



MEMORANDUM

TO: SLDMWA BOARD OF DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
DATE: JUNE 7, 2021

This memo is intended to keep you apprised as to what is happening behind the scenes on policy issues the Family Farm Alliance is engaged in. In the past month, much of our efforts have focused on engaging the Biden Administration, tracking water legislative developments in Congress, preparing for and participating in a Congressional hearing on the Western drought, working on drought messaging, and advocating that Western water infrastructure provisions be included in COVID recovery stimulus legislation. The water crisis here in Klamath Falls is getting national media attention, so I've also been busy fielding calls from the *Los Angeles Times*, Associated Press, *USA Today* and others, working to connect reporters with those who are truly facing the brunt of drought in the Klamath Basin – our local farmers and ranchers. The only silver lining I can see from this Western drought is that it will hopefully generate public and political attention on the need to modernize and expand our water infrastructure, and find ways to provide more flexibility in federal water management.

These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION DEVELOPMENTS

1. Appointments

President Biden announced several picks for environmental and climate posts scattered throughout the government last month. Several of his nominees participated in confirmation hearings in recent weeks. The Senate Environment and Public Works (EPW) Committee approved three nominees for top slots at the Environmental Protection Agency (EPA) and the Interior Department. The panel voted 14-6 on Ms. Radhika Fox to lead EPA's Office of Water. The committee voted 19-1 for Ms. Michal Freedhoff to lead EPA's Office of Chemical Safety and Pollution Prevention and Ms.

Shannon Estenoz to serve as the Assistant Secretary for Fish, Wildlife and Parks at Interior. Also, the Senate Energy and Natural Resources (ENR) Committee approved several other top Interior nominees. Mr. Robert Anderson, nominated for the job of Interior's Solicitor, was approved on an 11-9 vote, aided by the support of Sen. Lisa Murkowski (R-AK). The Committee then approved by voice vote Ms. Tanya Trujillo's nomination as Assistant Secretary for Water and Science and Ms. Shannon Estenoz's nomination as assistant Interior secretary for fish, wildlife and parks (a position that needed the approval of two committees of jurisdiction). All nominees now will be considered for confirmation votes in the Senate.

The ENR Committee earlier in the month voted 18 to 1 to advance Tommy Beaudreau's nomination to be Deputy Secretary of the Interior. With only Sen. Mike Lee (R-UTAH) voting against the nomination, both Chairman Joe Manchin (D-WV) and Ranking Member John Barrasso (R-WYOMING) praised the nominee. Mr. Beaudreau was nominated for Interior's No. 2 spot after the withdrawal of the White House's first intended nominee, lawyer Elizabeth Klein. Ms. Klein, who faced resistance from key Senate centrists, is now serving as senior counsel to the Interior Secretary. Mr. Beaudreau served as Chief of Staff to the Obama Administration's Secretary of the Interior Sally Jewell, as well as a stint as acting Assistant Secretary for Land and Minerals Management. A full Senate vote on confirmation for Mr. Beaudreau has not been set.

a. Tanya Trujillo Confirmation Hearing

If confirmed, Tanya Trujillo would oversee the Bureau of Reclamation and the U.S. Geological Survey. She is currently serving in that temporary capacity as principal deputy assistant secretary. At her confirmation hearing, she told senators that she would provide "strong support for the department's scientists at the U.S. Geological Survey on their efforts to address climate change, and to advance the nation's research, assessment and prediction capabilities." She added that she "will support the Bureau of Reclamation's important role as a water provider, and I will work closely with Reclamation, and other agencies, to ensure that hydropower resources can continue to provide an important component of our nation's renewable energy portfolio." Ms. Trujillo is a New Mexico native, and served as legislative aide to former Sen. Jeff Bingaman (D-NEW MEXICO). She has also served on the New Mexico Interstate Stream Commission and has led the Colorado River Sustainability Campaign, which coordinates and funds environmental advocacy. She is a Stanford University and University of Iowa College of Law graduate.

