Vice President Kamala Harris breaking the tie. Senator Kyrsten Sinema (D-ARIZONA) was the key vote in the Senate, where she helped secure \$4 billion of funding intended to address the Western drought crisis. Republicans sharply opposed the massive package, which they claim is financed largely by tax increases.

### **a. More Dollars for Interior and EPA**

The overall bill would provide tax certainty for clean energy technologies, including renewables, energy storage, nuclear and carbon capture, among others. It also includes a methane fee on oil and gas operations, as well as a host of provisions directing more lease sales on public lands and waters for fossil fuel development as Interior also ramps up leasing for offshore wind (*E&E Daily*). The Fish and Wildlife Service (FWS) would get an additional \$125 million for developing and implementing recovery plans for species listed under the Endangered Species Act. FWS would get another \$121.25 million to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and state wildlife management. EPA would receive billions of dollars to aid in the fight against climate change. The legislation contains more than \$4.5 billion intended to track and cut emissions of conventional air pollutants, as well as greenhouse gases.

### **b. USDA Programs**

What is in play in the bill for U.S. farmers, ranchers and forestland owners? More than \$20 billion would be made available to farmers and ranchers to give them the climate-smart agriculture tools they need to address the climate crisis. The nearly \$20 billion for the USDA conservation programs allocates funds for existing programs like the Environmental Quality Incentives Program and the Regional Conservation Partnership Program to provide financial and technical assistance to private landowners to voluntarily implement conservation practices on agricultural land. The boost in conservation programs would affect the next farm bill, either by temporarily increasing the budget baseline heading into the legislation or by setting a tone for the bill's priorities. Any budget baseline effect would be temporary, however, as the increases run out in fiscal year 2027, before the farm bill expires. Democrats and environmental lobbyists are hoping that the additional spending will smooth the way for a more climate-focused farm bill next year. However, some Senate

Republicans have predicted a vigorous debate if lawmakers try to add specific climate-related conservation funding to the farm bill.

c. Forestry Provisions

The IRA appropriates a total of \$4.9 billion in spending on various forestry programs, which will remain available through September 30, 2031. The Act includes funding for activities on National Forest Lands, including hazardous fuels reduction projects within the wildland urban interface, vegetation management projects, Forest Service NEPA reviews, and protection of old-growth forests. The IRA also includes funding—subject to a 20 percent non-federal cost share (but with authority to waive that cost-share for climate mitigation and forest resilience practices for “underserved forest landowners”) - payments to private landowners to implement practices that increase carbon sequestration, grants for “wood innovation” or for hauling materials from fuels reduction projects, and tree planting and related activities.

d. Tax Implications

The IRA contains a number of tax and spending provisions impacting a broad range of businesses and individuals. These changes include a 15% corporate minimum tax, a 1% tax on certain corporate stock repurchases, an extension of the excess business loss limitation, and expansion of renewable energy and energy efficiency incentives. While the Act contains significant incentives for certain investments in clean energy infrastructure, it defers many of the eligibility specifics and implementation details to federal agencies, leaving significant questions for businesses seeking to understand the short- and medium-term impacts.

e. Millions to Speed Permitting – Senate to Vote on Permitting Reforms

The IRA contains hundreds of millions of dollars to help speed environmental reviews to permit major projects. The funding will be used to staff up agencies burdened with permitting new climate and infrastructure projects while improving efficiencies through integration and the use of automation in the permitting process. In the meantime, Congress is set to vote separately on an environmental permitting reform deal struck between Sen. Joe Manchin (D-WV) and Majority Leader Chuck Schumer (D-NY) to gain Senator Manchin’s support for the IRA climate bill. Sen. Manchin’s goal is to limit the number of legal challenges levied against projects as well as the time federal agencies have to conduct reviews. Bill language has not yet been released. At issue are the political differences between the parties. Republicans and developers urge faster reviews and contend that rules under the National Environmental Policy Act (NEPA) and other environmental statutes are too cumbersome. But Democrats, and some conservatives, too, have long asserted that the actual problem is that there simply are not enough experts at federal agencies to do the work.

f. Alliance Efforts: Western Drought Relief Funding

Shortly after Senator Manchin announced that he would support the bill in late July, a coalition of

Western agriculture and water organizations – including the Alliance- sent a letter to Senate leaders, expressing “surprise and concern” about how legislation aimed at climate change fails to include meaningful provisions to address water security and emergency drought response. None of the nine organizations signing the letter – which also included the Agribusiness and Water Association of Arizona, ACWA, National Water Resources Association, Western Growers Association, and four Western state Farm Bureaus – have formally supported the IRA. Our letter urged that if a reconciliation package is considered - Congress needs to include provisions to provide immediate drought relief to the West. We felt this could be a vehicle to get some big-time dollars to help address the drought throughout the West, including short-term funding that is critical to generate water savings in the next few years on the Colorado River.

