



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: DECEMBER 4, 2023

This memo is intended to keep you apprised as to what is happening regarding policy issues the Family Farm Alliance (Alliance) is engaged in. In the past month, much of our efforts have focused on advancing farm bill ideas and negotiating water legislation with Western Senators and committee staff, preparing for our 2024 annual meeting and conference, monitoring federal agency administrative proposals, public outreach, and organizational administrative matters. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION

1. U.S. Department of Interior

a. Wildfire Resilience

The Department of the Interior (DOI) last month announced that it has provided more than \$468 million in fiscal year 2023 to reduce wildfire risk, mitigate impacts and rehabilitate burned areas across the country. The influx of funding has allowed DOI to accomplish fuels management projects on over 2.5 million acres of land in fiscal year 2023, a 30 percent increase over fiscal year 2022. The [Bipartisan Infrastructure Law](#) (BIL) includes \$1.5 billion for DOI over five years to invest in preparedness, fuels management, post-fire restoration, and fire science. A portion of this year's wildfire resilience funding from the BIL will support the U.S. Fish and Wildlife Service's (FWS's) [Partners for Fish and Wildlife Program](#) to increase partnerships with private landowners. Projects - customized to meet landowners' needs - are expected to reduce unwanted vegetation on approximately 94,000 acres and along 144 linear miles of critical energy infrastructure while also supporting fish and wildlife habitat improvements and the protection of endangered species. The

BIL also created the [Wildland Fire Mitigation and Management Commission](#), which, in September, released a [comprehensive report](#) outlining 148 recommendations to change the nation's relationship with wildfire. The Alliance for the past decade has prioritized federal engagement efforts towards restoring our dead and dying federal forest lands through active forest management and working to better quantify watershed health improvements associated with these and other water conservation actions. Active forest management can increase water yield, improve water quality, provide jobs, and reduce the cost of firefighting while increasing forest resiliency.

b. Environmental Justice Initiatives

DOI has initiated the development of its Environmental Justice Strategic Plan, aligned with President Biden's Executive Order on Environmental Justice. Secretary Deb Haaland [announced three listening sessions](#) and a call for public comment to inform the strategic plan, emphasizing the Department's commitment to addressing environmental injustices and ensuring equitable access to resources. Since the start of the Biden Administration, DOI has actively pursued programs and policies to rectify perceived long standing environmental disparities, including the *Justice40* initiative, legacy pollution cleanup, and funding for local park redevelopment. The Administration's approach involves collaboration with federal agencies to tackle current and historical environmental injustices.

2. Department of Interior: Bureau of Reclamation

Through the Bipartisan Infrastructure Law (BIL), Reclamation is investing a total of \$8.3 billion over five years for water infrastructure projects, including rural water, water storage, conservation and conveyance, nature-based solutions, dam safety, water purification and reuse, and desalination. Over the first two years of its implementation, Reclamation has obligated [372 projects to receive almost \\$2.8 billion](#). The Inflation Reduction Act (IRA) is investing an additional \$4.6 billion to address the historic drought. The Family Farm Alliance helped lead nation-wide coalitions in support of Congressional action to advance both initiatives in the past two years.

a. BIL and IRA Implementation

Reclamation will be conducting virtual information sessions this Thursday, December 7, to provide an update on the implementation of the BIL and IRA. Each session is expected to run for one hour. The Tribes session is scheduled for 11:00 a.m. (Eastern). You can participate by [Teams Link](#) or via phone at 1-202-640-1187, passcode 94351165#. The Stakeholders session will start at 2:00 p.m. (Eastern): [Teams Link](#) or via phone at 1-202-640-1187, passcode 538972037#. This is a continuation of the information update sessions that began in December 2021 and have occurred quarterly since the BIL was enacted. A moderated question and answer session will be held following the conversation. You can learn more about Reclamation's implementation of the BIL [HERE](#) and IRA [HERE](#). Both sessions will be recorded and posted to these sites.

i. *\$50 Million for Water and Energy Efficiency Projects*

Reclamation has announced the availability of up to \$50 million for water conservation and efficiency projects to enhance the resilience of the West to drought and climate change. Funding from the BIL will boost Reclamation's [Water and Energy Efficiency Grants Program](#) (WEEG), which provides funding for projects that result in quantifiable water savings, implement renewable energy components, and support broader resilience and sustainability benefits. Through the [WaterSMART program](#), Reclamation provides financial assistance for projects that seek to conserve and use water more efficiently and accomplish other benefits that contribute to sustainability in the West. The WaterSMART program also seeks to advance the *Justice40 Initiative* (see above).

