



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS
FROM: DAN KEPPEN, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: JANUARY 8, 2023

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, engaging in litigation and administrative matters, and expanding public outreach associated with global food insecurity and the importance of Western irrigated agriculture. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION

1. EPA-Corps: Final Revised WOTUS Rule

On the day before New Year's Eve, the Biden administration Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) finalized their [rule](#) redefining "waters of the United States" (WOTUS) subject to jurisdiction under the federal Clean Water Act (CWA). The agencies touted the final rule as a "durable" policy that returns to pre-2015 standards while comporting to Supreme Court decisions and introducing several new exclusions from federal jurisdiction, including six new waivers for agricultural lands (see the [public fact sheet](#), the [ag fact sheet](#) and the [land owners fact sheet](#) for the newly finalized WOTUS rule). The final rule aims to apply both competing tests that the Supreme Court set out in the 4-1-4 *Rapanos v. United States* decision – the "significant nexus" and "relatively permanent flow" tests. Previously, the Administration stated that the current final rule would be just "Phase I" of a two-part rulemaking on WOTUS, indicating that another rule would be proposed by late 2023 that would provide a "durable" WOTUS definition, but the agencies' announcement made no mention of another rulemaking, stating that this final rule would provide a "durable definition" of WOTUS.

The new rule also comes as the Supreme Court is already weighing a decision in *Sackett v. EPA*, which deals with the jurisdictional standard for wetlands under the CWA. According to sources, a majority decision expected from the more conservative wing of the high court in *Sackett* could derail much of the final WOTUS rule. In fact, many House and Senate GOP Members and several trade organizations representing those impacted by CWA implementation denounced the rulemaking as overreaching and premature due to the *Sackett* case currently before the court. The Congressional Western Caucus included a quote from me in their “What Others are Say” document that was shared with the media last week.

On January 3, I participated in a 30-minute virtual briefing, led by EPA Assistant Administrator for Water Radhika Fox and *Jaime A. Pinkham* (Principal Deputy Assistant Secretary of the Army for Civil Works), along with 70 other representatives of national agricultural organizations. Probably the most important development / concern at this point is the Biden Administration plans on finalizing this rule in 60 days and is already making plans to train Corps / EPA staff on how to implement / administer the new rule. Obviously, this is a concern when the Supreme Court is expected to rule on the *Sackett* case, which will likely have implications for some of the same principles the Biden rule is built upon. When EPA was questioned about this, the response was “EPA and Army cannot comment on active litigation. However, definition of WOTUS and implementing the final rule are both equally important.”

The Justice Department (DOJ) is pointing to the Biden administration’s newly finalized rule to bolster arguments Acting Solicitor General Brian Fletcher made to the Supreme Court in October on why the government should prevail in *Sackett*. Fletcher, in [a brief Dec. 30 letter](#) to the court, notes EPA and Corps have sent [the signed rule](#) for publication in the *Federal Register* and makes the case for why the justices should not adopt in any ruling in *Sackett v. EPA*.

Let the games begin.

2. White House CEQ: Tweaking NEPA Review to Account for Climate Change

Politico reported on Friday that the White House Council on Environmental Quality (CEQ) last Friday released updated guidance that calls for federal agencies to take a more broader look at the climate change impacts from major new infrastructure projects, government policies and federal decisions. The CEQ interim policy, [Reg. 0331-AA06](#), which takes effect immediately, is an effort to provide clearer guidance for how federal agencies should assess greenhouse gas emissions through the National Environmental Policy Act (NEPA). The guidance will likely stall progress on the reviews of projects ranging from pipelines to federal policy actions, since agencies will be instructed to consider not only the amount of greenhouse gases federal projects and decisions directly cause, but also the effects a warming world will have on the nation and its infrastructure. That reverses Trump administration NEPA guidance, which had narrowed agencies’ review of the effect major federal decisions have on climate change. It also asks agencies to tally annual

greenhouse gas emission increases or reductions, net greenhouse gas emissions over the lifetime of the proposed action, translate climate effects into comparable metrics — such as monetary damage from rising emissions — and to account for environmental justice concerns, including the cumulative effects of a decision on pollution, climate change and the environment. The notice will be published in the Federal Register tomorrow (January 9).