We were in communication with several of the Colorado River Basin Democrat Senators as the letter was being developed and in the days after. Senator Sinema - who had opposed past reconciliation moves (e.g., President Biden’s “Build Back Better” plan) – was the last Senate Democrat to publicly support the bill, and she held out until she had fully studied the legislation. Ultimately, she announced that she had signed off on the legislation after securing a handful of changes, including \$4 billion for drought resilience, which will be directed to Reclamation, although three other Colorado River Basin Senators up for re-election this November accepted the credit for securing the provisions. The Western drought provisions will help fund conservation projects to increase water levels in Colorado River system reservoirs, and compensate water users for reducing water use, through temporary or multi-year agreements. The drought provisions will also help mitigate effects of drought by funding environmental restoration projects, including inland waterways like the Salton Sea.

g. Next Steps

We'll now start thinking about how we can best affect implementation of these funds, via appropriations and working with the Reclamation Commissioner's office. The bill is a bit short on direction and Interior and Reclamation officials will need some time to review and analyze the final language to inform their decision makers on the different ways they might be able to spend the funding. The language in the bill calls out the Colorado River Basin as a priority for this funding and, based on their existing authorities, Reclamation will probably look at both short- and long-term strategies to put the funding to good use. There are other basins in the West that are in serious multi-year drought and could also, we believe, benefit from some of the funding, but the Colorado River will remain the priority. From a West-wide perspective, this funding could set the stage for the rest of the year by drawing attention to the reality that there are many other areas that are hurting, not just the Colorado River.

**3. EPA: Denying Environmental Permits Under ‘Civil Rights’ Law**

In a significant step, EPA’s External Civil Rights Compliance Office (ECRCO) has provided details on how permit writers should assess cumulative impacts and, in what could be a first, the option of denying a permit under civil rights law, even if it meets all environmental requirements.

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EPA's recently released "Frequently Asked Questions" (FAQ) document that details the options and compiles existing information about how EPA will integrate environmental justice (EJ) and civil rights into the permitting process. However, the FAQ stresses that compliance with civil rights law is a separate obligation from compliance with environmental laws. ECRCO is now working on separate guidance that will set a legal standard for considering civil rights in permitting decisions, including cumulative disparate impacts, that should be released for comment sometime next year.

#### **4. EPA: Build America, Buy America Waivers**

On September 2, EPA released final waivers for domestic procurement requirements in the Build America, Buy America Act (BABA) for projects receiving federal funds through the State Revolving Funds (SRFs) for drinking water and clean water. New American sourcing requirements for federally funded water infrastructure projects were put into place by Congress through BABA in 2021, concurrently with the passing of the Infrastructure Investment and Jobs Act (IIJA). While the importance of creating American supply chains is understood, it is also well known that these requirements can result in significant cost escalations for large infrastructure projects. EPA's announcement grants an adjustment period waiver for IIJA funded projects that had initiated project design planning prior to May 14, 2022. The Council of Infrastructure Financing Authorities (CIFA) is developing an in-depth analysis of the new waivers for states. See <https://www.epa.gov/cwsrf/build-america-buy-america-baba-approved-waivers>.

#### **5. U.S. Department of Agriculture (USDA)**

##### **a. Bipartisan Infrastructure Law (BIL) Implementation**

USDA on August 26 announced more than \$65 million of investments intended to help the U.S. Forest Service (USFS) improve water quality, roads, trails and fish habitat across the country. Made possible by the Infrastructure Investment and Jobs Act (IIJA), or BIL, this marked the first round of a \$25.5 million investment over five years through the new Collaborative Aquatic Landscape Restoration Program and more than \$40 million for Fiscal Year 2022 project for the Legacy Roads and Trails Program. The investments are intended to support projects that serve rural community needs, create jobs, and improve access to national forests and grasslands. Details are available at the [Collaborative Aquatic Landscape Restoration Program](#) and [Legacy Roads and Trails Program](#) websites.