This is a two-year funding opportunity. The first application period ends in February 2024. For further information on this grant visit Grants.gov. This water and energy efficiency funding builds upon [previously announced funding](#) as part of the \$140 million designated for WEEG in 2023. Reclamation will host an informational webinar on Tuesday, December 12, 2023, from 11:00 – 12:00 MST to discuss the WEEG funding opportunity. [Click here to join the live webinar](#) or use the same link to watch a recording after the completion of the live event. If you have questions regarding applicant and project eligibility or the evaluation criteria, [click here](#) and select the WEEG Inquiry Call to schedule a time to talk with the program coordinators.

ii. [Water Resources and Ecosystem Health](#)

Reclamation has announced \$51 million for 30 new Environmental Water Resource Projects in 11 states. The collaborative projects – under the WaterSMART umbrella - focus on water conservation, water management and restoration efforts that will result in significant benefits to ecosystem or watershed health. Family Farm Alliance members are recipients of this funding. The Mancos Conservation District in Colorado received \$2.4 million for its riparian restoration and infrastructure improvements project, intended to better the ecological processes of the Mancos watershed. The Kittitas Reclamation District in Washington state will receive \$3 million in funding to support its South Branch piping project.

iii. [NOFO Announcement for Small-Scale Water Efficiency Projects](#)

As previously reported, Reclamation has released a WaterSMART Notice of Funding Opportunity (NOFO) Announcement for the Small-Scale Water Efficiency Projects to complete on-the-ground small-scale water efficiency upgrades supported by previous planning efforts. Applicants may request up to \$100,000 for projects to be completed within two years. A 50% non-federal cost share is required. This funding includes four application periods. Application will be due each January and July through July 2025. The funding opportunity is available on [grants.gov](#) by searching for opportunity number R24AS00059. The first application period closes on Tuesday, January 16, 2024. Learn more about the Small-Scale Water Efficiency Projects program at <https://www.usbr.gov/watersmart/swep/index.html>.

iv. Draft D&S: Funding & Extended Repayment of Extraordinary Maintenance Costs

The BIL included provisions from earlier legislation strongly advocated by the Family Farm Alliance regarding the authorization of a new Aging Infrastructure Account. As previously reported, Reclamation has published the draft Directive and Standard (D&S), Funding and Extended Repayment of Extraordinary Maintenance Costs (PEC 05-03), for public comment and hosted a webinar last week on this matter. Recall that the Alliance and National Water Resources Association (NWRA) in 2021 worked closely with Reclamation to address some troubling provisions contained in the original draft D&S. It's now essentially been completely re-written. New revisions to the subject D&S were developed to further explain the criteria for XM funding determinations, the associated repayment and contracting provisions, and the particulars of the annual Aging Infrastructure Account funding application cycle. Notably, with guidance from the Office of the Solicitor, a revision clarified that application/support letters from reserved works beneficiaries will be used as positive indicators by the Review Team in ranking funding proposals for consideration by the Commissioner but are not strictly required. The revisions otherwise clarify and refine internal processes and requirements associated with XM funding and contracting, including the details of how and when interest rates for XM repayment are set. The draft subject D&S is available on the [Reclamation Manual Website](#).

