



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS
FROM: DAN KEPPEN, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: DECEMBER 5, 2022

This memo is intended to keep you apprised as to what is happening on policy issues the Family Farm Alliance (Alliance) is engaged in. In the past month, much of our efforts have focused on planning for our 2023 annual conference, trekking water legislation with Senate committee staff, preparing two white papers on the importance of alfalfa production in the West, 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.

THE 2022 MIDTERM ELECTIONS

Republicans on election day secured a majority in the House of Representatives, and Democrats maintained control in the Senate. In the House, Republicans will carry a slim majority –a 222 Republicans to 213 Democrats final tally. The 50-seat majority for Senate Democrats could grow as high as 51-49 after the Georgia runoff between incumbent Senator Raphael Warnock (D-GA) and his Republican challenger Hershel Walker on December 6th. A runoff win by Republicans would ensure that Vice President Harris continues to serve as the Senate’s tie breaking vote.

Many pundits and lawmakers expected a healthy Republican majority in the House and a majority in the Senate in what some were anticipating as a “red wave.” Looking at national results, many political observers believe the likely factors that largely kept Democrats in power were voter turnout efforts, the lingering effects of the US Supreme Court’s *Dobbs* decision, and the quality of the candidates. Unaffiliated voters who were also concerned with crime and inflation ultimately didn't choose Republican candidates in the numbers that were anticipated. Environmentalists are touting their successful organizing and outreach strategy that brought “climate voters” to the polls

in record numbers to help achieve key Democratic victories in the 2022 midterms and limit GOP gains. Some argue that their successes could help bolster ongoing and future advocacy on climate and environmental policy matters. Of note, the 2022 midterms saw \$16.7 billion in federal and state spending, setting a record for a midterm cycle.

BIDEN ADMINISTRATION

1. White House Council on Environmental Quality (CEQ)

a. CEQ Releases ‘Version 1.0’ of Controversial *Justice40* Mapping Tool

CEQ has released the first formal version of its Climate & Economic Justice Screening Tool (CEJST), which increases the number of communities eligible for funding under the Biden Administration’s *Justice40* initiative to 27,251, nearly 4,000 over a beta version of the mapping tool. The November 22 release of **CEJST “Version 1.0”** means that federal agencies may now use it to identify disadvantaged communities eligible for *Justice40* dollars, including under the bipartisan infrastructure law and Inflation Reduction Act. *Justice40* aims to ensure overburdened and underserved areas reap at least 40 percent of the benefits of federal infrastructure investments, including remediation and reduction of legacy pollution, the development of drinking water and wastewater infrastructure, and resources to fund clean energy and climate change strategies.

b. CEQ Plans for January 2023 Release of Phase 2 NEPA Rule

CEQ has announced that it intends to issue its highly anticipated Phase 2 National Environmental Policy Act (NEPA) implementing rule for public review and comment in January 2023. Phase 2 of the rule is anticipated to address some of the more-difficult NEPA-related issues the Biden Administration left out of their Phase 1 NEPA rule. The Phase 2 rule was originally planned to be released last August but was delayed by interim developments, such as the enactment of the Inflation Reduction Act which provides billions in climate change funding and, as such, impacts the proposed rule. The proposed rule must also go through the prepublication interagency review process, which can take up to 90 days. Litigation over the Trump Administration’s NEPA rule, *Iowa Citizens for Community Improvement, et al. v. CEQ, et al.*, has been stayed but is still pending in the U.S. District Court for the District of Columbia. The Biden CEQ has asked the court to continue to hold the case in abeyance through February in order that their rulemaking replacing the Trump NEPA rule can run its course. The Family Farm Alliance will continue to transmit formal comments to CEQ as this rulemaking proceeds.

2. U.S. Department of Agriculture (USDA)

a. USDA Farmers Survey

USDA is conducting a nationwide anonymous survey, which is due January 31, 2023. It takes about 10 minutes to complete, and can be found at www.farmers.gov/survey. **Linked here** is a

stakeholder's toolkit with a draft email message, newsletter article, social media posts, and a poster to help you easily share the survey. The USDA's Farm Production and Conservation (FPAC) mission area, which includes the program agencies of Farm Service Agency, Natural Resources Conservation Service and Risk Management Agency, works to support agriculture by helping farmers, ranchers and forest managers leverage natural resources and mitigate the significant risks of farming through crop insurance, conservation programs, farm safety net programs, lending and disaster programs. From helping farmers recover after natural disasters and market fluctuations, to providing financial and technical assistance to improve operations through voluntary conservation,

b. USDA Requests Public Input on Implementation of IRA Funding

USDA is asking for public input through a Federal Register request for information on implementation of more than \$19 billion provided by the Inflation Reduction Act (IRA). The Natural Resources Conservation Service (NRCS) will use the investments provided through IRA-funded conservation programs to support farmers and ranchers in adopting and expanding climate-smart activities and systems. NRCS is requesting comments on how to target program benefits, quantify impact, and improve program delivery and outreach, especially for underserved producers. The IRA directs USDA funding to support agricultural practices of enhancements that directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid or sequester greenhouse gases (GHGs) associated with agricultural production. The controlling language of the law applies to the Environmental Quality Incentives Program, Conservation Stewardship Program, Regional Conservation Partnership Program and easement programs funding.

The Family Farm Alliance is working to address the concerns of some Western producers that the carbon-centric priority of the IRA program does not endanger projects that also address broader matters. Climate mitigation should not just focus on carbon and assume that planting more carbon-sequestering trees will solve the problem. Projects that help producers and water managers adapt to the impacts of climate change must also be encouraged. Efforts to control invasive species like tamarisk, juniper, and salt cedar are important and should not be seen as being somehow bad, simply because carbon-capturing vegetation is being removed. Deliberate and sensitive removal of invasives prevent much more serious GHG emissions from being generated via fires tearing through unhealthy forests in the future. A recent University of Chicago study found that California wildfire emissions in 2020 essentially negated 18 years of reductions in GHG emissions from other sectors in the state by a factor of two. This comment process might be a good opportunity to get policy makers to look at this issue in a more nuanced way.

There are also indications that Republicans in control of the House Agriculture Committee will likely look to repurpose some of the \$20 billion IRA dollars towards USDA's conservation programs if it's possible. NRCS will consider comments received by December 21, 2022. Please go to <http://www.regulations.gov>, search for Docket ID: NRCS-2022-0015 and follow the online instructions for submitting comments.

3. USDA Forest Service: Actions on Hazardous Fuels Reduction, Watershed Health

Increasingly fierce Western wildfire disasters are becoming an annual occurrence and underscore the importance of improving on-the-ground vegetation management actions that can lead to improved forest health. Improving the condition of the West's forested lands is of primary importance to water providers. National Forest lands are overwhelmingly the largest, single source of water in the U.S. and, in most regions of the West, contributing nearly all the water that supplies our farms and cities. The Biden Administration in the past month announced several actions intended to reduce wildfire and protect watersheds on federal forests and grasslands.

a. Importance of Federal Lands to Western Water Supplies

In September, the U.S. Forest Service (USFS) published a paper quantifying surface water supplies that originate on USFS forests and grasslands, sometimes transported to big cities through inter-basin transfers. The USFS used a Water Supply Stress Index model to provide data that was linked with Environmental Protection Agency surface drinking water intake information and a new database of inter-basin transfers compiled for this study. In the West, USFS lands comprised 19.2% of the land area, but contributed 46.3% of the surface water supply, the study showed.

b. Interactive Map Showcases Wildfire Reduction Projects

USFS last month launched a new interactive map showing the progress the agency and its partners have made in addressing the wildfire crisis in eight western states as part of the Forest Service's 10-year wildfire crisis strategy. This "story map" gives users the opportunity to see the impact of the investments from the Infrastructure Investment and Jobs Act (IIJA) - signed into law by President Biden just over one year ago - across 10 initial landscapes in Washington, Oregon, California, Idaho, Montana, Colorado, New Mexico and Arizona. This online story map is designed to be easy to use and is continually updated to show the progress of wildfire reduction efforts on national forests and grasslands as well as other federally managed, state, and private lands. Individual landscape maps allow users to interactively identify national forests, Congressional Districts, active partners, landscape boundaries and "firesheds," or areas where wildfire is likely to pose the greatest risk to communities and resources.