##### **b. Biden Administration Climate Initiative**

USDA will pump \$300 million into boosting organic production. The money, which will draw on 2021 American Rescue Plan funds, will be funneled into three areas: training for transitioning farmers, financial and technical assistance for a new organic standard, and beefing up organic supply chains. The department's goal is to encourage more organic farming, which makes up less than 1% of farmland by acreage in America. It aligns with broader Biden administration goals to

promote greener agriculture. Federal dollars have also been earmarked for organic farmers and to make new products from agriculture waste and the wood remnants from thinning forests to protect against large fires.

The initiative comes as the Biden administration seeks to mitigate agriculture's climate impacts. That includes policies such as providing incentives to reduce methane emissions, and pushing farms to electrify their equipment. Agriculture accounted for more than a tenth of greenhouse gas emissions in 2020, according to the Environmental Protection Agency. U.S. Secretary of Agriculture Tom Vilsack last month said that the more than \$1 billion the federal government is devoting to voluntary efforts to reduce agriculture's adverse effects on the environment is a better long-term strategy than mandating new rules for farmers. The European Union (EU) has specific requirements about crop rotations, permanent pastures and the use of buffer strips and other conservation practices that improve soil quality. The European Green Deal seeks to increase the amount of farmland that is being managed to produce organic crops to 25% by 2030. The practice often produces lower yields. Dutch farmers have protested some of their country's efforts in recent years to limit pollution from agriculture, particularly the proposals to significantly reduce the number of livestock raised in the country. The EU recently suspended some of its crop rotation requirements to increase production because of global food shortages caused by Russia's invasion of Ukraine.

As noted above, USDA has offered programs to expand organic farming in the United States but hasn't set goals for converting farmland to organic. There is a tremendous amount of federal funding available to support agricultural commodities that are produced in a way that reduces greenhouse gas emissions. In February, the USDA offered up to \$1 billion to support new "climate smart" products. Secretary Vilsack said USDA will announce its first grant recipients of the program in mid-September and hinted that projects proposed by universities in Missouri and South Dakota and by the Iowa Soybean Association will be among them.

c. New Conservation Funding Opportunities

i. Grazing Lands Conservation Initiative

USDA will invest up to \$12 million in partnerships that expand access to conservation technical assistance for livestock producers and increase the use of conservation practices on grazing lands. Natural Resources Conservation Service (NRCS) is accepting proposals through its Grazing Lands Conservation Initiative (GLCI) until September 22, 2022. More information and application information is available here.

ii. Conservation Innovation Grants Classic Funding

USDA will invest \$15 million this year for the Conservation Innovation Grants (CIG) Classic program. Through CIG, grantees work to address our nation's water quality, water quantity, air quality, soil health and wildlife habitat challenges, all while supporting agricultural production.



This year's funding priorities are climate-smart agriculture, addressing invasive species and conservation in urban agricultural systems. NRCS accepting proposals through Oct. 11. More information and application information is available [here](#).

iii. Wetland Mitigation Banking Program

USDA will invest up to \$5 million in the Wetland Mitigation Banking Program (WMBP). This grant program supports the development of mitigation banks for use by agricultural producers seeking to maintain eligibility for USDA programs. Funds are available to Tribes, state and local government entities, nonprofits and other organizations. NRCS accepting proposals through Oct. 10. More information and application information is available [here](#).

## DEVELOPMENTS IN CONGRESS

Congress spent most of the past few weeks on the August recess. The Senate returned to Washington last Tuesday and the House returns this Tuesday. The House is expected to adjourn for the midterm elections on September 30 (only 11 legislative days) with the Senate scheduled to be in session until October 21 if that adjournment date stays in place. There are only 24 days until government funding expires and limited legislative days before the midterm elections.

### 6. Continuing Resolution

One of the important legislative items that Congress will address before the midterm elections—the only “must pass” bill—is a stop-gap government funding package known as a continuing resolution (CR), with funding set to expire on September 30 at midnight. The continuing resolution will likely extend government funding until mid-December. One provision that could potentially be attached to the short-term CR is permitting reform, which negotiators agreed to during talks on the Inflation Reduction Act (signed into law on August 16) between Senator Joe Manchin (D-WV) and Majority Leader Schumer. Without the agreement for permitting reform, the \$740 billion reconciliation package would likely be for not.