This is an important D&S and I recommend that all water managers with ties to Reclamation facilities review it. You may want to check out paragraph 7.A.(2) EXM Advancing Funding, which proposes that 75% of local emergency funds be spent before getting any EXM funding, which could have implications for the Urban Canals of Concern legislation we have been advocating for. We have previously argued against including this provision in the D&S. We do not need this micromanagement of a District's capital fund just to qualify for EXM or urban canal funding. Working with NWRA, we plan on elevating these issues directly with the Commissioner's office in the coming weeks.

b. Reclamation Leadership Conference

We continue to work with a subset of Reclamation leadership, led by the Commissioner's office, to find ways to make implementation of the BIL - particularly the WaterSMART program - more efficient and responsive to water user concerns. I participated (virtually) in a panel discussion last month at the Reclamation Leadership Conference in Austin (TEXAS). This virtual forum was chaired by Governor Stephen Lewis (Gila River Indian Community), and we were joined by Kyle Arthur (Central Oklahoma Master Conservancy District), John Entsminger (Southern Nevada Water Authority), Leslie James (Colorado River Energy Distributors Association), Gene Shawcroft (Colorado River Authority of Utah), and our own April Snell (Oregon Water Resources Congress). There were 200 upper-level Reclamation managers there, and the panelists provided perspectives on what is working at Reclamation and what is not.

I was open with my criticisms and praise for Reclamation and did my best to capture the good suggestions that many of managers provided me with. Other panelists were critical of the red tape coming out of Reclamation's Denver office, which I referred to as "The Black Hole" in my presentation. Reclamation's Pacific Northwest Regional Director Jennifer Carrington favorably reported on my comments at the Oregon Water Resources Congress and Washington State Water Resources Association annual conferences last week.

3. U.S. Fish and Wildlife Service

a. Western Pond Turtle Listing

As previously reported, today is the deadline for comment on the [draft turtle listing and section 4\(d\) rule](#). FWS has proposed to list the northwestern pond turtle, a species from Washington, Oregon, Nevada, and northern and central California, and the southwestern pond turtle, a species from central and southern California and Baja California, Mexico, as threatened species under the Endangered Species Act (ESA). The western pond turtle is now recognized by FWS as two separate species (northwestern pond turtle and southwestern pond turtle). If FWS finalizes this rule as proposed, it would add the northwestern pond turtle and southwestern pond turtle to the List of Endangered and Threatened Wildlife and extend ESA protections to the two species. FWS also concludes that the designation of critical habitat for the northwestern pond turtle and southwestern pond turtle is not determinable at this time. FWS will accept comments received or postmarked on or before TODAY - December 4, 2023.

I've discussed this matter with some of our members and also Western state farm bureau offices. Apparently, there are many voluntary and regulatory mechanisms at both the federal and state levels already happening. Importantly, irrigation ditches are included in their aquatic habitat in addition to naturally occurring water bodies. Habitat loss due to a lack of connectivity or fragmentation is a theme with urbanization and agriculture named as the impetus for land use changes. The 4(d) rule includes wildland management activities, habitat restoration activities, nonnative bullfrog removal, and routine management and maintenance of livestock ponds.

We've been working with California Farm Bureau, Klamath Water Users Association (KWUA) and others to put together a quick coalition comment letter. The 4(d) rule is important, and the proposed rule provides a section 9 exemption for routine maintenance of stock ponds, but there is nothing in the proposed rule that covers operation and maintenance of irrigation delivery and drainage systems. KWUA took the lead last week in crafting a letter; the Alliance has been coordinating the coalition-building behind this matter. We'll probably have about a dozen or so key groups from the three affected states signing on to the final letter.

b. Wolverines gain ESA protection based on 2100 climate projections

FWS announced last Wednesday it will list wolverines as a threatened species, citing future global warming as the main threat to the snow-loving carnivore in Washington, Idaho, Montana and

Wyoming. This has implications for resource managers in those states. More importantly, the precedence set by using a climate “projection” that would supposedly occur over 75 years from now is even more unsettling.

4. Environmental Protection Agency (EPA)

a. Draft Maui Guidance

EPA has released the Biden Administration’s draft guidance outlining how it intends to implement the Supreme Court's 2020 decision in *County of Maui v. Hawaii Wildlife Fund* regarding pollutants traveling through groundwater to surface water and the requirement for Clean Water Act (CWA) permits. The Administration's EPA aims to apply a "functional equivalence" standard, easing the threshold set by the Trump-era regulations and removing additional factors introduced by the previous Administration. Overall, the Biden EPA's draft guidance seeks to redefine the criteria for requiring National Pollutant Discharge Elimination System (NPDES) permits for discharges through groundwater, aiming to align more closely with the Supreme Court's directives while emphasizing the significance of specific case details in the regulatory decision-making process.