Since it was first announced earlier this year, USFS and its partners have identified the highest risk landscapes for treatment projects as part of the 10-year wildfire crisis strategy. USFS found that around 80% of the wildfire risk to communities is concentrated in fewer than 10% of firesheds. These initial investments focus on firesheds of the highest risk, where projects are ready to begin or to expand. The first-year investments are a part of the strategy to reduce the exposure of communities and infrastructure to the risk of catastrophic wildfire. Each year the Forest Service will plan and implement more work as part of the 10-year strategy as funding allows, continuing to reduce the risks of extreme wildfire for communities in these vulnerable areas.

c. Grants Available to Protect Water, Increase Wood Processing Capacity

USFS last month also announced \$20.5 million in grants to help states or federally recognized tribes establish temporary bridge programs to protect water resources during forest-related operations and to assist wood processing facility owners to establish, reopen, retrofit, or expand. The grants are focused on sawmills or other wood processing facilities that purchase and process byproducts from forest restoration activities in areas of severe fire risk and insect or disease infestation. The funds, made available by the IIJA, support the U.S. Department of Agriculture's efforts to ensure tribes and historically marginalized or underserved communities receive equal access and opportunities to funding and programs, and to support community efforts vital to forest health. The \$20.5 million being committing in fiscal year 2022 includes:

- \$12.5 million targeted as financial assistance for owners of facilities that purchase and process byproducts from forest restoration projects including thinning, wildfire resilience activities and habitat management.
- \$8 million is available to states and tribes to support the establishment of temporary bridge rental, loan or cost-share programs to protect water resources and reduce water quality degradation during forest-related operations. The funding is to help states and tribes create a program that provides portable skidder bridges, bridge mats or other temporary water crossing structures to loggers and others working in forest areas.

As an example, in 2022, the San Carlos Apache Tribe (ARIZONA) was awarded \$1 million as part of the Forest Service Community Wood Energy and Wood Innovations grant program to purchase a lumber dry kiln and planing mill. The funding will help the Tribe improve forest management while providing significant employment opportunities for tribal members. More information about these funding opportunities is available at the Forest Service website and on [Grants.gov](#).

d. USFS, TU Invest \$40 Million to Restore Watersheds

USFS last month announced it would provide up to \$40 million to Trout Unlimited (TU) as part of a five-year agreement to improve watersheds on national forests and grasslands – home to many of America's most important trout and salmon species. Projects include clean-up of abandoned mines and removing barriers to improve fish passage, as well as stream habitat improvements. Made possible by the IIJA, this five-year National Watershed and Aquatic Restoration Initiative aims to increase the pace and scale of watershed restoration on national forests and grasslands, with priority given to projects that use local employees and contractors to improve water quality in underserved communities and on Tribal lands.

TU is the nation's oldest and largest cold-water fisheries conservation organization dedicated to caring for and recovering America's rivers and streams. TU and the Family Farm Alliance helped co-found the Western Agriculture and Conservation Coalition over a decade ago, a coalition that has helped inject a stronger Western flavor into recent Farm Bill conservation programs. Over the

coming years, TU will use the funding from this agreement to work alongside partners to protect and restore these waters to improve fish population diversity, resilience and productivity.

4. EPA: Early Pesticides Protections for Endangered Species

Last month, the U.S. Environmental Protection Agency (EPA) released an **Endangered Species Act (ESA) Workplan Update** that outlines major steps to increase protections for wildlife and regulatory certainty for pesticide users. The Workplan Update details how EPA will pursue protections for nontarget species, including federally listed endangered and threatened (i.e., listed) species, earlier in the process for pesticide registration review and other Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) actions. These early protections will help EPA comply with the ESA, thus reducing EPA's legal vulnerability, providing farmers with more predictable access to pesticides, and simplifying the ESA-FIFRA process that, left unchanged, creates both significant litigation risk and a workload far exceeding what EPA has the resources to handle.

Elsewhere, more than 300 agricultural, environmental, and other stakeholder groups last month encouraged Congress to reaffirm federal authority over pesticide products. The coalition notes that the statute governing pesticides, FIFRA is not being fully enforced. In a letter to congressional leaders, the 332 organizations point out that states are overstepping the bounds of FIFRA labeling parameters.

DEVELOPMENTS IN CONGRESS

After a month-long recess and the November 8th midterm elections, Congress returned to Washington last month for a two-month sprint to bring the 117th Congress to a close. In the lame duck session for the remainder of 2022, Congress will consider two must-pass bills: 1) the FY 2023 omnibus spending package; and 2) the National Defense Authorization Act (NDAA). These two bills will receive the majority of attention from Congress, and lawmakers will use the bills to pass other legislative items, including the Water Resources Development Act (WRDA), emergency supplemental provisions, and tax extenders for expiring or expired provisions. The Senate on November 29 passed legislation to enshrine protections for same-sex marriage in federal law, sending the measure back to the House. The upper chamber will then shift back to the annual defense authorization package, a must-pass bill with significant bipartisan, bicameral support. Items not expected to see congressional action in the lame duck session are energy permitting reform and the debt ceiling.

Republicans on election day secured a majority in the House of Representatives, and Democrats maintained control in the Senate. In the House, Republicans will carry a 9-vote slim majority. The 50-seat majority for Senate Democrats could grow as high as 51-49 after the Georgia runoff between incumbent Senator Raphael Warnock (D-GA) and his Republican challenger Hershel Walker on December 6th. A runoff win by Republicans would ensure that Vice President Kamala Harris continues to serve as the Senate's tie breaking vote.

5. The 118th Congress: Senate

In the Senate, Democrats retain the majority in the 118th Congress. Senate Democrats will vote on leadership on December 8, with Senate Majority Leader Chuck Schumer (D-NY) to continue to lead the party. The Georgia runoff will determine whether the Democrat margin will be either the current 50-50 tie, with Vice President Harris breaking any tie votes for the Democrats, or a 51-49 majority, which would result in rebalancing committee assignments in favor of Senate Democrats. Senate Republicans held leadership elections last month, where Minority Leader Mitch McConnell (R-KY) won a secret ballot vote over challenger Rick Scott (R-FL) on a 37-10-1 vote. Western Senators John Thune (R-SOUTH DAKOTA) and John Barrasso (R-WYOMING) won third and final terms in their current roles as Minority Whip and Conference Chair, respectively. Montana Republican Senator Steve Daines replaces Senator Rick Scott to oversee the party's efforts to win control of the Senate in 2024.

6. The 118th Congress: House of Representatives

Meanwhile, with the House now in slim GOP control for the 118th Congress, the House GOP Caucus re-elected Rep. Kevin McCarthy (R-CALIFORNIA) their choice to gain the House Speaker's gavel beginning in January 2023. Rep. McCarthy beat opponent Rep. Andy Biggs (R-ARIZONA), who put himself forward as the conservative alternative. Rep. McCarthy must now win a majority vote of the entire House in January to be elected Speaker. House Republicans last Wednesday against a proposed earmark ban during a conference rules meeting, a vote that held larger implications as House Minority Leader McCarthy seeks to become speaker. The conference voted 52-158 against an amendment proposed by Rep. Tom McClintock (R-CALIFORNIA), that would get rid of the current conference rule allowing members to earmark spending bills if they meet certain transparency criteria (*Roll Call*).