Few questions at the confirmation hearing were posed to Ms. Trujillo on water, with only Senators Barrasso and Kelly raising drought and water infrastructure topics. She specifically complimented the Family Farm Alliance and said she will continue to consult with the Alliance on Western water matters. Earlier in the month, the Alliance sent a letter to the ENR Committee expressing support for Ms. Trujillo's confirmation.

b. Department of Agriculture

The White House in April announced that President Biden would nominate Robert Bonnie, who

is currently Deputy Chief of Staff and leads the U.S Department of Agriculture (USDA) efforts on climate change, to be undersecretary of Agriculture for farm production and conservation. Mr. Bonnie served as undersecretary for environment and conservation during the Obama Administration, and during the 4 years of the Trump Administration was vice president for land conservation at the Environmental Defense Fund. The Family Farm Alliance sent a formal letter of support for Mr. Bonnie's confirmation to the Senate Committee on Agriculture.

Meanwhile, the Senate Agriculture, Nutrition, and Forestry Committee last month advanced President Joe Biden's pick for deputy agriculture secretary. The farm panel approved by voice vote the nomination of Jewel Bronaugh, who would be the first Black woman in the post if confirmed. Her nomination now heads to the full Senate for consideration. Ms. Bronaugh most recently served as the nation's first Black female state agriculture commissioner, appointed to Virginia's Agriculture and Consumer Services Department in 2018. She would succeed Stephen Censky, who served during the Trump administration.

USDA earlier in the month announced the appointment of Meryl Harrell as Deputy Under Secretary for Natural Resources and Environment and the appointment of Terry Cosby as Chief of the Natural Resources Conservation Service (NRCS). They begin their positions last month. During the Obama-Biden Administration, Ms. Harrell spent eight years in the Office of Natural Resources and Environment at USDA, including serving as Chief of Staff and then Senior Advisor to the Under Secretary. Ms. Harrell previously worked on public lands issues at The Wilderness Society in Washington, D.C. Terry Cosby began his career with USDA in 1979 as a student trainee in Iowa. Over Cosby's 42 years with the agency, he has served in numerous capacities, most recently, Acting Chief of NRCS and State Conservationist for Ohio.

c. Environmental Protection Agency: Radhika Fox Confirmation Hearing

At last month's EPW Committee confirmation hearing for Michal Freedhoff and Radhika Fox, questioning of the witnesses included significant discussion of Clean Water Act waters of the U.S. (WOTUS) rules. While Ms. Fox remained vague about EPA's plan to rewrite the definition of WOTUS, Republican senators on the committee peppered her with questions about the Biden administration's plans and detailed problems with the 2015 rule, including being extremely burdensome to farmers. Arizona Sen. Mark Kelly was the only Democratic lawmaker to bring up WOTUS, saying the 2015 rule "did not work well for Arizona" and asking how they will address these types of issues. Ms. Fox avoided specifics about what waterways might be covered with a new definition and pledged to "listen to stakeholders," including farmers. She went on to say that the Biden Administration doesn't "want to see this ping pong anymore" and explained that EPA staff had rewritten the rule three times in six years. Ms. Fox indicated that EPA will be conducting "regional roundtables" this summer to discuss its review of which waterways and wetlands qualify for federal protections. The Alliance last month sent a formal letter in support of her confirmation to the EPW Committee.

d. Army Corps of Engineers

President Biden last month announced plans to nominate Michael Connor to be the Assistant Secretary of the Army for Civil Works at the Department of Defense, a position overseeing the Corps of Engineers. Mr. Connor, a member of the Taos Pueblo tribe, served as the Obama Administration's Deputy Secretary of the Interior and Commissioner of the Bureau of Reclamation. He has a long history in government, working as counsel in the Senate Energy and Natural Resources Committee before joining the Obama Administration. The Family Farm Alliance has a long working relationship with Mr. Connor and sent a letter of support for his confirmation to the Senate Environment and Public Works Committee.