The draft guidance outlines criteria for determining whether discharges through groundwater necessitate a NPDES permit under the CWA. It aligns with Supreme Court Justice Stephen Breyer's seven criteria in the *County of Maui* case, emphasizing factors like transit time, distance traveled, and the nature of pollutants. Moreover, the EPA argues against using the presence of state programs as a reason to bypass federal jurisdiction, emphasizing the Supreme Court's stance on federal oversight despite state-level regulations. Comments on the [draft guidance](#) are due December 27, 2023. We’ll review this and dig out some of our previous formal comments to use as a basis for responding to the new proposal.

b. Nutrient Funding Discussion Group

Over the last year, I have been part of a “Nutrient Funding Discussion Group” (NFDG) that has been collaborating on the development of a Nonpoint Source (NPS) focused nutrient funding action plan. NFDG participants included a cross section of EPA expertise and representatives from industry leaders - Blue Forest Conservation, the Environmental Policy Center, the Electric Power Research Institute, NACWA, the Freshwater Trust and the Iowa based Soil & Water Outcomes Fund. The NFDG focused its efforts on converting the watershed-, market-, outcomes-, and nonpoint source (NPS)-based elements from EPA’s April 5, 2022 *Accelerating Nutrient Pollution Reductions in the Nation’s Waters Memorandum* into a replicable funding and implementation model that helps concentrate fragmented NPS funding to high-impact, cost-effective NPS projects at the scale needed to achieve watershed goals. Based on this work, EPA may now have a pathway to test, pilot, and fund Watershed Financing Partnership efforts using its discretionary operating funds. We’re now working on setting up a meeting to discuss the contents of the draft NFDG Action Plan with EPA leadership later this month.

5. U.S. Department of Agriculture (USDA): Beginning Farmers and Ranchers

USDA Deputy Secretary Xochitl Torres Small on November 15 announced an investment of \$27.9 million across 45 organizations that teach and train beginning farmers and ranchers, including programs for U.S. veterans who are entering into agricultural careers and starting new farming businesses. This investment is part of the National Institute of Food and Agriculture's (NIFA) [Beginning Farmer and Rancher Development Program](#) (BFRDP), which supports a wide range of professional development activities and topics, such as managing capital, acquiring and managing land, and learning effective business and farming practices. According to USDA National Agricultural Statistics Service's [Ag Census data](#), one-third of the United States' 3.4 million farmers are over the age of 65. [Here are some examples of the 45 newly funded projects](#) for FY2023. The Family Farm Alliance for much of the time over the past 15 years has made advocating for beginning farmers and ranchers a top priority.

DEVELOPMENTS IN CONGRESS

While Congress passed a continuing resolution (CR) last month to keep the federal government open through January 19 and February 2, 2024, lawmakers still have considerable work to do to close out the year over the next two weeks before [adjourning](#) on December 15. The CR was crafted by House Speaker Mike Johnson (R-LA). It passed with overwhelming bipartisan support, 336-95. The Senate quickly took up and passed the measure sending the CR to President Biden who signed it into law. House leaders then abruptly ended the session and departed ahead of schedule for the Thanksgiving break after encountering resistance from hard-right conservatives on moving forward with another FY 2024 appropriations bill.

6. Congress Returns to Packed Agenda

Congress faces a daunting task in the next few weeks, with a packed agenda influencing energy, environmental, and climate issues. With less than two weeks before the holiday recess, Congress must navigate unresolved funding issues, potentially leading to last-minute negotiations and a race against time to avoid delays in reauthorizations and programs, notably in the energy and environmental program and policy arenas. Senate Majority Leader Chuck Schumer (D-NY) has threatened extended workdays and weekends in December, emphasizing the need for intense efforts to prevent a shutdown early next year and resolve other pending matters. The primary focus will be on extending government funding beyond the deadlines set in the recent CR funding extension, with different agencies having varying expiration dates for funding in the new year. Additionally, discussions loom regarding emergency supplementals, including President Biden's requests for funding related to international aid, disaster recovery, and domestic energy support.