3. U.S. Department of Agriculture (USDA): Implementation of IRA Funding

a. Coalition Letter to NRCS

The Alliance helped lead a coalition that developed formal comments and recommendations to USDA, who last November asked for public input 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 requested comments on how to target program benefits, quantify impact, and improve program delivery and outreach, especially for underserved producers. The Family Farm Alliance and others sought 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. Our coalition believes that 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.

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.

Our comment letter – signed on to by five Western state Farm Bureaus, Western Growers, two conservation NGOs, and irrigation districts from multiple Western states – focused primarily on our collective concern that irrigation management, conifer removal, and other conservation measures important to sage grouse management are not listed as covered practices in the proposed rule. 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 may 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. We felt this comment process was a good opportunity to get policy makers to look at this issue in a more nuanced way.

b. Western Senators Push USDA to Focus More on Drought

Senators from the Western U.S. also weighed in with USDA on the proposed IRA “climate smart” conservation program, arguing that those dollars should be directed in part to drought resiliency, itself a key aspect of the climate crisis. The letter, which was signed by Democratic senators from California, New Mexico, Oregon and Washington, urges NRCS to specifically incentivize the adoption of conservation practices that, while combating climate change, can simultaneously mitigate the impacts of drought. The letter was directed to Agriculture Secretary Tom Vilsack and NRCS Chief Terry Cosby. Earlier in the month, another group of 15 Western senators led by Senator Michael Bennet (D-COLORADO) called on Secretary Vilsack to help Western states survive the “22-year mega-drought” that is threatening farms and ranches across the West. As reported by *The Hill*, the senators argue that many existing USDA programs “do not translate well to the needs of Western agriculture” and want USDA to promote projects to help basins such as Colorado River Basin, the Rio Grande Basin, the Sacramento-San Joaquin River Basin and the Columbia River Basin. The Senators also urged Secretary Vilsack to address the capacity of USDA Agriculture Department field offices and to prioritize hiring more staff with expertise in Western agricultural production.

4. Bureau of Reclamation: New Project Funding Announcements

The Bureau of Reclamation (Reclamation) in the last month announced nearly \$100 million in funding for new water projects and studies in the Western U.S. Several of the projects will be funded by the Bipartisan Infrastructure Law (BIL) signed by President Biden in November 2021 allocates \$8.3 billion for Reclamation water infrastructure projects over the next five years to advance drought resilience and expand access to clean water for families, farmers and wildlife. The investment is intended to repair aging water delivery systems, secure dams, complete rural water projects, and protect aquatic ecosystems. The Family Farm Alliance was part of the five-organization steering committee that led the charge in 2021 to help secure \$8.3 billion in the BIL for Reclamation water infrastructure projects over the next five years.

a. Basin Study Funding

Reclamation last month announced it will use \$4.6 million to partner with water managers to conduct comprehensive basin studies in Colorado, Idaho, Oregon, Utah and Washington. Basin studies are collaborative studies, cost-shared with non-federal partners, to evaluate water supply and demand and help ensure reliable water supplies by identifying strategies to address imbalances in water supply and demand. Basins in Utah, Oregon, Idaho and Washington were selected for full studies. The Dolores Water Conservancy Project in Colorado was selected to receive \$100,000 of federal cost-share funding to develop a plan of study. A plan of study helps a cost-share partner - such as a local water district - define the outcomes and set the scope and focus for a potential future basin study. The Basin Study Program is part of the WaterSMART Program, the U.S. Department of the Interior’s sustainable water initiative that uses the best available science to improve water conservation and help water resource managers identify strategies to narrow the

gap between supply and demand.