2. **Biden Administration 2022 Fiscal Year Budget Proposal**

The Biden Administration has released their detailed \$6 trillion [FY 2022 budget request](#) to Congress that prioritizes climate change, clean energy, and green infrastructure investments. The “whole of government” climate focus is unprecedented in the nation's history and is likely to please progressives and environmental groups that were outraged over cuts to those efforts during the Trump years. The Biden budget also could find some support from Republicans who are increasingly supportive of clean energy investments, although plans to raise taxes for fossil fuel companies will face opposition from the GOP.

The budget request includes large spending increases for clean energy technologies, environmental justice programs across agencies, climate science and sustainability research, mine, and oil well cleanup, water infrastructure (including lead water line replacements) and the U.N. Green Climate Fund. The proposal also boosts funding for transportation equity investments as well as electric vehicles and charging stations.

The Department of the Interior FY 2022 budget request for the Bureau of Reclamation is a total of \$1.5 billion, including \$1.4 billion for the Water and Related Resources account, which funds operation, maintenance and rehabilitation projects, including dam safety at Reclamation facilities. The budget includes \$125.3 million for extraordinary maintenance across Reclamation; \$207.1 million for the Dam Safety Program; and \$92.8 million for rural water projects. The WaterSMART Program request was for \$54.06 million, a decrease from the FY 2022 enacted level of \$148.9 million. The proposed budget also requests \$25.5 million for Yakima Basin Enhancement Project, a \$1.6 million decrease from the FY 2020 enacted level of \$27.15 million.

The Biden Administration is also proposing the [American Jobs Plan](#) legislation, which will include \$2.5 billion for the Bureau of Reclamation over five years – \$500 million annually beginning in FY 22. The funding is directed to increase Western water resilience, invest in watershed protection and flood prevention, support agricultural resource management, improve irrigation for Tribes and insular areas, provide safe drinking water, invest in rural clean water infrastructure, and upgrade and modernize America's drinking water, wastewater, and stormwater systems.

Congress has the final say on spending, taxes and policy proposals, and approved appropriations legislation often differs from a president's budget request. Congress will likely need to pass a stopgap continuing resolution (CR) to fund the government and avoid a shutdown when the new fiscal year begins on October 1, with few of the FY 2022 spending bills likely to be enacted by then. House appropriators are expected to begin marking up their spending bills in June with a goal of having them off the floor by the August recess, but Senate action on appropriations bills is still in flux with a 50-50 split and the 60-vote requirement to move legislation in the upper chamber.

3. 30 x 30 Conservation Plan Framework Released

The Biden Administration last month unveiled their framework for the “30 x 30” conservation plan with the goal of setting aside 30% of the nation’s lands and waters by 2030. The 24-page report, which has been rebranded into a 10-year “America the Beautiful” campaign, emphasizes voluntary efforts by states, private landowners and tribal nations, leaving many details to be outlined later. Biden Administration officials stressed that the program would rely on private conservation efforts, including easements on working lands like farms and ranches, as well as increased federal investments in open spaces and urban parks. While the report did not provide an estimate of the total cost for the plan, Administration officials cited the *Great American Outdoors Act* enacted in the last Congress that fully funded the Land and Water Conservation Fund as a “down payment” on the plan. President Biden issued an executive order earlier this year directing the Interior Department to propose guidelines for which lands and waters would qualify for conservation and how to measure progress. Environmental groups praised the report. Top GOP officials, while reacting positively to enhanced conservation of public land and water, dismissed the report as lacking much specificity. Some farm organizations -including the Family Farm Alliance - are also taking a “wait and see” approach before they sign on to 30 x 30.