The path ahead involves intricate negotiations to avert a government shutdown, pass appropriations bills, and reconcile differing budgetary priorities, all while navigating political divides and conservative opposition to spending levels. Senator Schumer has urged bipartisan collaboration, stressing the need for compromise to achieve consensus on critical issues, including

national security funding and domestic emergency requests, aiming for a realistic agreement acceptable to both sides amidst ongoing negotiations. Congress also faces challenges in reconciling partisan disparities, notably in the FY 2024 National Defense Authorization Act, where House and Senate versions differ significantly on climate and energy provisions. Amidst these priorities, attention may also shift towards streamlining the permitting process for clean energy projects, reauthorizing the Federal Aviation Administration, and addressing rail safety legislation.

7. Interior-Environment Appropriations Bill Passes House

The House last month passed the fiscal 2024 Interior-Environment appropriations bill, after several marathon sessions to vote to adopt more than 100 adopted amendments to the bill. Ultimately, the bill included a 13% spending cut to Interior Department, EPA, U.S. Forest Service and limits agency rulemakings including rescissions of some Inflation Reduction Act funding. The bill does provide \$2.65 billion under a separate wildfire suppression cap adjustment, which does not count towards the bill's base discretionary cap. While many contentious amendments on both spending and policy riders were adopted along party lines, the House voted down changes targeting the salaries of Interior Secretary Deb Haaland, Council on Environmental Quality Chair Brenda Mallory, EPA Administrator Michael S. Regan, and other Interior and EPA officials. The path forward on this bill is unclear, with the House bill getting a veto threat from President Joe Biden and the Senate Appropriations Committee approved version of the Interior-Environment bill including \$5.3 billion higher topline spending.

8. 2023 Farm Bill

Lawmakers are currently navigating the drafting of the next five-year Farm Bill, although the recent one-year extension in the CR of the 2018 Farm Bill (to September 30, 2024) has alleviated some immediate pressure. The CR not only ensures continued 2018 Farm Bill provisions but also continues funding for USDA and allocates resources for other key departments through January 19, 2024. The key debate revolves around how to fund anticipated increases in "reference" prices for farm commodities, impacting government support to farmers during market price declines. Balancing this adjustment could potentially affect conservation efforts if funding is redirected from programs like the IRA's climate-smart conservation initiatives, which may be eyed as a funding source for boosting the next Farm Bill. House Agriculture Chair Glenn Thompson (R-PA) and Senate Agriculture ranking member John Boozman (R-AR) are awaiting updated cost estimates from the Congressional Budget Office (CBO), crucial for decisions on adjusting reference prices. Despite differing perspectives, there's consensus that these prices no longer align with market realities and need adjustment. Senate Agriculture Chair Debbie Stabenow (D-MI), in her final tenure overseeing the Farm Bill, has pledged to maintain the focus on climate-friendly conservation programs in the bill's drafting.

The Alliance has been working with members of the Western Agriculture and Conservation Coalition (WACC) to advance Farm Bill legislative concepts with Congress that are intended to better streamline the implementation of the Natural Resources Conservation Service (NRCS)

Regional Conservation Partnership Program and the PL-566 program (*see below*).

a. PL-566 Legislation

The Healthy Watershed, Healthy Communities Act – legislation we worked on with the WACC and the office of Senator Michael Bennet (D-COLORADO) - focuses on the NRCS’s Watershed and Flood Prevention Operations program, known as “PL-566”. The legislation aims to improve the PL-566 program by streamlining the program’s planning and administrative processes and creating parity in funding allocations between southwest states and other areas of the country. In the past month, we worked with GOP and Democrat House offices from Western states and the House Agriculture Committee to strategize on introducing a House companion bill to Senator Bennet’s bill. The House bill will mainly serve as a marker bill for the need to focus on drought mitigation and we want to continue to collaborate with them on conservation related issues. So, we’re on the record for supporting this bill. Rep. Ciscomani (R-ARIZONA) ultimately introduced a companion bill in the House last Wednesday. Mr. Ciscomani was joined on the legislation by Reps. Caraveo (D-COLORADO), Hageman (R-WYOMING), Petterson (D-COLORADO), Flood (R-NEBRASKA) and Neguse (D-COLORADO). [H.R. 6497](#) was a direct result of the Alliance fly-in meeting that we had with his staff last September.

