



MEMORANDUM

TO: SLDMWA BOARD OF DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
DATE: JUNE 6, 2022

This memo is intended to keep you apprised as to what is happening behind the scenes on policy issues the Family Farm Alliance is engaged in. In the past month, much of our efforts have focused on engaging in Biden Administration rulemaking efforts, monitoring federal agency implementation of the *Infrastructure Investment and Jobs Act*, working with Congressional staff on hearings and draft legislation, and expanding public outreach associated with global food insecurity and the importance of Western irrigated agriculture. These issues and other matters important to our members are further discussed in this memo.

UKRAINE, INFLATION, DROUGHT AND GLOBAL FOOD INSECURITY

Americans are facing rising food costs and global famine looms on the horizon. Meanwhile, our own government has voluntarily withheld water from producers in places like the Central Valley, Central Oregon and the Klamath Basin.

Inflation barreled ahead at 8.3% in April compared to a year ago, with more upstream pressure expected to come from accelerating housing rents, and crude oil and producer price increases. Numerous experts predicted a recession in the next 12-18 months (Economy and Infrastructure Newsletter, May 2022). The World Bank believes Russia's invasion of Ukraine may drive 40 million additional people worldwide into extreme poverty and food insecurity this year. The White House, eager to avoid the criticism it has received for the administration's delayed response to the baby formula shortage, is now making bold statements about how it intends to tackle the "greatest global food security crisis of our time". Secretary of State Antony Blinken recently said this is a crisis that "we all know has been building for years". Little has been said by the Biden Administration as to how federal policies may be adversely impacting our own

producers and their abilities to help feed the world. Instead, the Administration says the looming food shortages are caused by the pandemic, an accelerating climate crisis, and Russia's invasion.

The Western drought continues, with no real federal policy action other than to limit irrigation supplies to farmers and residents. Major reservoirs in California and along the Colorado River have reached or are approaching historic lows, threatening the ability to generate hydropower, particularly at Lake Powell, behind Glen Canyon Dam. In the Rio Grande Basin, New Mexico's Elephant Butte Reservoir is less than 13% full. Our farmers that are largely responsible for keeping the nation's produce aisles stocked are being forced to leave fields fallow or reduce livestock herds.

Ferocious winds helped drive and spread the second-largest wildfire on record in New Mexico. Wildfires have already burned more than a million acres of land in the U.S. this year and the months ahead present significant fire potential to all or parts of more than a dozen states. Areas where multiple large wildfires are already burning – including parts of the Southwest, Rocky Mountains and Plains – remain at the greatest risk heading into summer due to ongoing drought and abundant fire fuels such as dried out vegetation, according to the latest wildfire outlook released last month by the National Interagency Fire Center.

The Nebraska legislature has invoked a nearly century-old compact which it claims allows the state to take Colorado land to secure water from the South Platte River. If Nebraska claims the water under the compact, that means reduced crop yields and impacts to Colorado farming.

As you well know, California is once again in the middle of a punishing drought with state leaders telling people to take shorter showers and do fewer loads of laundry to conserve water. Metropolitan Water District of Southern California is requiring member agencies that depend on water from the State Water Project to implement one-day-a-week watering restrictions, or live within volumetric limits, starting June 1. Yet at the same time, many of the same elected officials, pledging to solve the housing crisis, are pushing for the construction of millions of new homes (*Los Angeles Times*).

To end on an optimistic note, recent discoveries have been made of deep aquifers under Antarctic Ice, and in Southwest Texas. The US National Groundwater Association estimates there is 6,000 years of freshwater supply in the upper two kilometers of the earth's crust, according to a *Nature Geoscience* article. New technologies suggest there is potential to locate and economically produce these untapped water resources.

BIDEN ADMINISTRATION DEVELOPMENTS

1. National Infant Formula Shortage

Amid concerns of higher food prices and growing concerns of a looming global wheat shortage, the recent national infant formula shortage has further underscored the importance of a strong national domestic food supply system. The recent baby formula crisis seems to be coming as a

major shock to many in the country right now. This is hitting an extremely important demographic and may be opening the eyes of many to broader messages about root causes.

Republicans are loudly blaming President Joe Biden for the shortage, claiming it's part of the fallout from his economic policies — and that his administration — particularly the Food and Drug Administration (FDA) — was too slow to act. According to POLITICO, White House and U.S. Department of Agriculture (USDA) officials have privately complained about the FDA's decision not to warn other parts of the administration earlier, while allowing the situation to grow into a food security crisis for American families and a political crisis for President Joe Biden, just months ahead of the November midterms.

The White House, meanwhile, is scrambling to help ramp up production. President Biden late last month invoked the Defense Production Act to address the infant formula shortage in the United States. The White House announced in a fact sheet that the president would use the law to require suppliers to “direct needed resources to infant formula manufacturers before any other customer who may have ordered that good.” USDA is encouraging state agencies and their infant formula manufacturers to consider seeking temporary flexibility in their infant formula contracts to allow Women, Children and Infants (WIC) program participants to purchase alternate sizes, forms, or brands of infant formula during the current shortage. In Congress, the House of Representatives passed a \$28 million bill in emergency funding to address baby formula shortage, although the legislation faces an uphill battle in the Senate.

The nationwide shortage of baby formula following the shutdown of a single Abbott Labs production facility, empty grocery shelves during early phases of the Covid pandemic and soaring food prices over the past year have underscored weaknesses in the country's food supply chains (*Bloomberg*). Grocery prices in April were up 10.8% from a year earlier, the highest annual increase since November 1980, when Jimmy Carter was in the White House.

2. Global Food Security Initiative

Secretary of State Blinken was in New York last week to convene a high-level UN Food Security Ministerial to marshal the global effort that is needed to address it. His four suggestions to “save lives now” and “address the long-term drivers of this problem” include:

- Encourage other countries to step up with substantial new contributions to fill the gaps faced by humanitarian organizations and agencies (e.g., World Food Program, Food and Agriculture Organization, UNICEF) that are battling food insecurity.
- Address the global fertilizer shortage by creating incentives for countries to produce more fertilizer as the United States is doing and helping farmers maximize fertilizer efficiency learning from advances made by countries like Ethiopia.
- Increase investments in agricultural capacity and resilience, like what the U.S. is doing through its Feed the Future program, which will invest \$5 billion in more than 35 countries over five years.

- Help poor and vulnerable populations bear the impact of this crisis, using the International Financial Institution Action Plan to Address Food Insecurity, which was released prior to the G7 financial ministerial.

For their part, American farmers should “be willing to shoulder added risk,” Secretary Blinken said, citing President Biden’s recent trip to a family farm in Illinois, where he encouraged farmers to double crop, harvesting two crops from the same field in the same year. The president pledged to provide additional insurance for American farmers who are willing to give that a try.

3. White House Action Plan on Global Water Security

Vice President Kamala Harris apparently believes the current administration has a handle on water challenges, too, and last week launched the White House Action Plan on Global Water Security, which Sec. Blinken calls “a landmark whole-of-government effort to achieve a water-secure world”. While this administration’s federal water policy is voluntarily holding back water from some of the world’s best producers in the Vice President’s home state, the White House apparently feels emboldened to “advance United States leadership on water security.” The State Department is updating the U.S. Global Water Strategy, which outlines a “whole-of-government approach” to create a more water-secure world, where people and nations have the water they need to be healthy, prosperous, and resilient. Vice President Harris’ plan elevates water security as an essential element of the US’s “international efforts to achieve national security objectives that include increasing equity and economic growth,” as well as:

- Decreasing the risk of vulnerability to shocks, conflict and instability;
- Building inclusive and resilient societies;
- Bolstering health and food security;
- Advancing gender equity and equality; and
- Tackling climate change.

There is a lot of talk in this initiative about lead pipes being poisonous, etc. but very little talk about agriculture and food security and zero mention made of the incredible regulatory challenges facing Western U.S. producers who once received reliable water from federal water projects.

In addition to these globally-focused efforts announced by the Biden Administration last week, federal departments also laid out plans last week to address food supply chain challenges in our own country.

4. USDA: Framework for Shoring Up the Food Supply Chain

USDA on June 1 rolled out details of a framework to transform the food system to benefit consumers, producers and rural communities by providing more options, increasing access, and creating new, more, and better markets for small and mid-size producers. The Biden Administration says this strategy builds on lessons learned from the COVID-19 pandemic and

supply chain disruptions caused by Russia's war in Ukraine. USDA's newly announced Food System Transformation framework targets four aspects of the food supply: production, processing, distribution and markets.