Currently, there is no legislative text on permitting changes, but Senator Manchin has mentioned provisions that he would want to be included in the legislation. Senate and House progressives are resisting this move. Senator Manchin's language would be similar to what President Trump proposed; NEPA review would be limited to 2 years, and it would limit the time to challenge decisions in court. This, of course, would make it easier to get the big natural gas pipeline project in his home state of West Virginia built.

The White House has outlined its CR requests to Congress, centering around four main asks. Those four requests include support for Ukraine, COVID-19, Monkeypox, and natural disaster recovery. The administration also asked for \$4.5 billion to fight Monkeypox and additional funds to help communities impacted by natural disasters nationwide. Republicans have alluded to supporting an increase in Federal Emergency Management Agency's disaster relief fund and aid

to Ukraine, but more money for COVID-19 and Monkeypox remain sticking points. Drought money (\$1.5 billion) proposed for USDA would go to producers and irrigation districts impacted by drought in 2021 and 2022.

Senate Majority Whip Dick Durbin (D-IL) plans to prioritize consideration of many of the Biden administration's nominees over the next few weeks, especially those slated for judicial appointments. The opportunity to focus the Senate's attention on nominations comes after the passage of several significant legislative items, clearing the Senate floor schedule to consider nominees. The Majority Leader will also consider bringing the bipartisan \$857.5 Fiscal Year (FY) 2023 National Defense Authorization Act to the floor before the midterm election.

## 7. Senate Water Bills

The Senate Energy and Natural Resources Committee is considering another markup, possibly in September, to tackle some bills that were left out of the July committee markup. There is not set game plan for this, yet. Committee Democrats think a markup is on the table, but other Senate Democrats are not so sure. Republicans on the committee are skeptical. We think there will be a markup some time before the end of the year. The package could move in the lame duck and would involve a negotiation with the House, or it could be set up for reintroduction in the next Congress.

## ALLIANCE INITIATIVES

### 8. Colorado River Policy Initiative

A mid-August deadline established by the Commissioner of the Bureau of Reclamation for Colorado River Basin states to come up with plans to avoid a looming crash on the river came and went without any substantive actions proposed by those states. However, a timely infusion of \$4 billion by the federal government may provide funding and buy time for Basin water users to develop voluntary efforts to reduce water use and allow Lakes Mead and Powell water levels to stabilize and avoid the river from a calamitous crash in the coming years. The September 2022 Family Farm Alliance "Monthly Briefing" provides further detail on this matter.

In the days and weeks following Reclamation's mid-August announcement of Colorado River 2023 operating guidelines, which coincidentally occurred within one day of President Biden signing the IRA legislation, coalitions representing various demand sectors weighed in with Reclamation, sharing concerns and suggestions. Things are tense, but we believe the \$4 billion in the IRA provides reasons for Reclamation not to come out of the gate with mandatory curtailments as their first move. Alliance representatives last month met virtually with Interior Assistant Secretary Tanya Trujillo and representatives from Reclamation's Commissioner's office to discuss Colorado River developments, and specifically, how the \$4 billion in IRA funds will be spent.

Meanwhile, water providers in Denver, Colorado Springs, Aurora, Pueblo, Las Vegas and a

Southern California umbrella group all pledged to introduce or speed up programs to reduce nonfunctional turf grass by 30%, increase water reuse and recycling, and share successful conservation strategies. The groups shared a copy of a recently signed Memorandum of Understanding (MOU) with Commissioner Touton. Some conservation groups in Colorado do not believe this is enough.

A coalition of agricultural organizations – including the Family Farm Alliance- also offered their support, assistance and counsel for the immediate implementation of drought funding from the IRA in a letter sent to Interior Secretary Deb Haaland and Commissioner Touton. The letter identified some key principles, including a recommendation that Reclamation should quickly release a Notice of Funding Availability with guidance to water managers currently developing drought response proposals and urgently deploy that funding to address the most critical needs. The organizations that signed on to the final letter include Agribusiness and Water Council of Arizona, Arizona Farm Bureau, California Farm Bureau, Colorado Farm Bureau, Family Farm Alliance, Oregon Farm Bureau and Western Growers.