b. Drought Resiliency Projects

Reclamation last month also announced a \$84.7 million investment from the BIL to help 36 communities throughout the West prepare and respond to the challenges of drought. Several Alliance members in California will receive funding for drought projects, including \$2 million for Arvin-Edison Water Storage District's Drought Recovery Wells and Conjunctive Use Modeling Tool; \$2 million for Fresno Irrigation District's Carter-Bybee Recharge Basin Project; and nearly \$2 million for Shafter-Wasco Irrigation District's efforts to improve recharge facilities and conveyance projects. The project descriptions and information about Reclamation's drought resiliency program are available at www.usbr.gov/drought.

c. BIL Water Efficiency Investments

Reclamation recently announced a \$7 million investment from the BIL in 82 small-scale water efficiency projects across the West. These grants will support local community projects, including measuring water flow, automating water delivery, or lining canals. The funding is part of \$1 billion provided through the BIL for the WaterSMART program, which supports states, Tribes, and local entities as they plan for and implement actions to increase water supply through investments to modernize existing infrastructure and avoid potential water conflicts. Projects in 14 western states were selected to receive funding. The projects range from Idaho's Island Ward Canal Company receiving \$23,890 for their automated headgate installation to the Belle Fouche Irrigation District in South Dakota, which will receive \$99,542 to convert 3,600 feet of unlined canal into a buried pipeline. To learn more about the WaterSMART Program or for a complete listing and description of the selected projects, please visit www.usbr.gov/watersmart/swep/.

d. Environmental Water Resources Projects

Reclamation anticipates posting the fiscal year 2023 Environmental Water Resources Project funding opportunity to grants.gov later this month. Section 40907 of the BIL includes additional authority for Reclamation to provide funding for multi-benefit projects that improve watershed health. Section 40907 is being implemented through WaterSMART Environmental Water Resources Projects. Eligible projects under this funding opportunity include water conservation and efficiency projects that result in quantifiable and sustained water savings and benefit ecological values or watershed health, water management or infrastructure improvements to benefit ecological values or watershed health, and restoration projects benefiting ecological values or watershed health that have a nexus to water resources or water resources management. Reclamation will provide Federal financial assistance of up to \$3 million in Federal funding for projects with a total project cost of \$6 million or less that can be completed in three years. You can find additional information regarding the Environmental Water Resources Projects funding opportunity on Reclamation's WaterSmart website.

DEVELOPMENTS IN CONGRESS

5. Closing Out the 117th Congress

a. Omnibus Appropriations Bill Passes

After months of negotiation and several continuing resolutions, Congress on December 23rd passed the gargantuan *Performance Enhancement Reform Act H.R. 2617*, the vehicle for the fiscal year 2023 omnibus spending package. As the last act of the lame-duck session and 117th Congress, the \$1.7 trillion, 4,000-page measure funds the federal government through September 2023. President Biden signed the bill into law in advance of the December 30 deadline (the House added a week-long CR to ensure enough time to enroll and sign the bill). The omnibus appropriations package includes all 12 fiscal year appropriations bills for the fiscal year 2023 – plus a lot more. Democrats championed the omnibus bill’s record-setting level for domestic spending — \$800 billion, or a 9.3 percent increase from last year’s levels (*PoliticoPro*). Among the funding bill’s other provisions:

- Nearly \$40 billion in aid for Ukraine;
- Bipartisan election reforms intended to prevent another Jan. 6 attack;
- A ban on the Chinese-owned app TikTok on government devices; and
- New incentives for retirement savings.

The omnibus also includes member projects known as Congressional Directed Spending and Community Project Funding in the Senate and House, respectively – also known as earmarks. While Republican leaders successfully negotiated huge increases to the bill’s military spending, GOP resistance held up the bill for days in the Senate.

i. Provisions for Agriculture

The appropriations bill allocates an additional \$3.74 billion to offset crop losses due to droughts, wildfires, hurricanes, or floods. It includes appropriations for Agriculture Conservation Programs (Title II) and Rural Development (Title III). The NRCS conservation operations received \$941M. The bill also directs:

- \$16.8M be used for the Snow Survey and Water Forecasting Program;
- \$86.8M for the Soil Surveys Program;
- \$800M for Conservation Technical Assistance;
- \$2M for the Watershed Rehabilitation Program;
- \$7M for the Healthy Forests Reserve Program;
- \$7.5B for wellhead and groundwater protection activities; and
- \$75M for Watershed and Flood Prevention Operations (WFPO).