House Democrats met last week to elect their leaders for the next Congress. Reps. Hakeem Jeffries of New York, Katherine Clark of Massachusetts and Pete Aguilar of California secured the top three positions of minority leader, minority whip, and caucus chair, respectively. Senate Dems are said to be holding their leadership elections this week. Current Speaker Nancy Pelosi (D-CALIFORNIA) will not run for the party's top leadership spot in the 118th Congress.

The Republican party is sure to use control in the House as a check to President Biden, congressional Democrats, and their legislative agenda over the next two years. Incoming House Natural Resources Chairman Bruce Westerman (Ark.) outlined his priorities for a Republican-majority committee on a call with reporters last week, identifying potential areas of bipartisan agreement but saying he did not believe climate change to be the House panel's sole charge (*The Hill*). With little chance of legislative compromise on major initiatives under the GOP-controlled House, the White House will be forced to rely on federal agencies to advance much of President Biden's priorities over the next two years, pushing to enact major regulations and develop new ones during his remaining time in office.

7. “Must Pass” NDAA and Spending Bills on Menu

Congress returned from the Thanksgiving holiday for the last month-long dash to address several legislative priorities and two must-pass bills: the fiscal year (FY) 2023 government spending package and the NDAA. The federal government is currently funded through December 16 and Congress has yet to settle on topline spending numbers. Additionally, the White House requested \$37.7 billion in funding for Ukraine, \$10 billion for Covid relief, and funding for hurricane and other natural disaster relief. Republican support for funding to Ukraine and COVID wanes as calls for spending accountability grow.

Leadership is mulling a week-long extension to December 23, providing additional time for negotiations centering around top-line spending numbers. The extension would occur through a one-week continuing resolution (CR) and, hopefully, end with an omnibus spending bill. Currently, there is no agreement on funding levels and several policy riders. In addition, the Senate’s process for passage will take multiple days, given the need for bipartisan support. Senate Minority Leader Mitch McConnell (R-KY) will prove critical to negotiations, deciding whether to clear 10 Republican votes to break a filibuster on an omnibus package. Many believe the potential, while still slim, is growing for a year-long CR, which would fund the government at prior fiscal year funding. Several leaders outside of Congress have called for an omnibus spending package in lieu of a CR. Congressional leaders last week signaled that talks on reaching a long-term agreement to fund the government remained difficult ahead of a mid-December deadline, following a meeting with President Biden at the White House (*The Wall Street Journal*).

The House Armed Services Committee Chair and Ranking member predict a final version of the NDAA bill could be ready for a vote this week. Added to the Senate’s \$847 billion NDAA bill is the WRDA bill, which would provide the Army Corps of Engineers authorization to carry out activities concerning water resources development projects, ecosystem restoration, water supply and wastewater infrastructure, and other projects.

8. Permitting Reform on the Backburner

One priority not receiving lame-duck consideration is permitting reform. Advocates in the fossil fuel and clean energy industries are eyeing the divided government as a chance to rekindle interest in a bipartisan permitting overhaul (*E&E Daily*). Senator Joe Manchin (D-WV) had hoped to resurrect the stalled bill in Congress’ upcoming lame duck period, either as an amendment to the pending defense authorization bill or as an inclusion on the must-pass government spending package. So far, we are hearing that the Manchin permit reforms are not included in negotiations on the bill, since many Republicans and Democrats continue to be opposed to the reforms. We do believe, however, that some type of environmental permitting reform for infrastructure projects will be a high priority in the 118th Congress.

9. Senate ENR Committee Hearing on Energy, Drought, and Resource Bills

The Senate Energy and Natural Resources (ENR) Committee last Thursday held a legislative hearing to consider several bills on the Strategic Petroleum Reserve, domestic mining, nuclear energy, hydrogen infrastructure and drought. As for water resources, the Committee took up **S. 4579**, the "*Colorado River Basin Conservation Act*," from Sen. John Hickenlooper (D-COLORADO) and Sen. John Barrasso (R-WYOMING) to reauthorize the System Conservation Pilot Program aimed at shoring up water levels in lakes Mead and Powell. Also on the docket is **S. 4542**, from Sen. Michael Bennet (D-COLORADO), to establish the Dolores River National Conservation Area and the Dolores River Special Management Area. Western Senators are working on a package of non-controversial water bills that may move in the lame duck. We're also working with ENR staff to see if there is a way to make the OpenET legislation a bit more manageable and palatable. There are other ag organizations who may flatly oppose this bill.

10. 2023 Farm Bill

Next year's rewrite of federal farm policy should put greater emphasis on climate resilience and organic agriculture, according to a new set of recommendations from a network of conservation and farm groups (*E&E Daily*). The National Sustainable Agriculture Coalition (NSAC) called for changes to key farmland conservation programs to better manage rural land in an era of climate change. Recommendations range from boosting programs that promote healthier soil to reducing crop production in some circumstances. The group released **the 144-page report** but crafted it well before Republicans took control of the House in the midterm elections. How its priorities will fare in a 2023 farm bill written with more Republican influence remains to be seen.

Democrats definitely want to make farming more climate friendly. Republicans could be on board, especially if it helps farmers save money (*Politico Pro*). Democrats and Republicans have been bitterly divided over whether measures to address climate change should be part of the half-trillion-dollar farm bill that Congress will write next year. But a push to include funding for so-called regenerative agriculture is appealing to GOP lawmakers who are watching farmers contend with sky-high fertilizer prices and other mounting costs. Democrats want to expand regenerative agriculture in the farm bill and direct USDA to put more resources toward improving soil health across existing conservation programs. Republicans are cautiously on board with the idea of helping farmers save money while they improve their soil, within limits.

The planning and budgeting process for the 2023 Farm Bill has begun, and Congressional Agriculture committees are starting to outline the next five years' spending for national conservation, food, farm and nutrition programs. The Alliance throughout the year has prepared for the next farm bill by engaging with agricultural and conservation partners, developing written testimony for Congressional hearings, and working with its members to prioritize its energies in the farm bill debate. A large portion of our energies at the Alliance will be devoted to the 2023 Farm Bill conservation title. Once again, we'll work closely on this with our partners in the

JUDICIAL DEVELOPMENTS

11. Federal Court Says Trump Administration's ESA Rules Still on the Books

A federal judge has ruled that some key Trump Administration rules that govern the Endangered Species Act (ESA) are still in force while the U.S. Fish and Wildlife Service (FWS) and NOAA Fisheries complete a new rulemaking. U.S. District Court for the Northern District of California Judge Jon Tigar rejected a request by environmental groups to vacate the Trump-era rules, stating he could not grant such a request without first making a full decision on the merits of the challenge. The Biden Administration had requested that the Trump ESA rules remain in place while they reconsider the regulations, stating that a vacatur could be too disruptive and cause confusion in implementing the ESA. Judge Tigar's decision reversed his earlier ruling that vacated the Trump rules, but that was overturned by the 9th U.S. Circuit Court of Appeals. One of the Trump Administration's rules in question concerns how FWS and NOAA Fisheries designate listed species' critical habitat. Another eliminated FWS's former policy of automatically extending to threatened species the protections against "take" that the law provides for endangered species. And a third rule changed how FWS and NOAA Fisheries work with federal agencies to prevent proposed agency actions that could harm listed species or their critical habitat.

The Alliance developed significant and detailed comments with both the Trump and Biden administrations, in strong support of the ESA direction taken by the Trump Administration.