As previously reported, we've worked over the past year with one of the editors at *Arizona Republic*, a USA Today publication. **This editorial column** was published as the Western drought language was being negotiated and was shared with the offices of Senators Kelly and Sinema. It does a good job of carrying our message. Alliance Director Paul Orme (ARIZONA) and California Farm Water Coalition Executive Director Mike Wade are both cited in the article. I was quoted in a **news story** on the \$4 billion drought provisions published by the *Desert Sun*, and our federal advocate, Mark Limbaugh, was quoted in another **story** published by *Circle of Blue*. This **article** describes the letter our ag coalition sent to Interior and Reclamation late last month, providing initial recommendations on how the \$4 billion Western Drought provisions in the Inflation Reduction Act should be spent.

## 5. **2022 Farmer Lobbyist Trip**

Mark your calendars! This year's farmer lobbyist trip is scheduled for the week of September 26. The Family Farm Alliance annual farmer lobbyist trip is one of the cornerstone programs of our organization. It was created to allow farmers, ranchers and water managers to interact directly with elected officials and other policymakers in Washington, D.C. It presents a unique opportunity for our members to share with Members of Congress and the Administration the important issues that impact our industry.

Monday and Friday would be travel days, Tuesday-Thursday would be three days of back-to-back meetings with some high-calorie dinners mixed in between. We're also working with The Ferguson Group to set up a "Western drought briefing" that will allow representatives from our contingent to directly share stories with a host of Congressional and agency staff in one fell swoop. Participants will have the opportunity to engage directly with high-level Biden Administration officials and Congressional committee staff, and gain insight into what lawmakers and

policymakers are saying about the issues impacting Western irrigated agriculture. The farmer lobbyist meetings will allow us to again deliver the diverse but unified voice of irrigated agriculture champions in Washington, D.C.

## **WESTERN WATER “HOT SPOTS”**

The U.S. Drought Monitor reports that warm, dry conditions continued across much of the High Plains in August, as moderate drought expanded in western South Dakota and northeast Wyoming where rainfall deficits this summer have dried out soils, lowered streamflow, and stressed vegetation. To the West, Idaho and Montana saw an expansion of abnormally dry areas. Persistent warm, dry weather is likely to lead to additional degradations as soils continue to dry and vegetation suffers. This year is on pace to be the driest on record since California started hydrologic measurements 128 years ago.

The West is once again on fire. Last week, the National Interagency Fire Center reported 94 active fires burning 738,00 acres, all but one of those in 7 Western states. So far this year, over 49,500 wildfires have burned 6.6 million acres in the United States. This is already well above the 10-year average for number of wildfires and acres burned.

NOAA’s Climate Prediction Center (CPC) last month issued a La Niña Advisory, noting that it is expected to continue. During the past month, below-average sea surface temperatures (SSTs) expanded across the central and eastern equatorial Pacific Ocean. Overall, the coupled ocean-atmosphere system remained consistent with an ongoing La Niña. La Niña is a weather pattern that occurs in the Pacific Ocean. In this pattern, strong winds blow warm water at the ocean’s surface from South America to Indonesia. As the warm water moves west, cold water from the deep rises to the surface near the coast of South America. Generally speaking, La Niña winters tend to be drier and warmer than normal across the southern U.S. and cooler and wetter in the northern U.S. and Canada.

### **6. Biden Administration Drought Action**

The Biden Administration has developed language to include for drought relief in the Continuing Resolution that will need to be passed in the coming weeks to keep the government running. USDA would receive \$1.5 billion, to remain available until December 21, 2024, for necessary expenses related to emergency conservation and losses of revenue, livestock, trees, bushes, vine and crops (including crops prevented from planting in 2022 and acreage impacted by reduced federal water allocations as announced in Fall 2021 or 2022) as a consequence of a natural disaster. This includes drought, occurring in calendar year 2022, or reduced federal water allocations in calendar years 2021 and 2022 “under such terms and conditions as determined by the Secretary of Agriculture”. USDA may also provide assistance for such losses in the form of payments to producers, additional cost-share for emergency conservation activities to producers, or cooperative agreements or grants to irrigation districts.

The Army Corps of Engineers would receive \$25 million for technical assistance to States, tribes, local governments, and regional and interstate water resources authorities to improve drought resilience in accordance with section 22 of the Water Resources Development Act of 1974. Funding would be used to help them understand, evaluate, and develop plans that will improve their ability to manage their risks in the event of a drought. The Corps would also receive \$25 million, of which \$10 million to update water control manuals of multi-purpose dams for research on the application of long-term weather and streamflow forecasting.