The nation's meat processing capability has been a primary focus since the pandemic, in part because of the industry's consolidation over the years. The top four meatpacking companies control 85% of the beef market, 70% of the pork and more than 50% of the chicken, the White House has said. As a result, when large processing facilities were halted by the spreading coronavirus, livestock producers lost a significant amount of their sales markets, and some were forced to euthanize their animals. In response, the USDA created the Meat and Poultry Processing Expansion Program to provide up to \$375 million to aid the creation or expansion of smaller, independent processors. The first phase of the program that recently closed for applications is poised to distribute about \$150 million in grants. Funding requests totaled more than \$800 million, the USDA reported. Other key aspects of the framework include:

- A new \$300 million program to help farmers transition into organic agricultural production.
- \$75 million to support urban agriculture.
- \$600 million for cold storage, refrigerated trucks and processing facilities that are not covered by the meat and poultry program.
- \$40 million to train meat and poultry processing workers for smaller, independent facilities.
- \$155 million to boost the availability of healthier foods in smaller and underserved communities.

Funding for the initiatives will come from the Biden-backed \$1.9 trillion Covid relief plan Congress passed last year "and other relief legislation," according to USDA.

A handful of agricultural groups initially reacted positively to USDA's plan, including the National Council of Farmer Cooperatives, National Farmers Union, National Sustainable Agriculture Coalition, American Farmland Trust, Organic Trade Association and Organic Farming Research Foundation.

5. Drought Resilience Interagency Working Group Releases Summary Report

The Biden Administration last week released the Drought Resilience Interagency Working Group's (IWG) Summary Report outlining the actions taken to date to improve drought-stricken communities' longer-term resilience to drought through financial and technical assistance. Last month marked one year since the establishment of the Drought Resilience IWG as part of the Biden-Harris Administration's whole-of-government approach to confronting climate change. Download the [Summary Report](#) (PDF, 337 KB). We reviewed this document last week. The positives:

- Our organization is a strong supporter of close coordination between federal agencies on water resources matters. A good example of this is the continued cooperation between Reclamation's WaterSMART program and the NRCS EQIP program.
- Producers in the Klamath Basin (where I live) were grateful for the drought financial assistance provided by both USDA and Reclamation, in a year when they received no surface water from Upper Klamath Lake for the first time since 1907. The farmers and ranchers here appreciate the financial lifeline, but they would really rather farm and produce food than to get paid not to do so, especially when there is water available.

Areas of concern:

- The report makes NO mention of food security, of which water for agriculture is obviously a critical component. This, despite the fact that the Biden Administration last made a concerted effort to demonstrate that it wants to act to address global food security.
- Agriculture is addressed fleetingly, and in some parts of the report, not at all.
- We're appreciative of the focus on investment in infrastructure that's made in the report. Much of the report is dedicated to how the agencies will spend the BIL dollars. However, the report dedicates a lot of space to the amount that is being spent, but not so much on what is being achieved through the spending.
- The drought challenges associated with water scarcity and forest health are massive in scale; it's difficult to see in the report how the scale of these problems is really being met.
- Particular mention is made in the report of cooperation and management occurring in the Klamath and Central Valley Projects. These and the others mentioned in the report (i.e., the Colorado and Columbia River Basins) are all important, but they are not the only impacted watersheds. We're seeing water curtailments and reduced plantings throughout the West, which is going to have a cumulative impact on the ability of our country to feed itself and the world.

I was interviewed by a reporter from *Politico* about our reaction to the report, and, after reviewing it internally, I gave her an appraisal that is pretty close to our take, above.

6. IIJA Implementation

a. Reclamation: \$240 Million to Repair Aging Water Infrastructure

The Department of Interior last month announced an investment of \$240.4 million for infrastructure repairs in fiscal year 2022 from the Infrastructure and Investment Jobs Act (IIJA), also referred to as the Bipartisan Infrastructure Law, signed into law by President Biden last November. The IIJA makes one of the largest investments in drought resilience in American history, including \$8.3 billion for water infrastructure programs and \$1.4 billion for ecosystem restoration and resilience, dramatically expanding Reclamation's ability to use existing program authorities to serve communities through infrastructure improvements that fundamentally impact

their quality of life. Importantly, the IIA aligns with the solutions advanced by a Western water coalition in 2021 that included more than 230 organizations from 15 states that collectively represent 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. The coalition was led by a steering committee that included the Family Farm Alliance, Association of California Water Agencies, California Farm Bureau, National Water Resources Association and Western Growers.

Public Law 116-260 (December 2020) created a revolving fund called the Aging Infrastructure Account. 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. With this authority in place, we are now seeing 'once-in-a-generation' funding to back it. The program, facilitated through Reclamation, includes significant repairs on canal linings, dam spillways and water pipeline replacements.

The projects selected for funding last month are found in all the major river basins and regions where Reclamation operates. Among the 46 projects selected for funding are large projects to conduct canal repairs in Arizona, California, Idaho, Nevada and Wyoming, dam spillway repairs in Nebraska, pipeline repairs in Utah and investments in a pumping plant in Montana. Projects in Colorado, Oregon and Washington are also being funded. Reclamation concluded the initial application period for these funds on January 31, 2022. The second application period for extraordinary maintenance funding is planned for October 2022.

b. Reclamation: \$17.3 million to improve water efficiency in West

Reclamation last month also selected 22 projects to share \$17.3 million in WaterSMART Water and Energy Efficiency Grants. These competitive projects improve water use efficiency, increase renewable energy production, and reduce the risk of water conflicts in the Western United States. The selected projects include lining and piping canals, installing and upgrading water meters and timers, installing solar to reduce power demand, and adding automated gate controls. The projects will be completed in two or three years, depending on the funding received. To view all the selected projects, please visit www.usbr.gov/watersmart/weeg/. This funding supplements the investments from the IIA, which contains \$400 million over five years for WaterSMART grants, including drought resiliency projects. In 2022, Reclamation is making \$160 million available and will release other funding opportunities this spring. To learn more about how Reclamation implements the IIA, please visit www.usbr.gov/bil.

c. Department of Transportation Waives "Buy America" Requirements

Bloomberg Government reports that the U.S. Transportation Department (DOT) is giving states and industry 180 days to start working on procedures to comply with 'Buy America' requirements,

although the administration touted the need for domestic sourcing of all materials for building infrastructure. The notice was published in the Federal Register on May 25, and notes that the department had heard from stakeholders worried about the mandate. The administration last month issued guidance requiring that projects funded by the infrastructure package source American steel, iron, and construction materials. The infrastructure law (Public Law 117-58) mandated that the guidance be put in place by May 14. The construction industry quickly raised concerns, according to *Bloomberg*.

The Alliance – along with the Association of California Water Agencies, California Farm Bureau, National Water Resources Association and Western Growers Association earlier this year sent a letter to the Interior Department and Bureau of Reclamation, urging Interior to employ discretion and flexibility regarding the “Build America” mandate. We specifically request that you provide a general applicability waiver consistent with the law’s public interest criterion to ensure that we can deliver on the Administration’s commitment to modernize our water infrastructure to address climate resiliency and safe and reliable water deliveries to Western water users.

7. WOTUS Regional Roundtables Begin

The Environmental Protection Agency (EPA) has begun the first of ten virtual stakeholder meetings regarding changes to the definition of “Waters of the U.S.” (WOTUS) under the federal Clean Water Act. The Family Farm Alliance is preparing to participate at the Western roundtable scheduled for later this month. We will be represented at the WOTUS Western Region roundtable, scheduled for June 16. Our thanks go out to California Farm Bureau for including us in their formal regional roundtable proposal to EPA. Other farming organizations have been engaged in the initial roundtables. Some farm groups have been critical of the initial sessions. Courtney Briggs, AFBF senior director of government affairs, says the first roundtable lacked diversity needed to discuss WOTUS.