12. Interior Department v Navajo Nation

The Supreme Court of the United States (SCOTUS) has agreed to consider *Interior Department v. Navajo Nation*, deciding whether the federal government has a duty to protect the Navajo Nation's access to the dwindling flows of the Colorado River. The federal government argues in the case that it is not legally obligated to assess the Navajo Nation's needs because no treaty, agreement or law explicitly addresses the tribe's claim to Colorado River water. The 9th U.S. Circuit Court of Appeals sided with the Navajo Nation and said Interior had a "duty to protect and preserve the Nation's right to water." The Biden Administration argued that the lower court ruling would complicate ongoing efforts among seven Western states to reduce their use of water from the drought-plagued Colorado River that serves the needs of 40 million people and millions of acres of important food-producing farms and ranches. There is activity afoot to develop amicus support for the petitioners in the *Navajo Nation* case. Oral argument is likely in the late March timeframe and the Court will likely issue a decision by June 30, 2023.

13. Sackett v. EPA

Fearing a Supreme Court ruling that could curb Clean Water Act (CWA) protections for wetlands and other water bodies, environmentalists are eyeing a series of alternative protections that they

say can be used to temporarily protect waters, including increased conservation funding, stepped up local enforcement and new local mandates (*IWP News*). In an issue paper released Nov. 1, the coalition of five groups -- Natural Resources Defense Council, Anthropocene Alliance, Earthjustice, Environment America, the National Wildlife Federation and the Southern Environmental Law Center -- say that such protections are “at best, stopgap measures”. They believe that Congress will have to “step in and reaffirm” the original intent of the CWA: “to establish broad protections for the nation’s waterbodies.” The issue paper, “Clean Water Act on Trial: The Devastating Potential Consequences of *Sackett v. EPA*” examines possible outcomes if the Supreme Court sides with the petitioners in the Sackett case, in which agriculture and water groups (including the Alliance) have asked the justices to reinterpret the CWA and exclude most wetlands and streams from the definition of “waters of the United States” (WOTUS). The paper says that Congress needs to step in and reaffirm the original law’s intent to protect all waters.

ALLIANCE INITIATIVES

14. 2023 Annual Meeting and Conference

Jane, Josh and I have been working on our first public outreach effort for the 2023 Annual Meeting and Conference, scheduled for February 22-24, 2023 at the Silver Legacy Resort in Reno (NEVADA). Our internal meetings typically take place all day on Wednesday, which would be February 22. For the upcoming conference, we’ll also be having a full day board strategic session starting on Tuesday, February 2021, so we can more efficiently conduct business at our traditional Wednesday meetings. An initial "Save the Date" announcement, with links to conference and hotel registration went out via email last month. The conference theme is "A Wake-Up Call for America- WHY FARMS, WATER AND FOOD MATTER".

I’m working on setting up the general session schedule now. In addition to our traditional “Reclamation Roundtable” and “A Look at D.C. from The Hill” panels, I’m working on a legal panel (moderated by Norm Semanko) that would tackle the importance of recent Supreme Court decisions in regard to Western water; a “Bushels of Nature” panel (finding ways to get producers paid for carbon, nutrient, and habitat services); and a panel of young farmers. We’ll also have panel discussion on PL-566 (Small Watershed Program), Ag Climate Solutions, and implementation of the Bipartisan Infrastructure Law and Inflation Reduction Act. Our “virtual tour” on Friday afternoon this year will be a working lunch off-site, where leaders of the Western Agriculture and Conservation Coalition (WACC) will lead an informal discussion of the 2023 Farm Bill. We’re calling it “Farm (Bill) to Fork”.

15. Alfalfa 101

With Western farmers struggling to find adequate water supplies, competing interests are pressuring the federal government to cut the water supply farmers are using to grow our food, including alfalfa, which is a foundational food chain crop. In response, the Alliance and California Farm Water Coalition (CFWC) have produced a White Paper titled, “Our Food Supply at Risk;

The Importance of Alfalfa Production in the American West,” detailing the valuable role alfalfa plays as a principal feed source for the nation’s livestock and dairy industries, its environmental benefits, and contribution to effective drought management.

The new alfalfa report outlines many of the additional benefits that come from alfalfa production, including enhanced soil health because of deep rooting and the nitrogen alfalfa naturally adds to the soil during its growth cycle. This reduces the amount of chemical fertilizers that have to be used to grow crops that follow alfalfa during crop rotation. Alfalfa also contributes to the health of pollinators, such as bees, when it grows because of the crop’s prolific flower production. Bees use alfalfa for honey production, more of which comes from alfalfa farms than any other source in the U.S. And alfalfa is an efficient water user, producing a crop year-round in warmer climates, but is also able to survive droughts as well as intentional “dry down” to make water available for other so-called high-value crops that face drought-driven water shortages.

I presented another alfalfa report to the World Alfalfa Congress Symposium last month in San Diego. Mike Wade from CFWC addressed the report as part of his remarks to the Columbia Basin Development League Conference last month in Moses Lake (WASHINGTON). *Water Wrights*, a publication that caters to Central Valley agriculture, did a nice piece last week on our report, [HERE](#). I love this editorial comment at the end of the article: *"Alfalfa is not a monster plant, some kind of giant, carnivorous flytrap grown by Morticia Adams."*

16. Western Water Climate Change Initiative

The two-week 2022 United Nations Climate Change Conference (UNFCCC COP27) kicked off early last month in Sharm el-Sheikh, Egypt. This year’s international climate change deliberations were influenced by the underlying global currents of conflict and economic crisis. President Joe Biden and his leadership team were present, as were American agricultural producers represented by Solutions from the Land (SfL). The Alliance through its involvement with SfL has been monitoring United Nations (U.N.) global climate talks over the past several years, bringing the voice of North American producers and land managers to the discussion table. Alliance President Patrick O’Toole traveled to Scotland one year ago and participated in the COP26 talks.

a. Farmers Engage

The United Nations Framework Convention on Climate Change (UNFCCC) in 1994 established an international environmental treaty to combat "dangerous human interference with the climate system", in part by stabilizing greenhouse gas concentrations in the atmosphere. One way we build support for agriculture is by working with the UNFCCC Farmers Constituency, which is made up of farmers and agricultural NGOs from around the world. SfL served on the drafting team that constructed the Farmers Constituency statement, affirming “the world’s farmers must be at the heart of climate policy to ensure that it reduces global agricultural emissions, increases the climate resilience of the global food system and contributes towards ending the global food security crisis.”

b. Biden Advances ‘Unwavering’ Commitment to Combat Climate Change

President Biden – accompanied by a phalanx of Administration appointees and climate advisors - pressed his “unwavering” commitment to combating climate change as he sought to allay concerns the country’s efforts would backslide after the midterm elections (*Bloomberg*). Secretary of Agriculture Tom Vilsack highlighted USDA’s initiatives and investments in climate-smart agriculture and forestry, noting that global food security depends upon the ability of farmers and producers worldwide to increase their productivity while strengthening their climate resilience and minimizing their climate impacts.

c. Partnerships for Climate-Smart Commodities

Secretary Vilsack used the international platform of COP27 to showcase the Partnerships for Climate-Smart Commodities, through which USDA is investing in new revenue streams for America’s climate-smart farmers, ranchers and forest landowners. These projects will expand markets for climate-smart commodities, leverage the greenhouse gas benefits of climate-smart production and provide direct, meaningful benefits to agriculture, including for small and underserved producers. At numerous COP27 events, Secretary Vilsack highlighted USDA’s initial \$2.8 billion investment in 70 pilot projects from the first funding pool that will deliver significant benefits for producers and communities in all 50 U.S. states. The projects will result in the application of climate-smart production practices on more than 25 million acres of working land, with expanded market opportunities and revenue streams for producers of all sizes and types. The Secretary also announced that USDA will direct an additional \$300 million to the second pool of pilot projects by the end of the year, bringing USDA’s total expected investment to \$3.1 billion.

d. Challenges Ahead for the Biden Administration

Governments from around the world agreed at the end of the summit to have wealthy countries help pay vulnerable nations for the damage they’re suffering from climate change (*POLITICO*). However, the Biden administration will have a trickier time of advancing its \$3.5 billion program to encourage climate-smart food production, following last month’s midterm elections. According to *E&E Daily*, Republicans on the House Agriculture Committee are making the Partnerships for Climate-Smart Commodities program an early target for oversight as they prepare for the likelihood of taking the majority in the House. Rep. Glenn Thompson (R-Pa.), the likely new chair of the House Agriculture Committee, has already publicly criticized the USDA initiative.