4. Progress Report on Climate-Smart Agriculture & Forestry

USDA last month published the 90-Day Progress Report on Climate-Smart Agriculture and Forestry. The report represents an important step toward in President Biden’s Executive Order on Tackling the Climate Crisis at Home and Abroad and shift towards a whole-of-department approach to climate solutions. The Order, signed January 27, states that, “America’s farmers, ranchers, and forest landowners have an important role to play in combating the climate crisis and reducing greenhouse gas emissions, by sequestering carbon in soils, grasses, trees, and other vegetation and sourcing sustainable bioproducts and fuels.” The initial take by some of our allies in the ag community is that it is generally in alignment with climate smart agriculture positions we’ve advanced through Solutions from the Land and the North American Climate Smart Agriculture Alliance.

5. Alliance Actions on Biden Climate Change Initiative

The Family Farm Alliance last month helped prepare two comment letters to USDA in response

to an agency request for public input on Biden Administration climate and forest initiatives. This was a good opportunity to provide comments to USDA on a variety of issues important to our membership, including climate-smart agriculture and forestry, biofuels, bioproducts, renewable energy, and catastrophic wildfire. We're hopeful that Secretary Vilsack and his leadership team at USDA will consider them as the agency develops a climate-smart agriculture and forestry approach. The Alliance also worked with the Western Agriculture and Conservation Alliance (WACC) to craft a another, more conservation-oriented response to USDA's request.

6. Alliance Joins Coalition Supporting Forest Restoration

The Family Farm Alliance in May joined a coalition of organizations concerned about federal forest management - and the resulting impacts of wildfire, soil erosion, and water quality, which called upon Congress to invest \$30 billion in forest restoration over the next 10 years as part of the upcoming federal infrastructure package. The coalition's \$30 billion request is based on a figure widely cited as necessary to meet needs of forest health and is based on congressional testimony the U.S. Forest Service gave last year. The group outlines the necessity of the funding and points to "protection of critical watersheds and restoration of federal lands as a core infrastructure issue."

7. Reclamation Extends Comment Period on Proposed WaterSMART Changes

Reclamation is proposing several changes to the WaterSMART program for 2022. Reclamation is seeking public comment on draft eligibility and evaluation criteria for three funding opportunities within the WaterSMART Program to assist with these changes. Reclamation proposes updates to the eligibility requirements and evaluation criteria for the Drought Resiliency Projects and Water and Energy Efficiency Grants funding opportunities. Reclamation is also launching a new funding opportunity for Environmental Water Resources Projects. This new funding opportunity will focus on projects that have environmental benefits, are developed as part of a collaborative process, and may be eligible for up to 75% federal funding. The changes were developed to incorporate recent amendments to the SECURE Water Act, implement priorities identified in recent presidential executive orders, and support the goals of the Interagency Drought Relief Working Group established in March 2021.

Reclamation on Friday announced that it is extending the comment period to **June 18, 2021**. The proposed draft eligibility and evaluation criteria are available on the [WaterSMART website](#). Our comment letter is essentially wrapped up. We plan now on sending our comments to Sheri Looper at slooper@usbr.gov by June 18.

8. National Marine Fisheries Service: Petition to List Spring-Run Chinook Salmon

A comment letter developed jointly by Family Farm Alliance, California Farm Bureau (CAFB), and Oregon Farm Bureau (OFB), was transmitted last month to the National Marine Fisheries Service (Service) on its 90-day finding on the petition to list the Southern Oregon and Northern California Coast (SONCC) Spring-Run Chinook Salmon as a separate evolutionarily significant

unit (ESU) under the federal Endangered Species Act (ESA). CAFB and the Alliance teamed up on a similar letter a few years ago in response to critical habitat revisions proposed by the US Fish and Wildlife Service for yellow-billed cuckoo, which had implications for members in several Western states. Members of our organizations in Southern Oregon and Northern California could be potentially impacted by the proposed spring-run listing. If past listings and proposed listings are any indicators, we predict that yet another listing at this time could needlessly and unproductively exacerbate already significant water use and forestry challenges faced by affected industries, regional economies, and resource managers. Additionally, we fear that a separate spring-run listing could result in the opposite of the intended effect. Unintended consequences could include resistance to continued voluntary restoration activities stemming from concerns related to increased regulatory liability, and an ever-shifting regulatory and compliance landscape.