EPA and the Army Corps of Engineer (Corps) most recently proposed an interim WOTUS definition and took comment on it through February 7, 2022. The Alliance developed a formal comment letter on this matter. That proposed rule interprets WOTUS to mean the waters defined by a collection of Corps and EPA regulations referred to as the “1986 regulations,” with amendments to reflect the agencies’ interpretation of the statutory limits on the scope of WOTUS as informed by past Supreme Court decisions, including *Rapanos v. United States*. The agencies have said they plan a second “more durable” WOTUS rulemaking “that they anticipate proposing in the future” and “which would build upon the foundation of this proposed rule.” The series of virtual regional roundtables planned for this spring and summer are intended to foster discussion on regional differences in water bodies.

a. Western Regional Roundtable

The Western Regional Roundtable will delve into the unique features of Western water bodies,

including vernal pools, intermittent and ephemeral streams, and the distinctive hydrology of the West, where much of the stored water resides in mountain snowpack. State and federal agency implementation and regulatory roles on water quality matters will also be discussed. I will represent the Alliance at the June 16 roundtable and will advance the Alliance position that expanded federal CWA jurisdiction would negatively impact irrigated agriculture and Western communities in many ways, such as adding additional regulatory burdens to water resiliency projects.

b. Complicating Factors

The changes to the WOTUS rules may already be a done deal, *Harvest Public Media* recently reported. The public comment period for that change ended months before the virtual roundtables started. The matter is further complicated by the Supreme Court's recent decision to hear *Sackett v. EPA*. This closely watched case will determine whether the U.S. Court of Appeals for the 9th Circuit "set forth the proper test for determining whether wetlands are 'waters of the United States'" under the CWA. As previously reported, the Alliance is joining in an "agriculture" brief in this case, led by AFBF. Now that the Supreme Court agreed to hear the appeal in *Sackett v. United States*, Republican lawmakers and other supporters of the Trump-era WOTUS definition have urged EPA and the Corps to pause development of any new WOTUS definition until after the high court rules. Over 200 House Republicans in March sent a letter urging the Biden Administration to halt their rulemaking until the U.S. Supreme Court rules on *Sackett v. EPA*. The virtual roundtables will continue through June 24. Final changes to the definition of WOTUS and how rules are implemented will likely be announced by the end of the year.

DEVELOPMENTS IN CONGRESS

Lawmakers return to Capitol Hill after a one-week recess, where a bipartisan group of senators continues talks on a potential gun violence package and the Jan. 6 select committee prepares to unveil its findings when primetime hearings get under way on Thursday (*The Hill*).

8. Senate Committee on Agriculture Subcommittee Hearing

Senator Michael Bennet (D-COLORADO) will be chairing a hearing in the Senate Ag Committee's Conservation, Climate, Forestry and Natural Resources Subcommittee this Tuesday on "The Western Water Crisis: Confronting Persistent Drought and Building Resilience on our Forests and Farmland". Alliance Advisory Committee Member Andy Mueller (General Manager, Colorado River Water Conservation District) will be testifying on behalf of his district at this hearing. We developed extensive written testimony for this hearing, which provides an opportunity to tee up some of our farm bill priorities and drought priorities.

9. Senate Energy and Natural Resources (ENR) Committee Hearing

The Senate ENR Committee is conducting a full committee hearing, tentatively titled, “Extreme Drought in the West: An examination of short- and longer-term solutions” on Tuesday, June 14 at 10:00 a.m. (Eastern). Alliance President Pat O’Toole has been invited to testify for the Minority. Pat has been asked to discuss potential policy solutions to drought in the West, especially from an Upper Colorado River Basin rancher perspective. Other invited witnesses include Camille Touton (Commissioner, Bureau of Reclamation), John Entsminger (General Manager, Southern Nevada Water Authority), Maurice Hall (Vice President, Climate Resilient Water Systems, Environmental Defense Fund), and Charlie Stern (Specialist in Natural Resources Policy, Congressional Research Service).

10. 2022 WRDA Moves Forward in Congress

The U.S. Senate and House in the past month both moved versions of biennial water projects legislation that lays out a blueprint for how the Army Corps of Engineers tackles flood control, navigation and ecosystem restoration. Recent versions of the Water Resources Development Act (WRDA) have also included provisions for Bureau of Reclamation projects, something the 2022 WRDA does not provide. The 2022 WRDA being advanced in each chamber of Congress appears to be more Corps-centric, although there are provisions that focus on the Western U.S.

a. Senate WRDA Bill Clears Committee with No Opposition

The Senate WRDA bill passed the Senate Environment and Public Works Committee in early May by a vote of 20-0. Committee Chair Tom Carper (D-DE) and Ranking Member Shelley Moore Capito (R-WV) have said their legislation builds on the recently passed \$1.2 trillion bipartisan infrastructure package and would authorize Corps projects in all 50 states. The Senate bill includes several sections of interest to Western water users. We’ll be keeping an eye on those areas of the Senate WRDA that address agency coordination on Western water matters, water supply conservation provisions, Columbia River flood management, NEPA reporting, and assessing Western water infrastructure.

1. House T&I Approves WRDA Bill With Expectations of House Floor Vote in June

The House Transportation and Infrastructure (T&I) Committee later in the month passed their version of WRDA, only approving a handful of the multitude of amendments proposed to the bill during their earlier markup. The panel approved by voice vote H.R. 7776 from Chair Peter DeFazio (D-OREGON) and ranking member Sam Graves (R-MO), which was unveiled earlier in the week. The legislation approves new projects and policies for the Corps work on navigation, flood control and ecosystem restoration, and contains various bipartisan provisions to boost the agency's ability to tackle sea-level rise, erosion and the threat of increasingly destructive coastal storms. Many expect that H.R. 7776 will move to the floor of the House for a vote later this month.

11. Senate ENR Subcommittee Hears 17 Water Bills

The Senate Energy and Natural Resources (ENR) Subcommittee on Water and Power last month heard testimony on 17 bills dealing with drought mitigation and hydropower projects. Bureau of Reclamation Commissioner Camille Touton was the sole government witness at the hearing. The Family Farm Alliance since early last year has been engaged with Senate staff as several of the regional and West-wide bills were developed. The Subcommittee also included a number of additional bills that address specific water issues and needs in California, North and South Dakota, Montana, New Mexico, and Wyoming. Several of the bills were intended to address aging infrastructure in various parts of the West, like the Goshen Irrigation District tunnel collapse that occurred in Wyoming. A summary of each bill the Alliance engaged in is discussed further below.

b. *Water for Conservation and Farming Act (S. 953)*

The "Water for Conservation and Farming Act," from Sen. Ron Wyden (D-OR), would create a Bureau of Reclamation Infrastructure Fund that would receive \$300 million annually from the Reclamation Fund for 30 years starting in FY2031 to support water recycling projects, water-use efficiency projects under WaterSMART, and dam safety. It would also authorize \$25 million over five years to support fish passage projects in California, Idaho, Montana, Oregon and Washington state. This bill provides important tools to address water and natural resources challenges across the West that are important to our members, while certain provisions in the legislation do raise some concerns. The Alliance strongly supports the bill's provisions for the Fisheries Restoration and Irrigation Mitigation Act (FRIMA). Our members in California, Idaho, Oregon, Montana, and Washington are strong supporters and benefactors of FRIMA, which supports voluntary fish screen and passage projects. However, several other provisions of the bill that appear intended to focus on drought impacts to species also raise questions and concerns. Significant implementation questions also exist. We will closely examine any proposal – particularly at this time when promoting domestic food production will be more important than ever before – that seeks to move water away from agriculture through voluntary water transfers, including through groundwater substitution activities.

c. *The Canal Conveyance Capacity Restoration Act (S. 1179)*

S. 1179 from Sen. Dianne Feinstein (D-CALIFORNIA) would authorize cost shared federal funding to restore San Joaquin Valley canals that support groundwater recharge areas, as well as authorize funds to restore salmon runs on the San Joaquin River. S. 1179 will address the severe subsidence impacts that have substantially reduced the carrying capacity of the water delivery system of the State of California to provide for a more resilient water supply, especially during the severe droughts of these past several years. For these reasons, the Alliance is in full support of the enactment of S. 1179.

d. The Watershed Results Act (S. 3539)

The "Watershed Results Act," from Sen. Wyden would direct the Department of Interior to work with the U.S. Department of Agriculture (USDA) and the Environmental Protection Agency (EPA) to establish two to five watershed restoration pilot programs that would use advanced analytics to prioritize performance-based conservation projects across the West. Each pilot program must incorporate predictive data analysis to analyze millions of acres of a watershed to precisely locate the most effective acres for restoration that will make the largest impact. By prioritizing investments in conservation and measuring results, we believe we can create a market for farmers to grow "bushels of nature" alongside our food supply. The Alliance strongly supports S. 3539.