9. Senate Mark-Up Cancelled, Pushed back to later this month

In the week following our November joint ZOOM meeting of the board and Advisory Committee, we were busy negotiating with Senate Energy and Natural Resources (ENR) Committee staff and some of our Western agriculture allies to get at least to a “neutral” position on a proposed amendment that would replace the current version of S. 1118, the “OpenET” legislation introduced by Senator Cortez Masto (D-NEVADA). The verdict is still out on the latest version, although it is still more palatable than what we started with at the beginning of this Congress. This bill was initially proposed to be included in the docket of bills proposed to be marked up at a Committee business meeting last month. That hearing was cancelled, and it sounds like the next markup will be scheduled in the coming weeks, where the bills we actually like (Urban Canals of Concern, etc.) will hopefully also be included.

10. House NR Committee Approves Reclamation Drought Legislation

Lawmakers on the House Natural Resources Committee last month passed by voice vote a bipartisan drought relief bill, [H.R. 4385](#), sponsored by Colorado Democratic Rep. Joe Neguse. The legislation would reauthorize the Reclamation States Emergency Drought Relief Act through 2028, giving Reclamation power to assist communities in dealing with pervasive drought. The Natural Resources Committee Water Wildlife and Fisheries Subcommittee also held a hearing to consider four bills relating to water data and infrastructure, including the Urban Canal Modernization Act (H.R. 6107). The Alliance is on record for formerly supporting H.R. 6107, which would authorize Reclamation to help irrigation districts with transferred works address extraordinary operation and maintenance needs for canals that could pose risks to surrounding

communities in the case of failures. Reclamation would be able to fund work on eligible canals up to 35% on a non-reimbursable basis. Ron Platt from the Idaho Water Users Association testified on the urban canal bill at the 11/14 hearing. We were fortunate to have Ron join us on our farmer lobbyist trip last September, where he was one of the point people on the urban canal issue.

11. Senate EPW Holds Hearing on the Next WRDA

The Senate Environment and Public Works (EPW) Committee last week held a hearing centered on the Army Corps of Engineers' (Corps') role in upcoming infrastructure projects, particularly within the next Water Resources Development Act (WRDA). The hearing scrutinized the Corp's infrastructure partnership agreements, seeking to evaluate their efficacy and areas for improvement. This hearing follows earlier discussions within the Committee about the next WRDA bill, where Chair Tom Carper (D-DE) stressed collaboration between the Corps and nonfederal partners, while ranking member Shelley Moore Capito (R-WV) emphasized the potential of public-private partnerships to accelerate projects. Sen. Capito would like the next WRDA to be more project-oriented, steering away from heavy policy emphasis, whereas Democrats want to embed a stronger focus on climate change and resilience into the bill considering the escalating severe weather impacts on coastal and other communities. The House Transportation and Infrastructure Committee postponed a similar hearing on their WRDA due to disruptions linked to the House Speaker race.

12. Manchin won't seek reelection in 2024: Implications for Senate ENR Committee

Joe Manchin will not seek reelection to the Senate, a move that essentially cedes his seat to the GOP in conservative West Virginia and will remove one of Congress' most prominent centrist voices in either party. Assuming Senators Wyden (OREGON), Cantwell (WASHINGTON), and Sanders (VT) don't want to lose their leadership posts on the Senate Finance, Commerce, and Budget Committees (respectively), it looks like Sen. Martin Heinrich (D-NEW MEXICO) is likely be the next top Senate Dem on the ENR Committee in the 119th Congress (followed by Sens. Hirono and King). Senator Manchin has repeatedly declined to rule out a third-party run for president, according to *POLITICO*.