NRCS also received \$925M for the Emergency Watershed Protection Program. The agreement directs NRCS to work with States, irrigation districts, acequias, and others to implement area-wide plans to address drought resiliency and mitigation. It also directs NRCS to collaborate with outside stakeholders and streamline guidance to use the WFPO funds for projects that modernize irrigation systems, while also providing benefits for drought response and wildlife habitats. This report language is something the Alliance worked on with the office of Senator Jeff Merkley (D-OREGON). One section of the omnibus bill also requires iron and steel products used in water and waste projects to be produced in the United States.

Some agricultural groups lauded these provisions, as well as the additional \$494.5 million that was earmarked for livestock disaster losses (*Western Farmer-Stockman*). Several farm groups expressed disappointment that the Senate did not include the *Affordable and Secure Food Act*, which addresses agricultural immigration reform.

ii. Climate Resilience, Western Water, Wildfires and Drought

The National Oceanic and Atmospheric Administration (NOAA) received \$6.3B (\$474.8M above FY22, including \$224.2M for climate research (\$24.2M above FY22) with a focus on informing climate resilience efforts, western water issues, and wildfires and drought. For the Water in the West Initiative, \$12.2M was appropriated for research, data stewardship, and the allocation of computer resources.

iii. Corps of Engineers

The Corps received \$8.31B, with funds for investigations (\$173M), construction (\$1.8B), and operations and maintenance (\$5.1B) The agreement included \$2.1M to implement the results of a pilot effort in FY20 on the procurement of advanced integrated Global Positioning System and optical surveying and mapping equipment. It directed \$3.15M for the National Levee Flood Inventory, to expedite work on non-federal levees. The agreement provided \$5.7M toward updating water control manuals “at projects located in states where a Reclamation facility is also located, in regions where Forecast-Informed Reservoir Operations (FIRO) projects exist, and where atmospheric rivers cause flood damages.” The Corps was encouraged to consider applying FIRO to additional dams, including the Seven Oaks Dam in California.

The bill appropriated \$7.2M for the Corps Water Infrastructure Finance and Innovation Act (WIFIA) program. The Corps has not yet published the final rule to implement the program authorized in 2014 and funded in FY20, FY21, and FY22 (for a total of \$81M prior to FY23). The initial appropriations narrowed the authorization to only be used for projects that are focused on maintaining, upgrading and repairing dams identified in the National Inventory of Dams as being owned by non-federal entities.

iv. Bureau of Reclamation

The Department of the Interior received \$1.8B for Reclamation's western water projects and regional programs in the Water and Related Resources Account (\$30M above FY22), which included:

- The Upper Colorado River Basin Fund ((\$22.2M));
- The Lower Colorado River Basin Development Fund (\$7.6M);
- Colorado River Compliance Activities (\$21M);
- Drought Contingency Plan Implementation in the Lower Colorado River (\$50M);
- Aging Infrastructure Account (\$500,000);
- Dam Safety Program (\$210M); and
- Funds for operations and maintenance of various Reclamation projects and facilities across the West.

An additional \$23M was appropriated for the Central Utah Project. The Reclamation appropriation also included:

- WaterSMART grants (\$65M);
- Water Conservation Field Services Program (\$3.9M);
- Cooperative Watershed Management (\$5M);
- Basin Studies (\$15M);
- Drought Responses & Comprehensive Drought Plans (\$38M); and
- Title XVI Water Reclamation & Reuse Program (\$60M).

The agreement directed \$134M from Water Conservation and Delivery appropriations toward water storage projects authorized by section 4007 of the Water Infrastructure Improvements for the Nation (WIIN) Act. Additional direction on funding included:

- Aquifer storage and recovery projects (\$20M);
- desalination projects in WIIN section 4009(a) (\$12M);
- Airborne Snow Observatory Program (\$4M); and
- Snow modeling data processing in coordination with NOAA and USDA (\$1.5M).