e. Amendments to Existing Law Proposed by Senator Risch

The Alliance supports S. 4175, from Sen. Jim Risch (R-IDAHO) which would amend the Omnibus Public Land Management Act of 2009 (P.L. 111-11) to authorize "certain extraordinary operation and maintenance work" for canals through densely populated areas, and for other purposes. These canals, typically delivering irrigation water to farms and ranches in Reclamation watersheds in the West, were originally built in the desert environment of a developing watershed. As time went on, communities sprang up and housing tracts were developed alongside these canals creating potential hazards that, if a failure occurred, could result in loss of life and property. S. 4176 from Sen. Risch would amend the Infrastructure Investment and Jobs Act (IIJA) to modify eligibility requirements for small water storage and groundwater storage project grants program, and to expand eligibility of funds for rehabilitation of projects developed and operated under the Carey Act. The Alliance supports S. 4176, which would reduce the minimum size of an eligible small surface and groundwater storage facility from 2,000- to 2-acre-feet, making important small regulating reservoirs eligible for grant funding under the program.

f. STREAM Act (S. 4231)

The "Support to Rehydrate the Environment, Agriculture and Municipalities (STREAM) Act" (S. 4231) from Sen. Feinstein (D-CALIFORNIA) would authorize \$750 million in cost shared funding for nonfederal water and groundwater storage, \$300 million in cost shared funds for water recycling, \$150 million in cost shared funds for desalination projects, \$100 million for drinking water and \$150 million for low-interest loans for water supply projects. The STREAM Act includes provisions that continue the "Water Infrastructure Improvements for the Nation Act" (WIIN Act) storage program in a revised form, as well as extending the availability for cost-shared grant funding for non-congressionally authorized Title XVI water recycling, reuse, and desalination projects. Importantly, the STREAM Act would grandfather storage and conveyance infrastructure projects that receive construction funding in the bipartisan infrastructure bill enacted earlier this Congress to receive new funding authorized by the STREAM Act to complete construction. Alliance members are involved with several of those projects in California, Idaho

and Washington state. The bill would also provide some non-reimbursable funding for modifications to extraordinary maintenance on aging Reclamation projects that would provide additional public benefits. We appreciate Senator Feinstein's longtime, continued work to improve water security and drought resilience in the Western United States. Her STREAM Act contains a number of provisions that could be helpful to our members if enacted.

g. Water Data and Security Act of 2022 (S. 4236)

New Mexico's Democrat Senators Martin Heinrich and Ben Ray Lujan have introduced S. 4236, which would create a national framework for data generated by the planning and management of water resources to include stream flows, precipitation, groundwater and soil moisture, as well as water use by the agriculture, industrial and municipal sectors. The bill would also direct the Interior Department to set up a federal working group to create an integrated water resource management plan for the Rio Grande Basin. We support the water data framework provisions of S 4236. Western water resources decision-making demands accurate and timely. Critical and vital information is gathered and disseminated through a number of important federal programs. There is a serious need to focus on coordinated data collection and dissemination. Rep. Melanie Stansbury (D-NEW MEXICO) introduced companion legislation earlier in the month. Alliance contractors met virtually with Rep. Stansbury in early May to discuss the legislation, which the Alliance board of directors unanimously supported at its monthly board meeting.

ALLIANCE INITIATIVES

12. Food Insecurity Public Relations Campaign

Driven by concerns with rising food prices and the Russian invasion of Ukraine, the Family Farm Alliance board at its meetings in Reno last February directed contractors to work with others in an effort to improve communications on what rising inflation and the Ukraine crisis means to American consumers. In April, the Alliance partnered with California Farm Water Coalition and Klamath Basin producers to place a full-page ad in the *Wall Street Journal* warning of the consequences if State and federal officials ignore the need for reliable water supplies and a stable, affordable, domestic food supply. The WSJ ad was a great first step, but it was only a first step. Now we need to hammer that message home through social media and other outreach if we are to have any hope of the message penetrating. It's critical that the next phase keeps the focus on impact on consumers, not impact on farmers. Other related recent efforts include:

- Alliance Director Paul Orme and I co-authored another guest opinion which the *Arizona Republic* published last month: "Water Policy Threatens Our Food Supply". The *Republic*, published in Phoenix, is circulated throughout Arizona and is the state's largest newspaper. The *Arizona Capitol Times* included a full-page ad paid for by the Alliance, which is essentially a full-page reprint of this guest column.
- Alliance director Don Schwindt (COLORADO) and I co-authored an opinion piece that

was published in the May 11 edition of the *Colorado Sun*, as part of this initiative.

- The Farm Bureau in Fresno County – the largest ag production county in America- re-ran the story the Alliance published in the April 2022 “Monthly Briefing” about food supply concerns.
- *Progressive Grocer*, an industry trade publication, recently covered the issue of land fallowing, impending food shortages, and higher prices as described in an informational graphic published by CFWC.
- Two California producers and CFWC Executive Director Mike Wade appeared on a recent segment that was reported on by Lester Holt on NBC Nightly News.
- The BBC recently published a story on water shortages and the effects they are having on the nation's food supply. CFWC President Bill Diedrich, appeared in the story talking about how many foods grown in the San Joaquin Valley this year show up in the store next year, explaining why consumers might not feel the pinch right away.

As reported elsewhere in this report, House Republicans last month hosted an oversight forum examining how the ongoing Western drought contributes to skyrocketing grocery and electricity prices nationwide. Members heard from witnesses across the country who are experiencing these impacts firsthand and further examine the need to implement short and long-term drought solutions for American consumers. I testified at this forum, as did several Alliance members and Bill Diedrich, representing CFWC.

We are part of a small working group that did the heavy lifting of raising the money for the WSJ ad, but without additional reinforcement of that message, it will not hit home. Working with CFWC, efforts are underway to do some focused social media advertising, as a follow-up to the full-page ad. With contributor support, we extended its reach into a digital ad program on Facebook and Instagram using the same artwork, message, and link to the landing page: <https://www.farmwater.org/food-security-and-water/>. We’ve run two, two-week ad campaigns so far and are six days into the third. So far, our efforts have resulted in 1,851,697 impressions, a reach of 420,574, and 55,404 clicks, or individual visits to the web site.

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.

Good morning! Welcome to the weekly water blast newsletter. I hope your holiday weekend was a good one.

Legislation inspired by PCL's water law recommendations dies on the Assembly floor

AB 2657 would have required the State Water Board to adopt the final update to the Bay Delta Water Quality Control Plan on or before December 31, 2023. Assembly member Adam Gray argued the bill could have jeopardized Sites Reservoir. [Here's the story at GV Wire.](#)

Investigation of alleged unlawful water diversion in the Delta wraps up without any enforcement actions

I'm a bit behind on my write-ups as I had to spend the last week cleaning up a major issue on the back end of the website. Coverage of the Delta Watermaster's report will likely be posted next week, but here's the most interesting part.

At the State Water Board meeting last Tuesday, Delta Watermaster Michael George updated the Board members on the investigation of water exporter complaints alleging unlawful water diversion of the Delta. This complaint originated as a letter from the Friant Water Authority to Chair Esquivel, which then went to the Office of the Delta Watermaster to begin the investigation. Friant was soon joined by the State Water Contractors, San Luis Delta Mendota Water Authority, and Tehama Colusa Canal Authority.

The Office of the Delta Watermaster and the Division of Water Rights worked together on the investigation recognizing the implications for impacts throughout the Delta watershed as well as the export communities that are served from the Delta. The complainants were also brought into the investigation, working

collaboratively and transparently to sort out the complaints and gain a common understanding of the issues and come to a conclusion that would be credible with all parties.

The complaint was based essentially on a mass balance analysis. The exporters looked at the inflows and outflows from the Delta, with the difference being depletions within the Delta. So the first step of the investigation was to refine the mass balance approach by determining how there could be more certainty about the inputs as well as disaggregating the pieces to understand what was really going on.

They set up a technical subgroup, including people from the State Water Board as well as the water contractors and engineers. They first challenged the complainants to refine their analysis, which they did; the Board staff then tried to replicate their analysis to see if they could come to the same conclusions using the same data sources. They dug into the discrepancies, and worked to bring the range of certainty for each of the inputs to $\pm 5\%$. They also looked at other areas where data could be improved, and further refined the analysis.

"We didn't always make it, but we generally got close," said Mr. George. "But we also realized that when we were dealing with so many variables, just think about number of inputs, even if we got down to a $\pm 5\%$ on each, it was a compounding issue."