## **9. Klamath Basin (CALIFORNIA / OREGON)**

### **a. Klamath Project Shut Down**

Reclamation last month announced that irrigation districts that provide water to family farms and national wildlife refuges should immediately cease all diversion of water from Upper Klamath Lake, the major water storage reservoir for the Klamath Project (Project). The move is the latest chapter in a two-decade history of requiring ever-higher levels of flow in the Klamath River, and water surface elevations in Upper Klamath Lake, both ostensibly for protection of threatened or endangered fish species. The policy has caused severe damage to rural communities, food production, and terrestrial wildlife, with no identifiable benefit for the target fish species. Klamath Water Users Association (KWUA) Executive Director and Counsel Paul Simmons said that drought is a factor this year, but in the Klamath Basin, “reckless” federal water management is the real problem.

Last month’s federal action virtually guarantees that there will be no water deliveries to Lower Klamath and Tule Lake National Wildlife Refuges for the foreseeable future. For the first time ever, both refuges are bone dry. The U.S. Fish and Wildlife Service (USFWS) announced that Tule Lake and Lower Klamath National Wildlife Refuges will be closed to all public upland game bird and waterfowl hunting during the fall/winter 2022-23 season. The decision to close the hunt season was based on the ongoing and severe drought conditions and lack of available habitat, including food, water and shelter, to support upland game and migratory water birds.

### **b. Klamath Dam Removal Project Moves Forward**

In other Klamath River news, the Federal Energy Regulatory Commission (FERC) on August 26 released a Final Environmental Impact Statement (FEIS) that recommends approval to remove four dams on the Klamath River. These dams were originally built to generate hydropower and do not store water for Klamath Project irrigators. The recommendation by FERC staff is another key milestone in progress toward restoring the Klamath to its former free-flowing condition, work that has been undertaken collectively by PacifiCorp, which owns the dams, Oregon, California and the Klamath River Renewal Corporation. The FEIS is a requirement of the National Environmental Policy Act (NEPA), which requires federal agencies to prepare a document disclosing environmental impacts of a proposed decision, as well as mitigation measures and

alternatives. The FEIS also provides responses to comments that were submitted on a draft of the document. The publication of the FEIS is a necessary predicate for FERC to make a decision on whether to approve license surrender and decommissioning (removal), as well as for any other federal agency decisions that may be required, such as the Corps of Engineers' issuing a permit to authorize the deposit of dredged or fill material in the Klamath River. FERC may not legally take any action until 30 days after the issuance of the FEIS. The FERC decision will be in the form of an order authorizing license surrender and decommissioning.

## ADMINISTRATIVE AND MISCELLANEOUS

- Wow - it's not often that the *Washington Post* carries a story that is complementary of Western irrigated agriculture. But they got it right this time, in this *Bloomberg* story that the *Post* ran in the last Sunday edition in August. Here's the link, if you want to see pictures, and such: ["The Future of the American West is in Central Oregon"](#). Way to go, Director Marc Thalacker, Three Sisters ID, Arnold ID, and Farmers Conservation Alliance!
- Alliance Advisory Committee Member Urban Eberhart and other Alliance members are highlighted in this story, which ran in the New York Times over the weekend: ["Climate Change Is Ravaging the Colorado River. There's a Model to Avert the Worst. Success in the Yakima River Basin in Washington holds lessons for the seven states at war over water in the American West."](#)
- Mike Wade (California Farm Water Coalition) and I last week submitted a guest op/ed to the *Desert Sun* entitled, "Stop Crop Shaming Farmers". I am also working on a draft "Alfalfa 101" white paper, intended to provide the "other side of the story" about hay, which is taking a hard rap as of late in the media.
- I'll be hitting the road on the speaker's circuit starting this week, where I'll be speaking at the California Agricultural Irrigation Association summer meeting in Pismo Beach (CALIFORNIA) and keynoting the annual meeting of the Arizona Agribusiness and Water Council in Phoenix a few days later. Later in the fall, I'll be speaking to the Upper Missouri Water Users in Deadwood (SOUTH DAKOTA), the Aspen Institute (COLORADO) and the World Alfalfa Congress conference in San Diego (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](mailto:dan@familyfarmalliance.org) if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.*