Section 203 of the bill amended the SECURE Water Act to increase funding for water management from \$750M to \$820M. The bill also provided \$3.5M for work with Open ET.

b. 2022 Water Resources Development Act (WRDA)

President Biden on December 23 signed the *James M. Inhofe National Defense Authorization Act* (NDAA) for Fiscal Year 2023 into law, which included the 2022 WRDA, biennial legislation that authorizes flood control, navigation, and ecosystem restoration projects for the Corps. WRDA legislation in recent years has also included provisions for Reclamation projects, although this

year's WRDA was Corps-focused, as it was included in the must-pass NDAA package to support military funding and authorizations. However, the 2022 WRDA does have a strong Western flavor. Notably, it establishes a Corps Western Water Cooperative Committee. The purpose of this new committee is to ensure that Corps "flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of Corps projects and water rights and water laws in such States." The membership of the Cooperative Committee includes the Assistant Secretary of the Army for Civil Works, the Chief of Engineers, two representatives from each Western State appointed by the governor and the attorney general, and one employee from each of the impacted regional offices of the Bureau of Indian Affairs. Other authorizations of the 2022 WRDA important to Western water users include:

- A national assessment of managed aquifer recharge projects at Corps facilities to address drought, water resiliency, and aquifer depletion;
- Updates to Corps water control manuals at the request of any governor that declared a statewide drought disaster in 2021, "with priority given to those projects that include water supply or water conservation as an authorized purpose";
- Establishment of the Non-Federal Interest Advisory Committee to develop and make recommendations to the Corps for more effective and efficient delivery of water resources development programs;
- Expanded provisions to report on additional opportunities for utilizing forecast informed reservoir operations. The original directive in the 2020 WRDA included the Upper Missouri River Basin and the North Platte River Basin;
- A study of the feasibility of a project in the Columbia River Basin to reduce reliance on Canada for flood risk management; and

The 2022 WRDA also amended the WRDA 2014 regarding surplus water contracts and water storage agreements for the Upper Missouri Mainstem Reservoirs by removing the 10-year sunsetting provision.

6. 118th Congress Off to a Slow Start

Rep. Kevin McCarthy (R-CALIFORNIA) finally eked out victory on the 15th ballot, claiming the speakership of the House of Representatives, after steadily peeling away detractors throughout last week. His four-day slog to a win underscores the challenges he will face in guiding the GOP's narrow House majority through the rest of this Congress. In order to secure the votes, he made a series of concessions to conservatives that significantly empower the far-right wing of his party. Clearly, Congress is faced with the likelihood of significant legislative gridlock during the new 118th Congress. With the GOP controlling the House and Democrats controlling the Senate, there will be major roadblocks and negotiations as to what legislation will ultimately receive action.

House Republicans are poised to quickly launch oversight investigations of the Biden Administration on several contentious issues, including energy policy, immigration, and COVID response. The GOP has also promised legislation to address these topics as well as others, including how the strategic petroleum reserve is managed. Majority Leader-elect Steve Scalise (D-La.) shared a dear colleague [letter](#) outlining the first two weeks of the 118th Congress. Rep. Scalise also included 11 legislative items he plans to [bring](#) to the House Floor in the first two weeks of the session. The 11 “ready-to-go” pieces of legislation include several immigration, abortion, and oil and gas measures.

In the Senate – which is in recess until January 23 - Democrats now control the body with a 51-49 margin and are expected to push a legislative agenda on climate and energy policy this year, despite the expected united opposition to such policies from the GOP-controlled House. Senate Democrats will focus on “Implementation (of IRA and BIL), foreign relations, and permitting reform. Of note, Senator Mitch McConnell (R-Ky.) will become the longest-serving Senate party leader in history. At 80, Rep. McConnell will eclipse previous record holder Sen. Mike Mansfield (D-Mont.), who held his leadership role for 16 years.

a. 2023 Farm Bill

The House and Senate Agriculture Committees are ready to focus on debating a new farm bill after lawmakers used the newly enacted omnibus funding package to clear their to-do lists. House Ag Republicans are expected to make increasing oversight of the Supplemental Nutrition Assistance Program and other nutrition programs a general priority in the next Congress. Rep. GT Thompson (R-PA), Thompson, who is poised to chair the House Ag Committee, has suggested he’ll quickly launch probes into the Biden administration’s expansion of food assistance programs during the pandemic, along with the Agriculture Department’s rollout of climate-ag program funding. The government funding bill President Joe Biden recently signed funnels billions of dollars to agriculture for one year — and sets up policy debates for at least the next five.