WESTERN WATER “HOT SPOTS”

The drought that has engulfed southwestern North America since 2000 is the most severe in 1,200 years, according to a paper published in the journal *Nature Climate Change*. The “megadrought” -- a dry spell that lasts two decades or more -- surpassed a drought from the late 1500s that was previously identified as the driest going back to at least the year 800, according to the study. The current megadrought is more extreme because of the heat and low rainfall from summer 2020

through summer 2021. Drought covers more than 87% of the nine western U.S. states, according to the U.S. Drought Monitor. California's drought has helped stoke massive wildfires as well as create water shortages around the most populous U.S. state. Human-caused climate change is responsible for about 42% of the soil moisture deficit since 2000, the paper found.

17. Klamath Basin

PacifiCorp has won federal approval from the Federal Energy Regulatory Commission (FERC) to remove four hydropower dams along the Klamath River in Oregon and California, the largest dam removal project in the nation. The decision affirms the utility's plan to surrender licenses and remove the dams, a project years in the making after concerns over the dams' alleged effect on water quality. After several years of trying to relicense the dams originally licensed in 1954, PacifiCorp and 47 other parties, including the Yurok and Karuk Tribes and state officials in Oregon and California, reached a settlement agreement in 2010 to decommission and remove the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate dams. While no objections were raised during the hearing, Congressmen Cliff Bentz (R-OREGON) and Doug LaMalfa (R-CALIFORNIA) have publicly voiced their opposition to the decommissioning of the Klamath River hydroelectric dams.

Klamath Water Users Association (KWUA)— whose members divert and deliver Klamath River water to farmland – expressed disappointment about the failure of dam removal proponents to adhere to commitments made to agricultural parties after Klamath River settlement legislation was not approved by Congress in 2015. KWUA took a neutral position on the 2016 Amended Klamath Hydroelectric Settlement Agreement (AKHSA), which led to the FERC decision. However, KWUA and many other state and regional agricultural organizations – including the Family Farm Alliance – supported legislation intended to implement the Klamath Basin Restoration Agreement (KBRA) – which would have provided a Basin-wide solution regarding river usage and water rights. Discussion of the KBRA began in 2005. With FERC approval of the decommissioning project, removal of the Klamath River dams could commence as early as 2024.

18. California

The Department of Water Resources (DWR) on December 1 announced an initial State Water Project (SWP) allocation of 5 percent of requested supplies for 2023. The SWP provides water to 29 public water agencies that serve 27 million Californians. As the state prepares for a fourth dry year and continued extreme drought conditions in California, DWR will also assess requests for additional water that may be necessary for health and safety including minimum domestic, sanitation, and fire suppression needs. Growers continue to face mounting economic challenges. In a new report about the financial toll of the state's extreme drought conditions, researchers estimated that the state's irrigated farmland dropped by 752,000 acres from 2019 to 2022.

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.

Changing Climate, Shift to More Extreme Weather Intensify Risk of Flooding in California

Published: Dec 16, 2022



CENTRAL VALLEY FLOOD PROTECTION

2022

UPDATE

Central Valley Flood Protection Plan 2022

175

SACRAMENTO, Calif. – California's shift to a hotter and drier climate is intensifying flood risk across the state and demands action, even during ongoing drought. With warmer temperatures, California needs to be prepared for more extreme flood events brought on by storms producing more rain than snow.

Today, the Central Valley Flood Protection Board approved the 2022 Update to the Central Valley Flood Protection Plan (CVFPP) which outlines improved flood management and infrastructure investments to significantly reduce flood risk especially in the most vulnerable communities of the Central Valley.

The CVFPP is a strategic roadmap for flood management in the Central Valley. The 2022 Update, developed by the Department of Water Resources (DWR), outlines a suite of recommended actions and clear opportunities to reduce flood risk especially in the San Joaquin River basin.

The plan identifies \$3 billion in needed investments over the next five years for actions such as implementing forecast-informed reservoir operations and expanding flood bypasses and floodplains with restored habitats. These actions will significantly reduce climate-driven, extreme flood events by improving aging infrastructure and bringing new tools to the table for watershed improvement in the Central Valley.

“This plan outlines the importance of local and federal partnerships with the State to fund critical projects to reduce flood risk in the Central Valley,” said DWR Director Karla Nemeth. “The climate threat is intensifying, and we need to take bold and innovative actions to protect life and property, especially in underserved and vulnerable communities.”

More broadly, the CVFPP takes a systemwide approach to flood management, outlining specific actions and policies to guide the State's investments and partnerships in the Sacramento and San Joaquin River basins in the decades to come. In the Plan, the State calls for investing \$25 billion to \$30 billion in Central Valley flood management over the next 30 years to close the significant funding gap between flood system resilience and increased risk.

“Climate change brings an ever-increasing threat of catastrophic flooding in the Central Valley,” said Board President Jane Dolan. “The 2022 CVFPP Update makes clear that outpacing climate challenges requires unprecedented collaboration and consistent funding for projects that help protect our communities.”

Three central themes are woven throughout the 2022 CVFPP Update:

- Building flood system climate resiliency
- Aligning strategically with other State water management planning efforts
- Increasing accountability through performance tracking and transparency

174

The 2022 CVFPP Update priorities align with Governor Newsom's "California's Water Supply Strategy: Adapting to a Hotter, Drier Future," which identified the actions needed to adapt to a rapidly changing climate. As California experiences warmer temperatures, droughts will be more frequent and intense, but so will flood events as warmer storms bring more rain than snow, increasing the risk of extreme flooding. The Plan also considers that underserved and vulnerable communities bear disproportionate risk and consequences of flooding, and outlines recommendations to advance equity in flood management planning, decision-making, and implementation.

Development of the 2022 CVFPP Update was informed by a robust, multi-year communications and engagement process that involved frequent discussions with State, federal, Tribal, regional, and local partners. The Public Draft of the 2022 CVFPP Update was released on April 21, 2022, launching a 45-day public comment period. During this time, the Board hosted three public hearings to receive verbal comments on the Plan. Beginning in July, the Board hosted three workshops to address comments received through the public forum process. These comments provided the Board with information for considering revisions to the Plan.

Since 2012, the CVFPP has been updated by DWR every five years and presented for adoption by the Board. After the plan is adopted, it is used as a guide for the State's investment in flood management programs. Updates to the CVFPP build on information in previous versions and incorporate new information about flood management needs, advancements in the best available science, and new policy considerations. Each iteration of the CVFPP also updates the State Systemwide Investment Approach (SSIA), which guides the State's investment in programs and projects to improve flood management in the Central Valley.

The 2022 CVFPP Update and related materials are in English. For language access requests, please contact cvfmp@water.ca.gov.

For more information and to access the package of CVFPP materials adopted by the Board, visit water.ca.gov/Programs/Flood-Management/Flood-Planning-and-Studies/Central-Valley-Flood-Protection-Plan.

XIII.