IN THE COURTS

13. Supreme Court Sets Hearing in Chevron Doctrine Challenge

The Supreme Court has set hearings in two cases to scrutinize the long-standing Chevron doctrine, pivotal in supporting federal agencies like the EPA and the Interior Department in defending their environmental rules. The two cases, *Relentless v. Commerce* and *Loper Bright Enterprises v. Raimondo*, challenge NOAA Fisheries' regulations regarding herring vessel operators' responsibilities for preventing over-fishing and will be at the center of this showdown. Lower courts previously upheld these rules using the Chevron doctrine, prompting conservative lawyers to push for its elimination before a predominantly Republican-appointed Supreme Court.

The debate revolves around whether to overturn or limit the Chevron doctrine, indicative of the broader court trend to curtail the authority of federal agencies, termed the "administrative state." Recent decisions, like *West Virginia v. EPA*, signaling a shift in administrative law, emphasize that Congress must explicitly empower agencies in regulating significant economic and political matters. The outcome of these hearings could have far-reaching implications – especially for Western water interests - potentially impacting any federal statute deemed unclear and scheduled for arguments on January 17.

ALLIANCE INITIATIVES

14. 2024 Annual Conference

Save the Date! February 21-23, 2024 are the dates for our annual meeting and conference, which will be held at the Silver Legacy Resort & Casino in Reno (NEVADA). The conference will wrap up at noon on Friday, but we're working on showing the Colorado River documentary "Green Desert" for our "afternoon tour" segment. More info on the agenda, registration, and hotel arrangements in the coming weeks. Our first two email blasts went out last month about the 2024 annual conference, which include links to registration, hotel reservations, and sponsorship opportunities. We're still working on the conference agenda, which we usually finalize in December. Things are starting to come together. The head of the U.S. EPA Office of Water – Radhika Fox – has confirmed that she will be one of our keynote speakers. Also, Anne Castle – President Obama's Assistant Secretary for Water and Science at the Department of the Interior – has agreed to moderate a panel of Colorado River tribal representatives at the conference.

15. Colorado River Initiative

Despite the diversity of Colorado River policy opinions within our membership, the Alliance board of directors in 2015 and again in 2022 adopted principles and recommendations intended to guide state and federal decision-makers as they negotiate a long-term operating agreement on the Colorado River. The 2022 policy paper – which has also been adopted by several water agencies served by the Colorado River – has as its top principle the need to "recognize that Western irrigated agriculture is a strategic and irreplaceable national resource".

Last month, I submitted a guest commentary to *Western Farm Progress* to address the *ProPublica* story which listed 20 individual family farms, and how much water they use, based on data provided through OpenET. Josh Rolph blasted out an Issue Alert on this matter, and the feedback has been very positive. Imperial Irrigation District's (IID's) public relations shop gave us a shout-out, and the editor in chief of *The Desert Review*, a weekly community newspaper located in Imperial County, asked for permission to reprint the column. "That article naming the families that use water to grow food and crops is indeed frightening knowing how that can trigger people ignorant of the true value of what these farmers produce for the good of our Valley, State, Country, and World," she said. Here's the guest column: [*Demonizing Hay Producers in the American*](#)

[Southwest](#). IID's board president Cardenas and board member Gina Dockstader (who also serves on our Advisory Committee) wrote this incredible [opinion](#) that was published in the *Desert Sun* over the past weekend. Check out [The 20 families boogie-man implies control and influence over Colorado River water supply](#).

NEWS FROM AROUND THE WEST

The Scripps Institution's Center for Western Weather and Water Extremes puts the chances of a wetter-than-normal winter for most of California at essentially 50-50, though its basis is historical data, not long-range forecasts. A NOAA long-range forecast map from October shows equal chances for above- or below-average rainfall this winter for the southernmost coast of California, with the chances "leaning" in favor of greater-than-normal rain for the rest of Southern California and extending to the Bay Area. DW [said last month](#) that residents should prepare for "the possibility of another wet season under strong El Niño conditions."