With enactment of the omnibus spending bill, lawmakers laid the groundwork for battles to come in the next five-year farm bill, including how to help farmers manage natural disasters and steward their land, and how to encourage scientific advancements to produce food in more efficient ways that withstand and even reduce climate impacts. The current farm bill expires at the end of September. The Alliance over the past 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 Western Agriculture and Conservation Alliance.

JUDICIAL DEVELOPMENTS

Interior Department v Navajo Nation

The Family Farm Alliance board of directors last month moved to join an amicus (“friend of the court”) brief with other Western water groups in support of plaintiffs as the Supreme Court of the United States (SCOTUS) considers *Interior Department v. Navajo Nation*. This case could decide 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 the Interior Department had a “duty to protect and preserve the Nation’s right to water.”

The Biden Administration and backers of the Western water user amicus brief 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. We believe that end-run is improper for two reasons. First, because it infringes upon this Court’s retained and exclusive jurisdiction over the allocation of water from the mainstream of the Colorado River in the Lower Basin. It also seeks to impose judicially enforceable fiduciary duties on the United States without the kind of express positive-law grounding that the Supreme Court has repeatedly required before recognizing a judicially enforceable trust obligation.

The amicus brief argues that: 1) Reliable and secure water rights are crucial to the social, economic, and legal health of the West; 2) If the Navajo Nation’s lawsuit is allowed to proceed, other users’ water rights will necessarily be curtailed or at least thrown into doubt; and 3) Recognizing breach-of-trust claims like the Navajo Nation’s could threaten the stability of water rights elsewhere in the West. In addition to the Arizona Central Arizona Project, the brief also discusses a few other examples that could be affected if the Supreme Court endorses the Ninth Circuit’s approach, including, among others, the Klamath Basin. The Navajo Nation’s response brief(s) on the merits are due January 18, 2023. Replies are not required but are due by February 17, 2022. Oral argument is likely in late March and the Court will likely issue a decision by June 30, 2023.

ALLIANCE INITIATIVES

7. 2023 Annual Meeting and Conference

This year’s Family Farm Alliance annual meeting and conference will take place February 23-24, 2023, at the Silver Legacy Resort and Casino in Reno, Nevada. The 2023 annual conference theme is, “*A Wake Up` Call for America - Why Farms, Water and Food Matter*”. Congressman Cliff Bentz (R-OREGON), the new chairman of the House Water, Oceans and Wildlife Subcommittee will present his vision for how the subcommittee will address pressing water challenges in the West in his keynote address at the February 23rd conference luncheon. Tom Birmingham, the long-time general manager of the nation’s largest irrigation district – Westlands Water District in California, will deliver closing remarks before the conference is adjourned at

noon on February 24th. A typical Family Farm Alliance annual conference features diverse, high-profile speakers and panel discussions that focus on the innovative ways and new partnerships that Western farmers and ranchers are developing to protect rural communities. The 2023 conference will feature the other following addresses and panel discussions:

- **Opening Keynote Address:** Tanya Trujillo, Interior Department Assistant Secretary for Water and Science (invited);
- **Reclamation Roundtable** — featuring representatives from the Bureau of Reclamation Commissioner's office and all 5 regional directors;
- **"Kiss the Ground" with Forestry and Ag Solutions;**
- **SCOTUS and Western Water:** The Highest Court in the Land Gets Busy in Your Backyard;
- **A Look at D.C. from the Hill;**
- **Generation "NEXT": Re-framing Western Agriculture;**
- **Solving Nutrients Challenges with Bushels of Nature:** The Nutrient Work Group
- **The P.L.- 566 Small Watershed Program – A Report from the Field;**
- **A Conversation with Biden Administration Water Leaders on Opportunities to Best Implement the Watershed and Flood Prevention Operations Program; and**
- **Ag in the Crosshairs:** Colorado River Agricultural Water Management and Policy Challenges