Anthea Hansen

From: Westlands Water District Public Affairs Department <pubaffairs@wwd.ca.gov>
Sent: Wednesday, November 23, 2022 2:31 PM
To: Anthea Hansen
Subject: Westlands Water District General Manager, Thomas Birmingham, Announces Retirement



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

FOR IMMEDIATE RELEASE
November 23, 2022

Contact: Shelley Cartwright
(559) 244-1533

Westlands Water District General Manager, Thomas W. Birmingham, Announces Retirement

Fresno, November 23, 2022 – Today, Thomas W. Birmingham announced his plans to retire from Westlands Water District on December 31, 2022. The District is grateful for Mr. Birmingham's unwavering dedication to the District and his many years of loyal service and extends him best wishes for a happy retirement.

Mr. Birmingham has worked on behalf of the District for more than 36 years- from 1986 through 2000 as outside counsel and since 2000 as its General Manager. He is a recognized expert on issues of water and environmental law and has guided the District through complex water policy changes and some of the driest hydrology on record. While in private law practice, he represented both public agencies and private parties in matters related to water rights, water quality, drainage issues, the Endangered Species Act, the California Environmental Quality Act, the Clean Water Act and other environmental laws.

In response to Mr. Birmingham's announcement Director Daniel Errotabere, who served as the President of Westlands from 2002-2005 and again from 2020-2021, said: "When I joined the Westlands Board in 1993, I was immediately impressed with Tom's intelligence, work ethic, and loyalty to the District. When the position of General Manager became vacant in 2000, he was the natural choice to become General Manager. Many people assumed that Tom would continue to approach issues from the perspective of a litigator, but it quickly became apparent that as General Manager his approach would be collaborative, not combative. Tom became a resource not only for Westlands, but for other public water agencies. Many of

178

those agencies have looked to Tom to lead efforts to enhance water supplies and operational flexibility for the Central Valley Project. People in Washington and Sacramento also have looked to Tom as a resource and problem solver. I think Senator Dianne Feinstein summed it up best in 2016 when she said, 'Tom Birmingham certainly knows a lot about California water policy... [W]hile I know his top priority now is representing Westlands, I do appreciate the breadth of knowledge he brings to the table. Tom and I don't always see eye to eye, but I've known him for 15 years, and I do appreciate the experience and concern he brings to the debate.'"

Director Errotabere concluded his comment by stating, "At the Board's direction, one of Tom's priorities over the last several years has been the Voluntary Agreements. People up and down the State, including Governor Gavin Newsom, have looked to Tom to help advance the program. I pray Tom's retirement will not impede getting the Voluntary Agreements done, because they are our best hope to change the way State and federal agencies work to protect fish and to deliver water to people and farms."

Frank Coelho, Jr., who has been on Westlands' Board since 1991 and is its longest serving Director, said in response to Mr. Birmingham's announcement: "Tom is one of the best water lawyers in the State of California. No one has a more detailed knowledge about the history of the Central Valley Project and of Westlands. His work on behalf of Westlands, both as an attorney and as General Manager, has been exemplary. His actions were always consistent with policy direction given by the Board. The reality is Westlands is always going to be reliant on surface water supplies moved through the Delta, and no one is more capable than Tom when it comes to enhancing and protecting those supplies."

The District anticipates that, in December, the Board of Directors will consider appointing an Interim General Manager to serve after Mr. Birmingham's retirement and will discuss a process to select his replacement.

###

About Westlands Water District

Westlands Water District is recognized as a world leader in agricultural water conservation and has served the farmers and rural communities on the west side of Fresno and Kings counties for more than five decades. As stewards of one of California's most precious natural resources, Westlands continually invests in conservation and champions farmers deploying innovative irrigation methods based on the best available technology.

**SIGN UP FOR EMAIL
UPDATES**

**VISIT THE DISTRICT'S
WEBSITE**

179

X111.

Maven
Breaking News

0



Press release from the Westlands Water District:

Today, Thomas W. Birmingham, General Manager of Westlands Water District, made the following statement:

"I will retire as an employee of Westlands Water District on December 31, 2022.

It has been my great honor to have been part of a dedicated team of District employees for more than 22 years. I am retiring with extreme pride in the things Westlands has accomplished over the last two decades, including settlement of drainage litigation, settlement of litigation concerning the allocation of water to pre-merger lands and merged lands upon the renewal of the District's 1962 water service contract, acquisition of additional Central Valley Project water supplies through the assignment to the District of water service contracts, conversion of the District's water service contracts to repayment contracts, implementation of a significant land retirement program to balance the demand for water with available supplies, implementation of water conservation programs, development of large scale renewal energy projects on District owned lands, construction of habitat restoration projects, and development of integrated water management programs.

I am also proud of the role Westlands played in advancing good water policy. The District was able to influence major State and federal legislation, including the California 2009 Bay-Delta Reform Act, the CALFED authorizing legislation, the San Joaquin River settlement and restoration program authorizing legislation, and the federal Water Infrastructure Improvements for the Nation Act. The District also played a leading role in negotiating the water purchase agreement for the Yuba River Accord, amending the 1986 coordinated operations agreement, and restoring flexibility for the Central Valley Project and State Water Project operations through the 2019 biological opinions. These biological opinions did more than restore the projects' operational flexibility; they improved conditions for listed species. Indeed, the 2019 biological opinions are more protective of listed species than the biological opinions they replaced.

180

None of these things were accomplished by me. Rather, I was part of a team of talented staff working under the leadership and direction of an engaged, thoughtful Board of Directors. And none of these things could have been accomplished without working in partnership with dedicated staff of multiple public water agencies from nearly every region of the State, multiple State agencies, and multiple Federal agencies.

As Westlands' General Manager, I have had the opportunity to work with elected and appointed officials at every level of government, in both major political parties, in Washington, D.C., and in Sacramento. I am proud that, to this day, virtually all these people look to Westlands for constructive solutions to the biggest water and water-related ecosystem challenges facing California.

My greatest joy as General Manager has been my daily interaction with the people that make Westlands a wonderful place to work, including its Directors and staff. I have the greatest respect for Westlands' employees who work in the field and the District's offices to deliver water to westside farms and communities. I want them to know how much I appreciate their diligent work.

Finally, I would like to thank the people who farm in Westlands. Despite incredible challenges, these men and women produce food that feeds the State, the nation, and the world. They are innovative, generous, and philanthropic. I cannot imagine a finer group of people. I wish them and the District the best. And, as always, I am praying for rain."