9. Roll-Back of Trump Administration ESA Reforms

The U.S. Fish and Wildlife Service (FWS) last week announced it will be rolling back a significant portion of Endangered Species Act (ESA) reforms put in place by the Trump administration. The FWS will begin revising, rescinding or reinstating five ESA provisions promulgated by the Trump administration, including two that were the result of Supreme Court case *Weyerhaeuser Co. v. United States Fish and Wildlife Service et. al.*:

- Rescind the regulations related to exclusions from critical habitat designations.
- Rescind the regulatory definition of habitat.
- Reinstate the blanket 4(d) rule, which ensures private landowners, state agencies and others are not unduly burdened by regulations that do not further the conservation of a species.
- Reinstate prior language affirming that listing determinations are made "without reference to possible economic or other impacts of such determination."
- Revise the definition of "effects of the action" and associated provisions to that portion of the regulation addressing interagency consultation.

We spent considerable time working with the Trump Administration on several of these provisions, so it looks like we'll be going back to the drawing board again, this time, with the intent of explaining to the new administration why many of the Trump reforms actually improve ESA implementation.

10. U.S. Environmental Protection Agency: Clean Water Act 401 Rule

The Biden Administration's EPA has announced its intent to revise a Trump-era Clean Water Act Section 401 Certification Rule that limits states' and tribes' abilities to block energy projects under the Clean Water Act (CWA). EPA's press release states the rule "erodes state and Tribal authority" and that the agency plans to strengthen the authority of states and tribes to protect their water resources. The Trump Administration's final rule sets a one-year deadline for states and tribes to certify or reject applications for water permits. It also limits states and tribes to only considering water quality (not climate change or air pollution) when denying permits under Section 401 of the

CWA that gives states the right to "certify" that projects requiring permits comply with federal law and state water quality standards. The current rule is already facing legal pushback, including lawsuits from environmental groups and tribes. Narrowing the scope of the Sec. 401 process has long been supported by congressional Republicans, due in part to the refusal of states like New York and Washington State to recently permit pipelines and coal terminals under the CWA.

11. U.S. Treasury: COVID State & Local Fiscal Recovery Fund Program

On May 10, 2021, the U.S. Department of the Treasury released a 151-page [Interim Final Rule](#) providing guidance on the eligible uses of the Fiscal Recovery Funds. All payments are to remain available until December 31, 2024, with funded projects completed no later than December 31, 2026. Amounts not spent or used for ineligible purposes will be repaid to Treasury. Upon publication of the Interim Final Rule in the Federal Register (which is likely to occur during the week of May 17, 2021), Treasury encourages stakeholders to submit public comments on the Interim Final Rule at [regulations.gov](https://www.regulations.gov). The Treasury Department will be accepting comments through **Friday, July 16, 2021**.

The Treasury Interim Guidance on the Rescue Plan funding requests comments on several questions related to water, particularly related to Drinking Water State Revolving Funds (DWSRF) and Clean Water State Revolving Funds (CWSRF). We will prepare some comments on these topics in order to broaden the approved use of those funds to meet our specific water needs. For example, one topic question notes that infrastructure projects related to dams and reservoirs are generally not eligible under the CWSRF and DWSRF categories. Should Treasury consider expanding eligible infrastructure under the Interim Final Rule to include dam and reservoir projects? This particular question will provide a great opportunity to discuss public health, environmental, climate, or equity benefits and costs in expanding the eligibility to include these types of projects.

DEVELOPMENTS IN CONGRESS

The House and Senate were both in recess last week. The Senate returns to Washington today, while the House returns on June 14 (however, House committees will hold virtual hearings and markups this week).