Following the end of the conference general session at noon on February 24, a "Farm (Bill) to Fork" luncheon will take place off-site at Mari Chuy's Restaurant in mid-town Reno. Leaders of the Western Agriculture and Conservation Coalition will guide an informal discussion on the 2023 Farm Bill. Internal meetings of the Alliance board of directors and Advisory Committee will take place earlier in the week in Reno. Please visit www.familyfarmalliance.org for conference registration information, hotel booking information, sponsorship opportunities, and the latest schedule of events.

WESTERN WATER "HOT SPOTS"

Governor Gavin Newsom last Wednesday proclaimed a state of emergency throughout California to support the ongoing response to recent winter storms. Torrential downpours and damaging winds had left hundreds of thousands of homes and businesses without power in California on Sunday after a deadly week of weather, and the state was still bracing for more heavy rain and snow to fall through Tuesday. Forecasters warned that northern and Central California was still in the path of a "relentless parade of cyclones" on Sunday, promising little relief for the region.

An atmospheric river of moisture from the Pacific Ocean late last month hit California and other parts of the West, unleashing heavy rain that will help to replenish reservoirs and raise the risk of flooding, and producing heavy snow in the mountains as the New Year rolled in. The atmospheric river brought monster waves, high tides and strong winds to batter western Oregon and

Washington. The weather led to fatal crashes, power outages and flooded homes on December 27. The National Weather Service bureau in Seattle said on Twitter that annual rainfall in the area for 2022 officially surpassed the usual yearly total — by a fraction of an inch — after the recent flood, according to CBS News in Seattle.

Earlier in December, a powerful low-pressure trough developed in the upper levels of the atmosphere over the eastern contiguous U.S. during the week of Christmas. According to the U.S. Drought Monitor (USDM), at the surface, the trough was associated with a strong cold front that poured frigid arctic air into the U.S. east of the Rockies. Daytime maximum temperatures in the northern Plains were well below zero degrees Fahrenheit, with minimum temperatures colder than 20 below zero, at the peak of the cold wave. Bismarck, North Dakota, registered minus 10 for a high and minus 20 for a low on December 21 and 22. The freezing arctic air even breached the Rocky Mountain chain to reach the Pacific Northwest. Most of the High Plains region received less than half an inch of precipitation. With the entire region experiencing a deep freeze, little change was made to the USDM depiction.

Back in Washington, D.C., House Republicans are preparing to take the Biden Administration to task for its decision to revisit a Trump-era biological opinion that provided more operational flexibility for the federal Central Valley Project (CVP). In a December 22, 2022 letter to Interior Secretary Deb Haaland, Republican Congressmen reiterated earlier demands for the Interior Department to turn over information about its decision to revisit a Trump-era biological opinion that would deliver more water to CVP farmers. House Republicans will likely conduct oversight hearings through the Committee on Natural Resources on this matter.

ADMINISTRATIVE & MISCELLANEOUS

It's that time of year again: the Family Farm Alliance traveling roadshow. In the last quarter of 2022, I spoke at water conferences in South Dakota, Hood River (OREGON), Spokane (WASHINGTON), San Diego and North Dakota. Most of these presentations have been focused on food security and Western drought. I'm presenting tomorrow at a local economic development forum here in Klamath Falls (OREGON). I'm hitting the road again later this week, where I'll be speaking at the Four States Irrigation Council meeting in Fort Collins (COLORADO). I'll be moderating two panels and tag-teaming with Mike Wade from California Farm Water Coalition at the upcoming Mid-Pacific Water Users Conference in Reno. In early February, I'm traveling to Orlando (FLORIDA) to speak on a panel at the National Council of Farmer Cooperatives.

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.