As a result, they did come to some conclusions, and are currently drafting a summary and report of those conclusions.

One of those conclusions is that current laws do not allow individual enforcement actions based on the data and the analysis that they have. *"In other words, as a result of the gross water balance, there appears to be less natural flow coming into*

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the Delta then there are riparian demands in the Delta," he said. "Therefore one might say, as the complainants did, it looks to us like there's unlawful diversion in the Delta. That difference of primarily riparian demands against reduced natural supply means that riparians are taking project water released from storage that's meant for a different use. The available data and the requirements of the burden of proof don't allow us to bring individual enforcement actions against individual riparian demands."

They focused their attention primarily on the Central Delta, Southern Delta, and some of the agricultural areas of Contra Costa County. They also worked to understand how much water was at stake; if they were successful in identifying and stopping unlawful riparian diversions, what would be the effect? This helped to focus on where continuing development of data is needed for wide reliability, and to begin to use the new tool Open ET.

"One of the biggest things that came out of this was the development of a common understanding of other avenues that are available for addressing the issues the complainants brought forward," said Mr. George. "So that's really where we're going with the closing of this investigation without an enforcement action being taken, but with a lot more work to do to identify how to take action on the issues."

Through the process, they discovered a number of unresolved legal issues. *"Where we've got differences of opinion, we disagree violently with each other, and we're all convinced we're absolutely right," he said. "We can go to the legislature and ask the legislature to pass a law. We can go to the courts and ask the courts to determine what the law is when it comes to the water board. We can ask for regulations to resolve the conflict. Or we can negotiate or collaborate. But to do negotiate and collaborate, which is faster, cheaper and both durable and flexible, it requires the kind of data that we are developing but don't yet have."*

During the discussion period, Mr. George elaborated on perhaps the largest looming unresolved legal issue: the conflict between riparians and appropriators during times of shortage.

When California became a state, it adopted the common law; riparianism was part of that. Later, the priority system was overlaid on it. *"We never resolved the fact that those two systems allocate shortage, not only differently, but on a basis that is inconsistent. So that is an example of a really thorny, difficult, unresolved legal issue. The riparians are supposed to share the shortage correlatively; the [appropriators], first in time first and right."*

In the Delta, there's conflict between riparian users and early appropriators that are sometimes on the same watercourses. *"You get into this circumstance where the appropriator says you can't tell me, Mr. Watermaster at what priority I should be cut off because you haven't invoked the correlative reduction on the riparians," he said. "I say, okay, let me go talk to the riparians. And they say, you can't determine what the correlative reduction is until we know where the appropriators are going to be cut off and, importantly, until you decide what water is available to a riparian now."*

There are some data issues and some tough legal issues. *"Are the riparians in the Delta the intended beneficiaries of the project's design and obligation to provide a freshwater pool from which to draw water? I've got lawyers who I respect on both sides of that issue. So maybe this is just one of those things that can only be settled by litigation. ... But one of the problems with litigation in the Delta is that they're often designed to be so fact specific that their application to other fact circumstances is limited."*

Mr. George then offered up some possible solutions. *"So what I've said to both sides is maybe the answer here is to develop a case that we can agree on, where*

the facts are stipulated; it would save a lot of time and money going through a discovery period to stipulate the facts that isolate the issue that we want to resolve. It becomes very clear very quickly, that there's a risk to everybody in resolving those issues; you might not get all your claim, it might not be as clear as you'd like it to be. There might be conflicting and confounding information that you're going to take and present to a tribunal who doesn't have your deep background in water law. And you might get decisions that, let's say, that are over simplified, and not very useful."

"So maybe we should do something else, like develop the information that we would put into that stipulated settlement. And then see if there might be areas where we could test for a while, instead of trying to enter into a permanent contract, maybe four or five years with some off ramps, where we could try things together to see what the outcomes are. Those are the kinds of mechanisms for resolution."

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X III.

Anthea Hansen

From: Reclamation Public Affairs <publicaffairs@usbr.gov>
Sent: Thursday, June 9, 2022 6:02 AM
To: Anthea Hansen
Subject: New study finds extreme, severe drought impacting the upper Colorado River basin in the 2nd century



— BUREAU OF —
RECLAMATION

NEWS RELEASE

For Release: June 9, 2022

Contact: Peter Soeth, psoeth@usbr.gov, 303.445.3615

New study finds extreme, severe drought impacting the upper Colorado River basin in the second century

New study will help inform understanding of natural climate variability and assist the evaluation of the current drought compared to history

DENVER – The drought currently impacting the upper Colorado River Basin is extremely severe. A new study from federal government and university scientists led by the Bureau of Reclamation and published in Geophysical Research Letters identifies a second-century drought unmatched in severity by the current drought or previously identified droughts.

"Previous studies have been limited to the past 1,200 years, but a limited number of paleo records of moisture variability date back 2,000 years," said **Subhrendu Gangopadhyay, lead author and principal engineer for the Water Resources Engineering and Management Group at the Bureau of Reclamation**. "While there has been research showing extended dry periods in the southwest back to the eighth century, this reconstruction of the Colorado River extends nearly 800 years further into the past."

The research finds that compared to the current 22-year drought in the Colorado River, with only 84% of the average water flow, the water flow during a 22-year period in the second century was much lower, just 68% of the average water flow.

"Tree-ring records are sparse back to the second century," said **Connie Woodhouse, a professor at the University of Arizona and a study co-author**. "However, this extreme drought event is also documented in paleoclimatic data from lakes, bogs, and caves."

The authors reconstructed the streamflow at Lees Ferry on the Colorado River to develop these findings. Paleoclimatic data for the reconstruction is from a gridded network of tree-ring-based Palmer Drought Severity Index values. These extended records inform water managers whether droughts in the distant past were similar to or more severe than observed droughts in the past centuries. The baseline for the study's analysis uses the natural flow estimates data from 1906 to 2021 from the Lees Ferry gage.

What's Next?

The reconstructed streamflow data developed in this research is now available for public use. It is anticipated that water managers will use this new extended data to understand past droughts better and to plan for future droughts.

"The results of this work can provide water managers with an increased understanding of the range of flow variability in the Colorado River," added **Gangopadhyay**. "It should provide information to help water managers plan for even more persistent and severe droughts than previously considered."

"For future work, collection and analysis of more remnant wood can further document this second century drought," added **Woodhouse**.

The Colorado River basin is experiencing a severe 22-year drought with extensive impacts throughout the West. This includes water for homes and crops to the generation of electricity that supports everything we do. Drought impacts everything within the basin.

Study co-authors also include Greg McCabe of the U.S. Geological Survey, Cody Routson from Northern Arizona University, and Dave Meko of the University of Arizona.

Reclamation continues to work with its partners to mitigate the impacts of this current 22-year drought. To learn more about the operations on the Colorado River, please visit <https://www.usbr.gov/ColoradoRiverBasin/>.

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

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



SOLVE THE WATER CRISIS

ACT NOW TO SECURE CALIFORNIA'S FUTURE.

X111.

FOR IMMEDIATE RELEASE

June 13, 2022

Contact: Jenny Dudikoff

Phone: 916-599-5415

Email: jdudikoff@ka-pow.com

Water agencies call on State to address long-term water supply crisis

SACRAMENTO, CA – California is in the middle of a historic water supply crisis never seen before, impacting the economy, every region across the state, jobs, critical industries, food security, and all Californians. As the State responds to manage this current drought, the perpetual and systemic water crisis continues to grow, with no relief or remedy in sight, for the near term or future.

Water agencies are sounding the alarm, calling on the state to take action in response to the years of drought conditions, the repeated imposition of emergency regulations and water restrictions to reduce consumption, and the lack of progress on water infrastructure investment. The time is now to imagine and create water infrastructure aligned with the new climate reality of significantly reduced snowpack and increased precipitation volatility.

Changing and worsening climate conditions coupled with a population that has doubled since the development of California's current water system requires extraordinary investment in new water supplies for today and the future generations of Californians. Yet the State is still using the same water supply approach to meet the needs of 40 million residents, with the same constrained infrastructure and increasing regulatory limitations.

"As the State repeatedly calls for more conservation to get through the current drought, reactionary solutions to the current drought are not an acceptable or adequate policy response. There is a lack of acknowledgement on the larger and long-term picture – we are in a generational water supply crisis that is far more than just this drought and we need California policymakers to take immediate action," said Heather Dyer, General Manager of San Bernardino Valley Municipal Water District, and a leader in Solve the Water Crisis.