12. House WOW Subcommittee Hearing on Western Drought

With drought conditions worsening across the West, the Family Farm Alliance was asked to testify for the second time this year before the House Natural Resources Subcommittee on Water, Oceans and Wildlife (WOW). The May 25 hearing, titled, "Oversight: The Status of Drought Conditions Throughout the Western United States" focused on the role of climate change in the worsening drought, as well as near- and long-term solutions. Other hearing witnesses included Elizabeth Klein (senior counselor to the Interior secretary), Craig McLean (NOAA acting chief scientist), Joaquin Esquivel (California State Water Resources Control Board chair), Amy Cordalis (Yurok

Tribe), John Entsminger (Southern Nevada Water Authority general manager), Michael Markus (Orange County Water District general manager), Tom Collishaw (Self-Help Enterprises CEO), and Craig Foss (Idaho state forester).

The almost three hour meeting included a robust discussion of Western drought from two perspectives: 1) severity of conditions and their impacts across the region; 2) efforts being undertaken, and continued needs that remain, to address drought including use of desalination, water conservation, reuse and recycling as well as surface and groundwater storage. There was also a recognized need for active forest management practices to reduce the “fuel load” that drives the size and intensity of wildfires across the West. My written testimony addressed both the macro-consequences of drought while also homing in on seven specific Western regions and the challenges faced in each. We put forward solutions to prevent future drought, including investments in water infrastructure and the need to provide increased flexibility for water management by locality. We also advocated for improved forest management to promote the health of the watershed.

One week prior to the hearing, Subcommittee Chairman Jared Huffman reintroduced his "Future Western Water Infrastructure and Drought Resiliency Act," H.R. 3404. The bill includes more than \$1 billion for various water projects, including \$750 million for multi-benefit water storage projects, \$500 million for water recycling and reuse, and \$260 million for water desalinization projects. It also contains provisions to boost water technology and data collection, as well as ecosystem protection and restoration.

13. House Republicans Host Western Drought Forum

In the week prior to the WOW Subcommittee hearing, House Committee on Natural Resources Ranking Member Bruce Westerman (R-Ark.) and WOW Subcommittee Ranking Member Bentz led another forum on the catastrophic drought situation across the American West. Several GOP House Members who participated in the forum claim that weather may not be solely to blame for the unprecedented Western drought; federal and state policies also play a role. Many others of those who testified at the forum pointed out that increased water storage can play a significant long-term role in providing water for multi-parties.

The Alliance provided written testimony for the forum, and several of the experts who testified (via ZOOM) had ties to the Alliance. Although the Alliance did not directly testify at this forum, our written testimony was posted on the forum website: [Western Water Forum - Committee on Natural Resources Republican Office \(house.gov\)](#). Many of those who testified at the forum agree that it takes a host of measures to help drought-proof a community and that water conservation cannot solve a water crisis in the long-term. Many have pointed out that increased water storage can play a significant long-term role in providing water for multi-parties. You can watch the full forum [here](#).

14. Infrastructure Developments

The White House and Senate Republicans have been in negotiations for several weeks on a package to invest in the nation's infrastructure but remain divided on the size of the package, how to pay for it, and what types of infrastructure will be included. President Biden initially pointed to Memorial Day as a date by which he wanted to see progress on infrastructure but allowed talks with Republicans to continue into last week while stressing the urgency of acting soon." President Biden on Friday rejected the latest GOP offer on infrastructure during a phone call with Sen. Shelley Moore Capito (R-W.Va.), according to the White House, though the two agreed to speak again this week. According to the Associated Press, Democratic senators plan to move forward on infrastructure legislation "with or without the support of Republican senators," Senate Majority Leader Chuck Schumer (D-NY) recently wrote to fellow Democrats.

a. New Reconciliation Challenges

Senate Parliamentarian Elizabeth MacDonough's recent guidance that Senate Democrats can use one rather than two reconciliation packages this year shifts the political thinking for President Biden's agenda if Democrats decide to move ahead without Republicans, as has been anticipated ([*The Hill*](#)). As a result, Democrats have only one more change this year to avoid a filibuster since there's virtually no chance of a Republican on the committee voting with them. That could put more pressure on President Biden to cut a deal with Senate Republicans on a scaled-down infrastructure package because that would allow for more spending on a budget reconciliation package with priorities that Republicans will likely not support. The potential scope under a reconciliation strategy means a measure would be unlikely to pass in July, as Democrats originally hoped, and instead stretch into the fall or even late December.