###

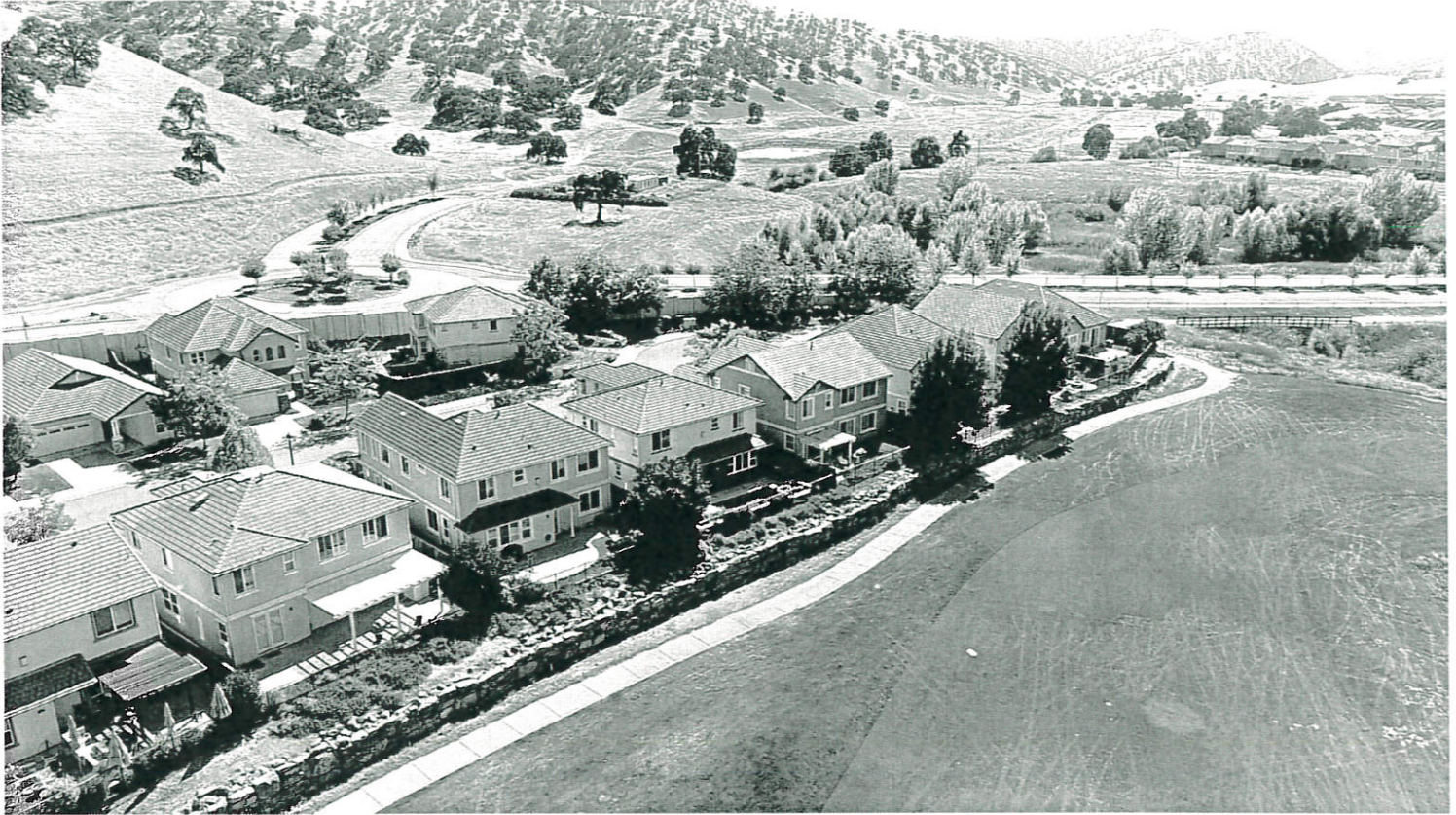
About Westlands Water District

Westlands Water District is recognized as a world leader in agricultural water conservation and has served the farmers and rural communities on the west side of Fresno and Kings counties for more than five decades. As stewards of one of California's most precious natural resources, Westlands continually invests in conservation and champions farmers deploying innovative irrigation methods based on the best available technology

181

xiii.

Diablo Grande water district wins cases over unpaid taxes



ANDY ALFARO AALFARO@MODBEE.COM

The Diablo Grande resort community near Patterson, California, is pictured Sept. 25, 2019.

BY KEN CARLSON
KCARLSON@MODBEE.COM

The water district serving Diablo Grande has prevailed in court cases charging that the project's new owner did not pay millions of dollars in Mello-Roos taxes.

Angels Crossing LLC, a corporation formed in December 2019, also hasn't funded the water and sewer operations of the Western Hills Water District or assumed the liabilities of the previous developer, according to water district officials.

That's a serious problem because the 600-home Diablo Grande community has relied on previous developers to pay for improvements and basic services.

The Western Hills Water District board gave an update on the litigation to about 30 residents who attended a meeting Wednesday.

Mark Kovich, who was appointed board president, said the unpaid Mello-Roos tax debt was \$24 million including penalties.

182

Western Hills filed foreclosure lawsuits on behalf of Mello-Roos bondholders, including one suit in June 2021 charging that Angels Crossing did not pay \$13.7 million in special taxes on 14 parcels. Another suit alleged the developer failed to pay the special taxes on 65 other undeveloped parcels.

The court also ruled that World International, the former owner of Diablo Grande, had unpaid special taxes on a parcel that's part of the former Ranch golf course that was never transferred to Angels Crossing.

A Sacramento attorney who has represented Angels Crossing in the litigation did not return messages from The Modesto Bee.

WATER DISTRICT

STEADILY LOSING MONEY

The legal action will lead to sale of the affected parcels as the water district deals with financial struggles and the challenge of maintaining basic services for Diablo Grande households.

"The district is in a real financial bind and we lose money every month," Kovich said.

He told the residents that Western Hills owes \$5.5 million to the Kern County Water Agency for water deliveries and owes \$1.7 million to Patterson, which treats Diablo Grande's wastewater.

Diablo Grande doesn't have enough residents to pay for the costs of water and sewer service. "Our desire is to get the community and the development built out," Kovich said earlier in the week. "We need at least another 1,800 homes built here to make the water district solvent. We need more customers."

Carmen Kearney, former chief financial officer for World International, said the company never was given credit for spending millions funding Western Hills' operations, maintaining the golf courses, making improvements and paying taxes.

World International hoped to eventually profit from the residential development, but the spending had limits and it eventually became bad for business, Kearney said.

"Western Hills needs money to keep in operation," said Kearney, who lives at Diablo Grande. "Any developer has to fund Western Hills to continue (water and sewer service)."

Angels Crossing acquired the master agreement for the Diablo Grande development from World International in May 2020.

Water district officials say the new developer did not fulfill obligations to Western Hills to cover shortfalls, inherit the liabilities of World International and pay for services.

Kearney said Angels Crossing paid a moderate sum of money to acquire Diablo Grande's first phase development plan with the understanding it was assuming the liabilities of World International. Some

183

suggest that Angels Crossing paid as little as \$100,000 to World based on the transfer tax paid to Stanislaus County.

THE PROJECT'S HISTORY

Diablo Grande once was conceived as a nearly 30,000-acre development trimmed with golf courses, homes, a hotel and convention center. Two golf courses came to life and about 600 homes were built, sold and occupied in the first phase that was approved by the county.

The original developers, including pharmaceutical industry giant Donald Panoz, spent more than \$120 million on planning, infrastructure, streets and golf courses at the former cattle ranch and subsidized services, with the aim of eventually turning a profit for his heirs.

But the nation's housing boom fizzled and Diablo Grande went into bankruptcy in 2008. World International acquired the development later that year and still owns 25,000 acres of the Diablo Grande site, Kearney said.

For business to continue as usual, another developer with deep pockets would need to step forward. Western Hills is now operating more like a community services district to keep providing basic services for Diablo Grande residents.

Western Hills originally had a landowners board, which guaranteed control for World International. But county supervisors made an appointment to the board that served to shift control to Diablo Grande residents. Board members in May 2021 changed it to a governing board elected by registered voters.

SUPPLY COULD

BE CUT OFF

The Kern County Water Agency notified Western Hills in 2021 that it could stop supplying water for Diablo Grande since Western Hills had not made payments for water since July 2019. A transfer arrangement with the Bakersfield-based Kern Water Agency has allowed Diablo Grande to withdraw water from the California Aqueduct.

The two agencies are trying to negotiate an amended agreement for water, while Western Hills has cut back annual use to 250 to 400 acre-feet of water.

Diablo Grande residents have paid \$146 for water service in average months since an increase last year raised the rate from \$100 a month. According to a consultant's study, the revenue generated by water rates amounts to \$1.4 million a year, falling well short of \$3.55 million in annual expenses. A water rate based on true costs would be astronomical.