"The consequences of inaction are ongoing and will be catastrophic for the future of California and are already being felt today. We need immediate and bold State action to fundamentally change how statewide water is managed. As water managers, we know it will take big new water solutions capable of increasing water supplies in the statewide system, as well as investments in local and regional improvements to address our new climate reality that has devastated existing water supplies," said Paul Helliker, General Manager of San Juan Water District, and a leader in Solve the Water Crisis.

Perpetuating the lack of progress on collaborative and creative solutions to build and rehabilitate statewide water facilities will be catastrophic. Impacts are already prevalent statewide, and will become more significant across the board, resulting in:

- Job losses, particularly in the ag industry
- Decline in business confidence and reduced investment in California

- New housing development stalled
- Food security jeopardized
- Increased water costs
- Increased stress on ecosystems and habitats
- Impacts on statewide energy supplies
- Decrease in statewide tourism
- Decline in recreational activities

California has a responsibility to address the ongoing water supply crisis. Policy solutions must be advanced to meet the State's present and future water supply needs for all Californians, today and tomorrow.

About The Solve the Water Crisis

Solve the Water Crisis brings into sharp focus the ongoing water supply crisis that is impacting quality of life, economic growth, health, and the environment of communities throughout California. By raising awareness among California policymakers, Solve the Water Crisis demonstrates the urgency and bold actions needed to secure California's water future. Solve the Water Crisis is led by water agency leaders across the state, representing both urban and rural areas of California. To learn more, visit www.SolveTheWaterCrisis.com

Mountain House facing severe water shortage; SSJID will help

Water flows into a SSJID canal during the 2014 irrigation season. - photo by HIME

ROMERO/The Bulletin

DENNIS WYATT

The Bulletin

Published: Jun 7, 2022, 1:42 AM

Mountain House is literally days away from having its water cut back severely by the State of California.

Today the South San Joaquin Irrigation District board will consider a transfer of 1,800 acre feet of water to help the community of 28,000 northwest of Tracy avoid being forced to ration water as California's drought crisis deepens.

The reason why the state is turning down the spigot to Bethany Irrigation District that Mountain House relies on to a mere dribble and how the SSJID is able to transfer water without hurting its tight supplies underscores how complicated both water policy and law is as well as the hydrology dynamics that Californians depend upon.

The SSJID has asked its urban customers in Tracy, Manteca, and Lathrop to voluntarily cut back on their contracted water use by 20 percent as the state is in its third year of drought. Its ditch and canal operators are tasked with making sure they avoid any water being wasted. Farmers are also have been asked to be extra vigilant in the application of water.

The district expects to have enough water to meet demand with conservation measures. But more important they need to have carryover storage in the likely event the drought enters a fourth year in 2023 in order to avoid mandatory cut backs next spring.

The water that the district will send to Mountain House, however, doesn't impact that equation.

It is because it will come from some of the 24 water wells the district operates.

While those wells are designed to augment surface water supplies from the Stanislaus River watershed, some do double duty of "dewatering" high water tables that collect seepage from farms being irrigated with SSJID water.

The high water table — especially in the western end of the district in the Ripon and Manteca area near the San Joaquin River — poses a serious threat to the roots of orchards. Too much water in the soil if it doesn't drain works to harm and ultimately destroy tree roots.

The water being transferred to Bethany Irrigation will be pumped from the high water table.

Overall, the water SSJID sells to farmers helps recharge a large swath of the Eastern San Joaquin Subbasin and enables water levels within the district's boundaries for its customers and others to remain healthy.

Only in the western end does it have the potential to create issues due to the proximity of aquifers under the Delta.

Meanwhile, Bethany Irrigation — like SSJID and other pre-1914 water right holders — are facing curtailment orders as the state tries to figure a way to weather the drought. While pre-1914 water rights have legal adjudication and are at the front of the line of claims on water in California, the state has made it clear it will take the unprecedented step of essentially overriding those rights to deal with the statewide emergency.

The SSJID made a similar water transfer in 2015 to help Mountain House replace water the state curtailed from being delivered to Bethany Irrigation. Steve Pinkerton, who serves as general manager for the Mountain House Community Services District, indicated the state has told the jurisdiction that they will have water cutbacks starting within the coming weeks or even days.

The state would allow just enough water to be delivered for minimum use inside of homes but none for landscaping.

That poses a severe safety issue for Mountain House.

While Pinkerton noted \$80 million worth of landscaping would likely be lost given the state cutback would force lawns and shrubs to be left to die, the biggest problem is the impact of the loss of healthy vegetation that helps reduce the threat of fire from spreading.

Not only is Mountain House surrounded by dry wildland, but it is in one of the most wind-swept areas in the state as witnessed by the proliferation of wind mills generating electricity literally just miles away from the community.

Given the water transfer is water that the SSJID is pumping within its boundaries it doesn't require a state Department of Water Resources approval. As such the transfer — once the SSJID board agrees — could start within days.

The board when they meet at 1 p.m. today at the district office, 1101 East Highway 120, will be setting the price per acre foot.

CLIMATE

California orders thousands of farms and cities, including San Francisco, to stop pumping water during drought

Kurtis Alexander

June 7, 2022

[Comments](#)

In one of the most far-reaching efforts to protect California's water supplies this year, state regulators on Tuesday ordered thousands of farmers, irrigation districts and municipal water agencies, including the city of San Francisco, to stop making draws from rivers and creeks.

The move, which comes amid a third year of the California drought, forces water users, from individual landowners to utilities serving tens of thousands of people, to turn to alternative sources of water, if they have it. Some growers and small water suppliers may be forced to go without water entirely.

The action marks an unusually extensive application of the state's water rights system, a longstanding policy that reserves California's limited flows for those with the most senior claims to water. Officials with the powerful State Water Resources Control Board said Tuesday's action was necessary because there's simply no longer water for everyone. Erik Ekdahl, deputy director of the agency's division of water rights, called the restrictions — known as curtailment orders — “significant” and “very deep.”

The orders, effective Wednesday, apply to those with lesser water rights in the sprawling Sacramento and San Joaquin river watersheds, basically inland areas from the Oregon border to Fresno. The extent of the water rights affected varies

by location, but state records show that a total of 4,252 rights will be curtailed, including those of 212 public water systems.

For the larger public agencies, including the San Francisco Public Utilities Commission, which provides water to San Francisco and several suburban communities in the Bay Area, the curtailment means leaning on groundwater, waterways that are not restricted or water held in storage.

While the curtailments prevent additional water from being diverted from rivers and creeks into reservoirs, water already in storage, which is a primary source of water for the big utilities, is not affected. The SFPUC maintains water in several reservoirs in and around Yosemite National Park, most of which are currently near full.

Officials with the SFPUC did not immediately comment on Tuesday's orders.

While the curtailments may have little immediate impact on the city's water supply, San Francisco officials have been critical of past attempts by the state to limit city water rights, specifically rights from 1914 and older, which are considered senior. Many senior rights holders don't think the state has authority to restrict such claims. Three of San Francisco's pre-1914 water rights, all along the Tuolumne River, are curtailed under the new orders.

While only a small number of water rights holders are restricted in the Sacramento Valley, the curtailments run deep in the San Joaquin Valley to the south. Those with claims dating back to 1900 are cut off in some basins, which would include senior water rights holders.

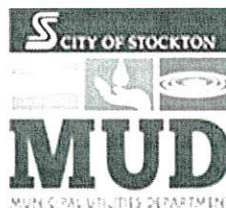
The new curtailment orders don't quite reach the level of last year's, but they come two months earlier than the enforcement of last year's restrictions, meaning there's time for state regulators to broaden their reach if need be.

Still, the breadth of Tuesday's curtailments is not common. The State Water Board often restricts some junior water rights holders in certain areas when water is low, but rarely are the orders as sweeping and go as far down the hierarchy of water rights.

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California's water rights have historically been assigned on a first-come, first-served basis. Landowners with property along rivers and creeks also have preference. How the water is used is not a factor in determining seniority. Anyone taking water from a river or creek, whether a single homeowner, a big farm or a city, must have a water right.