b. Differences

The two sides continue to remain far apart. Republicans still disagree with President Biden on what should be considered "infrastructure," saying a successful infrastructure package should focus on the "physical core idea" such as roads, bridges, ports, and even newer things such as broadband, but not things like elder care, as the Administration is proposing. The GOP plan amounts to about \$250 billion in new spending, far from the president's proposal. President Biden reduced his \$2.3 trillion opening bid to \$1.7 trillion in earlier negotiations, which continues to push federal investment in new programs like those that would support the electric vehicle market to shift Americans away from gas-powered cars.

Sen. Joe Manchin (D-W.Va.) on Sunday said he is "very confident" that Republicans and the White House will reach an agreement on an infrastructure bill. Sen. Capito raised the GOP's current offer by \$50 billion last week, after meeting one-on-one with President Biden Wednesday. White House press secretary Jen Psaki said that while Biden "expressed his gratitude for her effort and goodwill" he also "indicated that the current offer did not meet his objectives to grow the economy, tackle the climate crisis, and create new jobs." This comes after Senate Republicans unveiled a

\$928 billion infrastructure proposal last month. The offer, while substantially more than the caucus's initial \$568 billion proposal introduced in April, fell far short of the \$1.7 trillion counteroffer White House officials made last week.

According to *The Hill*, Senator Manchin said the White House and Senate Republicans are “not that far apart,” adding “we think we can find a pathway for it.” However, Transportation Secretary Pete Buttigieg on Sunday said there is “lots of daylight” between the White House and Senate Republicans, as the two parties continue to negotiate on an infrastructure package.

c. Progressives Introduce Infrastructure, Climate Legislation

Progressives in Congress have introduced legislation to spend trillions of dollars on climate, clean water, and social justice projects. The “*THRIVE Act*,” which stands for “Transform, Heal and Renew by Investing in a Vibrant Economy,” was introduced by Sen. Ed Markey (D-MA), Rep. Debbie Dingell (D-MI) and several other Democrats, to authorize \$1 trillion in new federal spending annually over 10-years for infrastructure, clean energy, agriculture, clean water, and child and elderly care work. Half the funding would be focused on “impacted” and “disenfranchised” communities. Other co-sponsors include Sens. Elizabeth Warren (D-MA) and Bernie Sanders (I-VT) and Reps. Nanette Diaz Barragán (D-CALIFORNIA) and Earl Blumenauer (D-OREGON). Senate Climate advocates are warning they’re preparing to hold up any infrastructure package that doesn’t address measures to shift the nation’s spending priorities to clean energy.

d. Alliance Efforts

Last fall, before the election, a group of us – Family Farm Alliance, Western Growers, California Farm Bureau, NWRA and Association of California Water Agencies – starting planning for the possible eventuality that Joe Biden would win the presidency, and that Democrats might gain control of the House and the Senate. This was similar to the dynamic that existed in late 2008, when President Obama was elected, and Democrats in Congress helped push the big economic stimulus infrastructure package that was signed into law later that year.

It’s always a challenge getting lawmakers to talk about water when infrastructure is teed up in Washington. When water infrastructure makes it to the front burner, policy makers are usually talking about drinking water, especially since the incident in Flint, Michigan. The goal of our coalition was to get “our type of infrastructure” – “Western” water infrastructure needs like repairing aging water facilities and building new storage and conveyance facilities – included in the mix when infrastructure talks began in this new Congress.

The Democrats last January assumed control of the White House and both chambers of Congress. Our first task was to demonstrate to the new Administration and Congress that there was interest in the West for such an effort. In January, we submitted letters to President-elect Biden and leaders of Congress signed by over 200 Western ag, urban and water organizations in support of an “all

of the above” infrastructure package, including a suite of water supply enhancement and demand management actions. We’ve pulled several of these interests from a dozen Western states and established advocacy and communications teams to reach out to Western Members of Congress, Congressional leadership, and the Administration.