16. Columbia River Basin: Snake River Dams

Last September, the Biden administration announced that an agreement in long-running legal battle over Columbia and Snake River dams is expected by mid-December. The news emerged in a [joint motion](#) filed where the Justice Department asked for six weeks to seek final approval on "a package of actions and commitments." While no additional details were provided, DOJ's motion asked for an additional 60 day stay in litigation to continue work on "broader efforts to develop a durable long-term strategy to restore salmon and other native fish populations to healthy and abundant levels, honor Federal commitments to Tribal Nations, deliver affordable and reliable clean power, and meet the many resilience needs of stakeholders across the region." On Dec. 15 the plaintiffs and federal defendants will either request a multi-year stay of the lawsuit to implement the proposal or they will return to court.

A confidential draft mediation document released last week by four members of Congress outlines steps the U.S. Government (USG) will take to mitigate the breaching of four Lower Snake River dams, albeit recognizing the Congress would need to authorize actual dam removal. The memo states that the USG is prepared to deliver the commitments, in partnership with the State of Oregon, State of Washington, Nez Perce Tribe, Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation. The draft confidential memo [was released](#) by Reps. Dan Newhouse (R-WASHINGTON), Cathy McMorris Rodgers (R-WASHINGTON), Cliff Bentz (R-OREGON) and Russ Fulcher (R-IDAHO), who have sent a letter to President Biden raising numerous questions about provisions in the document that require clarification. In a [joint statement](#), the executive directors of Northwest RiverPartners, the Public Power Council, and the Pacific Northwest Waterways Association also expressed extreme concern about the transparency of this process and the USG Commitments' impacts on millions of Northwesterners.

The Alliance last April transmitted [this letter](#) to USDA Secretary Tom Vilsack, requesting Biden Administration Cabinet-level intervention in ongoing mediation talks involving the Lower Snake River dams. *Western Farmer-Stockman* also ran this [guest editorial](#) by yours truly explaining why Pacific Northwest ag interests should be better integrated into the river talks. A panel discussion on the Lower Snake River dams – featuring water, farming, transportation, and navigation experts – is on the agenda of the 2024 Alliance annual conference.

ADMINISTRATIVE & MISCELLANEOUS

- I've been on the road a bunch this past month. I headed up to Moses Lake (WASHINGTON) a few weeks ago, where I delivered the keynote address at the Columbia Basin Development League annual conference. Last week, I also spoke at the annual conferences hosted by Oregon Water Resources Congress in Hood River and the Washington State Water Resources Association in Spokane.
- We have some new members on our Advisory Committee. ShanRae Hawkins has more than 25 years of experience in public involvement, marketing communications, public relations, branding, crisis communications, and event planning. She leads StingRay Communications in creating strategies that help her clients – including Central Oregon irrigation districts – achieve success. Her greatest passion is raising her two young boys alongside her husband on their small farm in Oregon. Also, we're pleased to introduce a new AC member from Wyoming: Brian Duyck, the president of the newly formed Wyoming Association of Irrigation Districts.
- U.S. Secretary of Agriculture Tom Vilsack last month gave an in-depth presentation about threats facing rural agricultural communities. He noted that since 1981, the U.S. has lost 437,300 farms and 141.1 million acres of farm and ranch land. Small farms are disappearing, with farm income concentrated in larger and larger farms. In 2019, only 50,000 farms reported income of over \$500,000 that accounted for 89% of all farm income. Some two million farms shared the remaining 11%. Of note, 50% of farms didn't make any money at all.
- **ADVERTISE WITH US!** Beginning in January 2024, digital advertising opportunities will be offered to Alliance supporters in our Monthly Briefing and Issues Updates. Opportunities are limited and on a first come, first served basis. Open rates have been climbing over the past several years, ranging from 30 to 50%. (compared to the industry average which tends to be around 15%). The *Monthly Briefing* receives the highest open rates at consistently over 47%. Nearly 25% of those opening our emails click on available links when links are available. For more information and to reserve your space, please contact Jane Townsend at jane@familyfarmalliance.org.

This is a quick summary of just a few of the issues the Alliance has been engaged in. Please do not hesitate to contact me at 541-892-6244 or dan@familyfarmalliance.org if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.