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Southern Delta
Channel
Maintenance and
Levee
Protection JPA



Reclamation District
No. 17

Reclamation District
No. 684

Reclamation District
No. 2039

Reclamation District
No. 2072

Reclamation District
No. 2024

Reclamation District
No. 404

Union Island
Reclamation District
No. 1

Union Island
Reclamation District
No. 2

Reclamation District
No. 544

Stark
Reclamation District
No. 2089

Mossdale
Reclamation District
No. 2107

Delta Farms
Reclamation District
No. 2042



Reclamation District
No. 756
(Bouldin Island)

Reclamation District
No. 2025
(Holland Tract)

Reclamation District
No. 2026
(Webb Tract)

Delta Farms
Reclamation District
No. 2028
(Bacon Island)



Reclamation District
No. 2062

X III.

glw

June 9, 2022

Honorable Gavin Newsom
Governor
State of California
1021 O St., Suite 9000
Sacramento, CA 95814

Honorable Toni Atkins
President Pro Tempore
California State Senate
1021 O St., Suite 8518
Sacramento, CA 95814

Honorable Anthony Rendon
Speaker
California State Assembly
1021 O St., Suite 8330
Sacramento, CA 95814

SUBJECT: Support for \$106 Million Budget Request for South Delta Channel Depth Restoration Project

Dear Governor Newsom, President Pro Tempore Atkins, and Speaker Rendon:

The undersigned organizations would like to express strong support for the proposed State Budget allocation requested by Assemblymembers Villapudua and Flora in their March 29, 2022 correspondence (attached). That request seeks a \$106M budget allocation for the purposes of furthering the South Delta Channel Depth Restoration Program, a joint effort begun by the South Delta Water Agency, the Central Delta Water Agency, the State Water Contractors, the San Luis & Delta-Mendota Water Authority, Westlands Water District, the SWRCB Delta Watermaster's Office, the California Department of Water Resources, the California Department of Fish and Wildlife, and the U.S. Bureau of Reclamation. The crucial nature of this effort is reflected by the interest of such a diverse group.

The channels of the southern Delta convey water to local agricultural and municipal users as well as being the hub for water conveyance for the Central Valley Project (CVP) and State Water Project (SWP), which supply water to tens of millions of urban users, millions of acres of agricultural lands, and managed wetlands of critical importance to migratory waterfowl on the Pacific Flyway. Additionally, the southern Delta is part of the migratory route for anadromous fish and provides habitat for numerous other fish and wildlife species, many of whom are endangered.

These channels are also important recreational and public trust assets that provide subsistence for economically depressed communities and support commercial and sport fishing industries. And, of course, the channels provide some of the most beautiful scenery in our Delta.

It has become clear that large amounts of silt are accumulating in the channels and threatening all of the above-listed beneficial uses in recent years. Some channels are now only a foot or two deep on the high tide, and this lost channel capacity decreases the amount of water that can move through the system. At times, local diverters cannot exercise their water rights, and the shallow channels inhibit the ability to move water to SWP and CVP contractors. At the same time, these shallow channels become stagnant, warm areas where contaminants collect and fish habitats disappear.

In addition, the south Delta channels are a key component in transporting the periodic high flows from the San Joaquin River through the Delta and into the San Francisco Bay. The reduced channel capacity means that more fresh water is required to avoid undue intrusion of salt from the ocean and to protect beneficial uses.

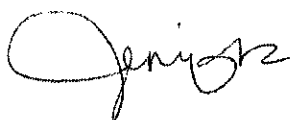
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The only solution to this problem is to reestablish channel capacity. Increased channel capacity will restore normal and necessary hydro-dynamic and biological functions of this portion of the Delta. The above-referenced parties, along with other state and federal agencies and interest groups, have proactively invested local and State funds to develop a Planning Guide for the proposed dredging project. This Guide provides the basis on which to move forward to secure necessary permitting and complete the needed channel dredging. The project will create and restore significant amounts of habitat, including the reestablishment of miles of needed shallow water habitat.


State Budget funds are of vital importance to advance this much-needed project. In a time of many competing needs, this project not only joins typically adverse interests in a common effort but also goes a long way in addressing the State's obligations to advance the co-equal goals and supports the Governor's expressed intent to preserve and enhance the Delta. Therefore, we encourage your support to fully fund this \$106M request in the State's 2022-2023 Budget.

Please feel free to contact any of us if you have any questions.

Sincerely,



Jennifer Pierre, General Manager
State Water Contractors



John Herrick, ESQ.
South Delta Water Agency
Southern Delta Channel Maintenance and Levee
Protection JPA



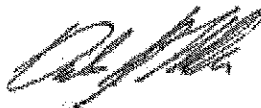
C. Mel Lytle, Ph.D., Director of Municipal Utilities
City of Stockton MUD



Federico Barajas, Executive Director
San Luis & Delta-Mendota Water Authority



David Weisenberger, General Manager
Banta-Carbona Irrigation District



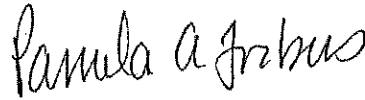
Dante John Nomellini, Manager and Counsel
Central Delta Water Agency
Reclamation District No. 17
Reclamation District No. 684
Reclamation District No. 2039
Reclamation District No. 2072
Reclamation District No. 2024
Reclamation District No. 404

June 9, 2022

Page 4



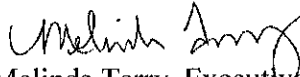
Andrew Watkins, Board President
Stockton East Water District



Pamela A. Forbus, ESQ.
Union Island Reclamation District No. 1
Union Island Reclamation District No. 2
Reclamation District No. 544
Stark Reclamation District No. 2089
Mossdale Reclamation District No. 2107
Delta Farms Reclamation District No. 2042



Barbara Barrigan-Parrilla, Executive Director
Restore the Delta
Reclamation District No. 756 (Bouldin Island)
Reclamation District No. 2025 (Holland Tract)
Reclamation District No. 2026 (Webb Tract)
Delta Farms Reclamation District No. 2028
(Bacon Island)



Melinda Terry, Executive Director
California Central Valley Flood Control Association



Bill Jennings, Executive Director
California Sportfishing Protection Alliance



Stephen J. Welch, General Manager
Contra Costa Water District

Susan Dell'Osso, President
River Islands
Reclamation District No. 2062

cc: Via Email Only:

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Susan Eggman, Senator: senator.eggman@senate.ca.gov

Richard Bloom, Assembly Member: assemblymember.bloom@assembly.ca.gov

Robert Wieckowski, Senator: senator.wieckowski@senate.ca.gov

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Anthea Hansen

XIV.

From: Craig Miller <CMiller@wmwd.com>
Sent: Monday, June 13, 2022 3:48 PM
To: Craig Miller
Cc: Sarah Macdonald; Michael Hadley; emanning@ka-pow.com
Subject: Water Supply Infrastructure Letter (06.01.22)
Attachments: Water Interest Coaliton Ltr 06.01.22 - FINAL.pdf

Good afternoon,

I wanted to provide a brief update on an effort that Western and several other water agencies are making to push the State to make more significant investments in water supplies in the current State budget.

First, let me start by saying **this is a separate effort from the Solve the Water Crisis Coalition's** information campaign that I've talked to many of you about. The Solve the Water Crisis coalition is limited legally to only educational activities. The attached letter is advocating for immediate action from the State's leaders to address the current and ongoing drought. While the letter is complementary to the coalition, it is not linked and includes signatories that are not yet members of the coalition.

The attached letter leverages the credibility of water agency leaders coming together to demand immediate investments to fix the water supply crisis in our state. As water leaders it is our responsibility to plan for our customers long-term water resources, not survive every time this state has a couple dry years, as we are doing now. We can have an immediate impact on the State's leadership if we move together and demand change. The letter was sent to the Governor, Senate Pro Tem, and Speaker on June 1.

I want to thank those of you who agreed to sign on to the letter. As you can see, the language of the letter is intentionally bold and direct with the hope that we'll see much more of an investment in water in the final budget compared to what we saw in the Governor's May Revise.

If you'd like to be included in future efforts like this or have any questions, please don't hesitate to let me know.

-Craig

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June 1, 2022

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Ste. 9000
Sacramento, CA 95814

The Honorable Toni Atkins
President Pro Tempore, California State Senate
1021 O Street, Ste. 7730
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker, California State Assembly
1021 O Street, Ste. 8330
Sacramento, CA 95814

Dear Governor Newsom, Pro Tem Atkins and Speaker Rendon:

As water managers from across the state, who have the responsibility to plan and provide for our customers' water future, we have an urgent message: We need new water now. Our collective ability to provide water supply and supply reliability for your constituents, and California's economy, is collapsing and in a crisis that extends beyond the current drought.