We’ve developed a well-justified “ask” of the types of projects and estimated dollar amounts that we have shopped to Congressional water committees and Congressional leadership. These meetings have been a combination of fact-finding -trying to find intel on how infrastructure negotiations are proceeding – and also getting feedback from committee staff on how realistic our “ask” is. Now, we’re working with the state groups to meet with their Western Senate offices, using lists of potential projects in each state, developed by those groups. In the past month, the state groups took the lead to hit Democrat, and then Republican, members of the House of Representatives for each state. Our goal is to try make sure that every Western member of Congress is aware of the importance of including Western water infrastructure this year. Much of this advocacy work was supported by state-driven media and public outreach efforts.

We were looking to finalize our second West-wide letter to Congress last week. However, because Congress was in recess last week - and also because we want to see if we could get some more supporters on board - we decided to hold off on the final letter until today. So far, the response to our request has been fantastic, and we’ve added over 20 new organizations in addition to the 200-plus that signed on to our January 2021 letter.

The DC publication [The Hill](#) last month carried our joint op-ed on the need for investment in Western water infrastructure, coauthored by general manager Jennifer Pierre of the California State Water Contractors, president of Western Growers Dave Puglia, and yours truly. Also, this is the [blog](#) post that ran here in Oregon on a site that is popular with state politicians. I co-authored this piece with Julie O’Shea, representing Alliance member Farmers Conservation Alliance (FCA).

WESTERN WATER DROUGHT

15. Western Drought Status

This water year is shaping up to be one of the worst in recent Western history. Most basin snow water equivalent percentiles across the Western Region are well below-normal for the period of record, especially in the Four Corners region. Only parts of the Pacific Northwest and areas of central Montana experienced near and above-normal seasonal snowfall. There are widespread reports of low soil moisture conditions and groundwater depletion for many areas of the West. Above-normal temperatures over much of the West in recent weeks to months has resulted in rapid snowmelt and, due to dry topsoil, much of the snowmelt water has not made it into the rivers, lakes, and reservoirs.

16. Impacts to Agriculture

There have been many factors over the years that make it increasingly difficult to continue farming and ranching. Severe drought is one of the largest issues Western producers face. Irrigated farms in the federal Klamath Project face the worst year in the Project's 116-year history, with essentially no water from the Klamath River system. As you well know, the federal Central Valley Project in California will receive essentially zero supply. The Colorado River Basin is in its 21st year of drought and its reservoirs will end up at their lowest levels since they were initially filled. Watersheds in the American Southwest are parched, and wildfires are predicted to be at record levels this season.

Stock ponds are running dry and farmers have been forced to haul water in several locations. Additionally, reports of reduced pasture forage, livestock requiring supplemental feed and/or being sold off are increasing. According to the California Farm Bureau Federation, rice farmers are planting fewer acres this year. Analysts say the state's rice acreage will likely be down 20% from average because of water restrictions, driving up the price. Alfalfa production will also likely shrink this year.

17. Wildfire Impacts

With much of West seeing drought conditions worsen, fire experts are predicting an above average wildfire potential to continue to expand northward into the Great Basin, Rocky Mountains, and Pacific Northwest throughout the year. In 2020, more than 10.3 million acres burned in the United States – a record year and more than 50 percent above the 10-year average for acres burned. From August through October, the most extreme conditions caused thousands of evacuations, homes and structures lost, and tragic fatalities of 11 people in Oregon and 34 people in California. Secretary of the Interior Deb Haaland and Secretary of Agriculture Tom Vilsack last month shared their vision for the Biden-Harris administration's wildland fire preparedness and response, including supporting science and research into the effects of climate change on wildland fire. The Biden-Harris administration in April previously announced the formation of an Interagency Working Group to address worsening drought conditions in the West and support farmers, Tribes, and communities impacted by ongoing water shortages.

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.