Financial statements for 2020 show that Western Hills collected a monthly \$55.97 per household for sewer service and was charged a monthly \$74.91 per household by Patterson. Western Hills has kept the lights on by neglecting to pay what's owed to Patterson and Kern.

Western Hills also has been in negotiations with Patterson. "We hope to have a deal in place with them, but I can't go into specifics," Kovich said.

184

In August, the county treasurer-tax collector published a list of tax-delinquent properties, including \$2,072,208 owed by Angels Crossing on 65 parcels. According to the county notice, \$1.43 million in property taxes was owed since the 2018-19 fiscal year on the Diablo Grande clubhouse property, and an additional \$643,160 was owed on 64 other parcels.

Kovich told residents at Wednesday's meeting there are options for Diablo Grande's future plans. As an example, the two dried-out golf courses could be sold or leased to an independent operator and restored.

The board member said the district has a good relationship with Stanislaus County supervisors and he expects the Board of Supervisors will support plans for continued development.

"We have to get these foreclosures to the finish line before going to the next step," Kovich said.

Ken Carlson: 209-578-2321

XIII.



News for Immediate Release__

Regional Drought Emergency Declared For All Of Southern California

Dec. 14, 2022

Entire region called on to further cutback water use as all imported water supplies stressed by drought, climate change

Preparing for a fourth consecutive dry year, Metropolitan Water District's Board of Directors has declared a Regional Drought Emergency for all of Southern California and called upon water agencies to immediately reduce their use of all imported supplies.

In adopting the resolution on Tuesday (Dec. 13), Metropolitan's board warned the water-saving call could become mandatory if drought conditions persist in the coming months. By April, Metropolitan will consider allocating supplies to all its 26 member agencies, requiring them to cut their use of imported water or face steep additional fees on water purchased from Metropolitan.

"Since this drought began, we have been steadily increasing our call for conservation. If we don't have an extremely wet winter, we will need to elevate to our highest level – a water supply allocation for all of Southern California. Substantial and immediate conservation now and in the coming months will help lessen the potential severity of such an allocation,"
Metropolitan General Manager Adel Hagekhalil said.

Both voluntary and mandatory conservation measures will be implemented by Metropolitan's member agencies at the local level, based on their particular water-supply circumstances. Agencies with available local supplies may be able to rely on that water to replace necessary reductions in imported water use.

Metropolitan on average imports about half of the water used in Southern California from the Colorado River and from the northern Sierra, via the State Water Project. Use varies by community, with some relying almost entirely on imported water, and others using very little. In recent years, these imported supplies have been extraordinarily stressed by prolonged drought, exacerbated by climate change.

The past three water years were the driest in California history, resulting in record-low SWP deliveries to Southern California. The limited availability of these water supplies has been particularly felt by communities that depend on them and cannot receive Colorado River water, because of infrastructure constraints.

These SWP-dependent communities – home to nearly 7 million people – have been under mandatory drought restrictions since June. Under Metropolitan's [Emergency Water Conservation Program](#), affected agencies have either been living within volumetric limits or have restricted outdoor watering to one day a week. Those mandatory measures will continue in these SWP-dependent communities through June 2023, and possibly longer if substantial rain and snow this winter doesn't bring relief to California's drought.

While the rest of Southern California has largely been able to turn to Colorado River supplies and stored water to survive the state drought, Hagekhalil acknowledged the availability of those supplies is dropping.



RV

The long-term drought in the Colorado River Basin has left lakes Mead and Powell dangerously close to levels that would no longer allow water to be released for use by cities and farms. In response, the federal government has called on Colorado River water users to curtail their use in 2023 and 2024 by as much as 4 million acre-feet a year – the total amount used by California in a year. And if voluntary cuts cannot be achieved, federal officials have initiated a process to mandate sizeable reductions.

Metropolitan is preparing for additional reductions to its Colorado River supplies as soon as next year and beyond. These reductions would be in addition to water Metropolitan will likely have to contribute to keep levels in Lake Mead higher in 2024-26, as previously agreed under the 2021 Drought Contingency Plan.

“Conditions on the Colorado River are growing increasingly dire. We simply cannot continue turning to that source to make up the difference in our limited state supplies. In addition, three years of California drought are drawing down our local storage,” board Chairwoman Gloria D. Gray said.

While taking steps to reduce demands in the immediate-term, Metropolitan is also making big investments in sustainable, climate change-resilient local supplies for the entire region. The agency is developing what could be one of the largest recycled water facilities in the world – [Pure Water Southern California](#). Still, until these projects are complete, conservation is critical during dry periods like now.

“Some Southern Californians may have felt somewhat protected from these extreme conditions over the past few years,” Gray said. “They shouldn’t anymore. We are all affected.”

With up to 75 percent of all water used in Southern California used for irrigating yards and gardens, outdoor conservation offers a big opportunity for water savings, particularly in the winter. Southern Californians are encouraged to reassess the irrigating needs of their lawns and gardens during the winter. Cooler temperatures and wetter weather can dramatically reduce watering needs. For more information, visit bewaterwise.com.

Catalogued under:

[Sustainability](#)

← [Back to Newsroom](#)

Media Contacts

Rebecca Kimitch

[\(213\) 217-6450](tel:(213)217-6450)

[\(202\) 821-5253](tel:(202)821-5253)

rkimitch@mwdh2o.com

Maritza Fairfield

[\(213\) 217-6853](tel:(213)217-6853)

[\(909\) 816-7722](tel:(909)816-7722)

mfairfield@mwdh2o.com

187



MEMORANDUM

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

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

BIDEN ADMINISTRATION DEVELOPMENTS

1. President Biden Signs Bipartisan Infrastructure Bill into Law

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

a. Politics

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

b. Biden Administration Begins Work on Implementation

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

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

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

2. Appointments

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

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

a. Extended Repayment of Extraordinary Maintenance Costs

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

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

b. Other D&S Developments

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

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

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

4. Biden Administration Overhaul of Trump Environmental Rules

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

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

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

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

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

5. Joint Secretarial Order: Tribal Homelands Initiative

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

6. Executive Order (EO) 14042: Vaccine Requirements

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

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

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

DEVELOPMENTS IN CONGRESS

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

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

a. House Highlights

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

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

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

b. Senate State of Play

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

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

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

8. Senate Clears Stopgap Government Spending, Averting Shutdown

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

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

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

ALLIANCE INITIATIVES

9. Climate Change Initiative

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

c. The United Nations Climate Change Conference (COP26)

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

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

a. Biden Administration Descends Upon Scotland

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

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

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

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

b. The O’Tooles in Glasgow

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

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

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

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

10. OpenET Project

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

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

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

ADMINISTRATIVE AND MISCELLANEOUS

- Last month, I spent a day in Eugene, Oregon where I spoke to the Association of Oregon Counties annual convention about our involvement in helping to secure the new Western water dollars in the infrastructure bill signed into law by President Biden earlier this week. After my presentation, I talked to a bunch of county commissioners from around the state who were incredibly supportive of these new programs and our efforts.
- I spent last week on the road, speaking to the annual conferences hosted by Oregon Water Resources Congress and the Washington State Water Resources Association. It was great to see a lot of our friends once again, face-to-face, in-person. Directors Charlie Lyall and Mark Hansen did a fantastic job organizing an Alliance reception at the Davenport Hotel in Spokane on Wednesday night.



2022 Annual Conference

"Those in the Trenches"

*Focusing on those who are on the ground,
working hard to manage Western water*

Save the Date:

Feb. 24-25, 2022

Conference Highlights:

- **Keynote Presentations**
- **Reclamation Roundtable**
- **A Look at DC from the Hill**
- **Derby Dam Fish Screen Tour**

Silver Legacy Resort

Reno, NV

**Registration info coming soon
familyfarmalliance.org**

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.

Blank