California's existing water system can no longer deliver the water necessary to maintain Californians' quality of life that the world's fifth largest economy demands. You must act to change this trajectory. Maintaining the status quo is a recipe for deeper and perpetual disaster.

Later this year, it is likely that some water agencies will be forced to cut back, or completely cut off, water supplies to commercial and industrial customers. How will a beverage plant make soda or a brewery make beer without water? They won't. This is more than a drought; it is a water crisis.

This is a crisis brought about by not investing in adapting our infrastructure to the new hydrology climate change has already wrought. Without such investments in restoring the capability to meet the needs of society, public health, and the economy, we will not have the luxury to devote already too thinly stretched water resources to address California's environmental management challenges.

The Governor just proposed \$2 billion in this year's budget on water related funding, with a mere \$500 million for strategic water storage over multiple years, which barely scratches the surface of what's needed. The Senate's proposed \$7.5 billion over three years on water related issues is an improvement, but indicative of misplaced priorities in the face of the water supply crisis, the biggest Senate investment would be spending \$2.5

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billion to increase permanent dedications of water to the environment. These budget priorities demonstrate the chasm between California's pressing water supply needs and Sacramento's current water priorities.

California needs a new strategy to invest in adapting water systems to the new hydrologic realities and increase water supply capabilities as quickly as humanly possible. We need a bold solution. Adapting to this challenge requires infrastructure that can store surplus water when it is available, while reducing increasing flood risks, and deploy it for human uses when water is not available. It is time to fund water infrastructure aligned with the new climate reality of significantly reduced snowpack and increased precipitation volatility.

As water managers from across the state, we know what it will take to start investing in the future of our water infrastructure – we simply ask you to listen. It starts with understanding that our current water capture and delivery system is archaic, designed and built before the impacts of climate change, as evidenced by the stark reality of the dangerously low levels in all reservoirs across the state. The response can't be to keep taking away supplies necessary to meet the needs of your constituents and the economy. It is time to have an honest and difficult discussion about what it will take to solve the problem. There can be no sacred cows.

How could things be different today if we had already followed the course we are suggesting? The Department of Water Resources recently noted that if the Delta Conveyance Project was operational at the end of 2021, the State Water Project would have captured about 236,000 acre-feet of additional water - enough water for over 2.5 million people, or nearly 850,000 households, for a full year. Another project, Sites Reservoir, will increase the resiliency of water supplies because it will not rely on spring snowmelt for filling but instead will capture storm runoff and some related flood water. Were Sites online, nearly 1-million-acre feet of additional water would have been available to support the environment, farms and cities in 2021.

An "all of the above" strategy is necessary, including improvements in water use efficiency. However, telling people to use less and hoping for rain is not a strategy – it's a capitulation to social and economic disaster. We need to go BIG. We need more of everything, and we need a bold plan for it now. We are ready to help.

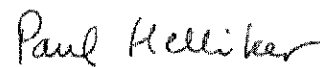
Sincerely,



Craig Miller
General Manager
Western Municipal Water District



Jeffrey Kightlinger
Interim General Manager
Pasadena Water and Power



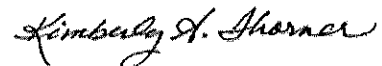
Paul Helliker
General Manager
San Juan Water District



Jeff Sims
General Manager
Rubidoux Community Services District

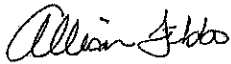


Matthew Litchfield
General Manager
Three Valleys Municipal Water District



Kimberly Thorner
General Manager
Olivenhain Municipal Water District

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Allison Febbo
General Manager
Mojave Water Agency



Gary Arant
General Manager
Valley Center Municipal Water District



Paul E. Shoenberger, P.E.
General Manager
Mesa Water District



Jim Abercrombie
General Manager
El Dorado Irrigation District



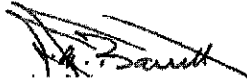
Chris Berch
General Manager
Jurupa Community Services District



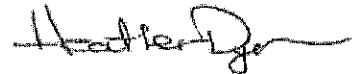
Tom Coleman
General Manager
Rowland Water District



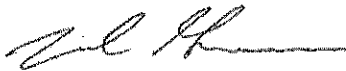
John Bosler
General Manager/CEO
Cucamonga Valley Water District



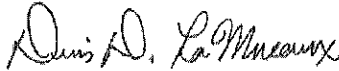
J. M. Barrett
General Manager
Coachella Valley Water District



Heather Dyer, MS, MBA
CEO/General Manager
San Bernardino Valley Municipal Water District



Miguel J. Guerrero, P.E.
General Manager
San Bernardino Municipal Water Department



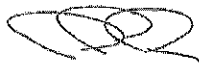
Dennis LaMoreaux
General Manager
Palmdale Water District



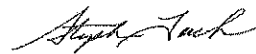
Erik Hitchman
General Manager
Walnut Valley Water District



Greg Thomas
General Manager
Elsinore Valley Municipal Water District



Jeff R. Pape
General Manager
Temescal Valley Water District



Stephan Tucker
General Manager
Water Replenishment District of Southern California

CC: The Honorable Nancy Skinner, Chair, Senate Budget and Fiscal Review Committee
The Honorable Philip Ting, Chair, Assembly Budget Committee

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XIII.



May 20, 2022

Mr. Wade Crowfoot, Secretary
California Natural Resources Agency
715 P Street
Sacramento, CA 95814

Mr. Jared Blumenfeld, Secretary
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

Dear Secretary Crowfoot and Secretary Blumenfeld:

On March 29, 2022, a memorandum of understanding (MOU) was signed as part of the advancement of California's Voluntary Agreements (VAs) program. As State Water Project (SWP) contractors, the below signed public water agencies are proud to support this program. The VAs directly align with the mission and goals of the Newsom administration's Water Resilience Portfolio and represent California's greatest opportunity to adapt our water management practices to meet the urgent challenges presented by extended drought and climate change.

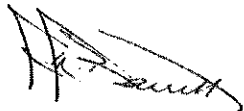
The VAs serve as a comprehensive, eight-year solution for science-based water management in the Sacramento-San Joaquin Delta and its tributaries, integrating flow and habitat actions to improve and protect the ecosystem while preserving adequate supplies for the 35 million Californians who also depend on this water – including the 2.4 million Southern California residents served by our agencies. In addition, our region provides much-needed affordable housing to Californians, and as our populations grow, a stable water supply is increasingly important. While our customers have continued to reduce their per capita water use and we continue to diversify our supplies, the SWP remains a critical component of our water supply portfolio.

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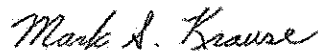
Due to the ongoing drought and the intensity of climate extremes, Californians cannot afford to take a decades-long regulatory or litigious approach to manage our water needs – time is not on our side when it comes to securing California's water future for communities and the environment. With unprecedented commitments and momentum, the time for a watershed-wide approach to managing California's natural resources in the Delta and beyond is now.

While there is still much work to be done on the continued development of the program based on the term sheet, including early implementation actions, assessment metrics, and details of the commitments, we are supportive of the Newsom administration moving this agreement forward as an alternative for the update to the Bay-Delta Water Quality Control Plan. It has taken many years to get to this point, and your leadership has been instrumental in advancing the program to this significant milestone. We would like to express our gratitude and support as you work to advance this important component of a sustainable water supply for all Californians.

Sincerely,



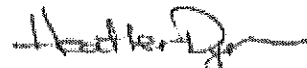
Jim Barrett, General Manager
Coachella Valley Water District



Mark S. Krause, General Manager
Desert Water Agency




Lance Eckhart, General Manager
San Geronimo Pass Water Agency



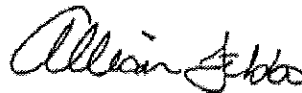
Heather Dyer, General Manager
San Bernardino Valley Municipal Water District



Jennifer Spindler, General Manager
Crestline – Lake Arrowhead Water Agency



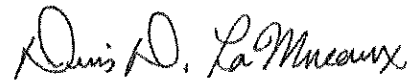
Darin Kasamoto, General Manager
San Gabriel Valley Municipal Water District



Allison Febbo, General Manager
Mojave Water Agency



Dwayne Chisam, General Manager
Antelope Valley East Kern Water Agency



Dennis D. LaMoreaux, General Manager
Palmdale Water District



James Chaisson, General Manager
Littlerock Creek Irrigation District

