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**MEMORANDUM**

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**TO:** SAN LUIS & DELTA-MENDOTA WATER AUTHORITY BOARD  
**FROM:** DAN KEPPEL, EXECUTIVE DIRECTOR  
**SUBJECT:** UPDATE REPORT  
**DATE:** AUGUST 5, 2024

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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 engaging in a troubling White House groundwater initiative, monitoring a new Department of Agriculture (USDA) drought resilience program, developing formal comments for Bureau of Reclamation (Reclamation) rulemaking efforts, conducting a strategic retreat for the board of directors, public and media outreach, and organizational administrative matters. These issues and other matters important to our members are further discussed in this memo.

**BIDEN ADMINISTRATION**

**1. Appointments**

Our friend Sean Babington has been promoted to Deputy Chief of Staff in the Office of the Secretary of Agriculture. Babington's promotion comes after he served as Senior Advisor for Climate in the Office of the Secretary since November of 2021. Before his time at USDA, Babington served as Senior Professional Staff to Chairwoman Debbie Stabenow on the U.S. Senate Committee on Agriculture, Nutrition, and Forestry where he handled committee business pertaining to forestry, pesticides, and climate change. He also worked in the office of U.S. Senator Michael Bennet from Colorado as Senior Policy Advisor for Energy and Natural Resources.

**2. White House: "America's Groundwater Challenges"**

Last month we transmitted a letter to the White House in response to the April 25, 2024 announcement of the President's Council of Advisors on Science and Technology's (PCAST's)

creation of the “Groundwater Working Group”. Our letter expressed concerns that tasking federal agencies to develop a national strategy on groundwater would inevitably result in yet another one-size-fits-all, top-down approach. This would add a new layer of conflicting regulatory interference in existing state groundwater management and undermine water rights and the flexibility of local water users. PCAST earlier this year invited public input on “America’s Groundwater Challenges”; the comment period ended on July 8. Our letter also expressed concern with the lack of meaningful public notice or engagement with affected local, state and agriculture stakeholders for this effort.

The day after our letter was transmitted to the White House, we received an invitation from the Groundwater Working Group to participate in a one-day workshop to aid in the formulation of a policy recommendation report that will “propel government-wide action” on groundwater concerns. This event took place at Arizona State University in Tempe on July 22 and concentrated on three pivotal themes: governance and incentives, data gaps and opportunities, and community empowerment and engagement. The organizers of the Tempe meeting admitted that there is distrust of the federal government getting involved in groundwater, particularly in the regulatory arena. There is stakeholder support for the government in a supportive fashion, such as providing on-the-ground resources. Those who participated believe the event organizers recognize that trust must be established with local stakeholders, who will oppose any sort of federal mandate.

The White House is working on some sort of document that will reflect the findings of the Tempe workshop, although details relating to the timing of its release and what it will actually recommend are unclear. We’ll continue to monitor the progress of this effort and engage as appropriate.

### **3. USDA: Water Saving Commodity Program**

USDA leaders on August 1 rolled out their “US Water Savings Commodities” program, in which USDA is investing up to \$400 million from the Commodity Credit Corporation (CCC) in an effort that will help farmers produce commodities during drought through increased water efficiency. Alliance President Paul Orme and I were invited to represent the Alliance in the briefing; several other Alliance members were also on the call. You can get the lowdown on this program in USDA’s [press release](#).

During the briefing Q&A session, I thanked USDA for their response and proposal, noting that over half of the chosen districts were members of the Family Farm Alliance. This type of attention is needed and welcomed. I asked how other districts who had shovel-ready projects ready to go could be considered to be added to this list. USDA officials emphasized that this is just one piloted effort, starting with the initial list of districts. There may be opportunities to expand the list, using a similar methodology. Plus, there are other USDA funding opportunities available, as noted above. After the briefing, the Agriculture Secretary’s office reached out and thanked us for our support and coverage on this topic, and we provided the office of Senator Jeff Merkley (D-OR) with a quote for their press release.

a. Background

[USDA in 2021](#) made \$500 million available from the CCC to “support drought recovery and encourage the adoption of water-smart management practices”. However, as of last March, the USDA had not spent any of this funding. Democratic members of Congress representing Western states last May sent a letter to Agriculture Secretary Tom Vilsack, asking to “bring all resources to bear in helping address long-term drought and aridification in the Western United States”. The letter specifically urges USDA to seek opportunities to “partner with states, Tribes, and local organizations like irrigation districts and acequias” who can “leverage local knowledge and limited resources”. The Alliance was provided with a draft copy of this letter last March, which we thought matched up well to our mission. Last week’s announcement was USDA’s public response to that Congressional request, it would appear. This benefits many of our members who need this funding and will hopefully demonstrate that there is a need for even greater investment.

b. Program Overview

USDA is targeting a reduction of up to 50,000 acre-feet of water across more than 250,000 acres of Western irrigated land in production. USDA has selected 18 irrigation districts in 12 Western states based on several commodity production and water management related criteria (working with Reclamation) in order to maximize the ability to achieve program objectives. California districts selected by USDA to participate included Corcoran ID, Glenn–Colusa ID, Imperial ID, Solano ID, and Sutter Mutual Water Company. \$40 million (from within the \$400 million pot) will be set aside for tribal communities and acequias. USDA will coordinate with the Bureau of Indian Affairs on the use of those dollars. There is no local or state cost-share associated with this funding. It is 100% paid for by the federal government. It sounds like USDA will try to be as flexible as possible to complement ongoing / proposed water conservation work being conducted via PL-566, RCPP, WaterSMART and on-farm USDA conservation programs.

The irrigation districts will work with USDA and producers in their district to provide payments for voluntarily reducing water consumption while maintaining commodity production. The needs of producers will determine the specific strategies for water conservation, including irrigation improvements, shifts in management practices, shifts in cropping systems, and other innovative strategies. USDA will learn from the diversity of strategies used and identify additional opportunities to maintain and expand water-saving commodity production in the future. USDA and the districts will work on finalizing agreements. The agreements will include the details of each individual district’s water-saving strategies, commodities to be produced, and specific budgets. Following the finalization of the agreement, districts will work with its producers to participate. Monitoring will be required to demonstrate results. This is a voluntary program, and the intent is to reduce water consumption at the field level or diversion point, depending on the unique nature of the district.

c. How were the districts selected?

There will be lots of questions about the manner in which USDA chose these particular irrigation districts. USDA wants to “move quickly” because drought continues in parts of the West and has already returned to areas that saw some relief over the past two years. There is a “limited” set of funding (although \$400 million is nothing to sneeze at). That’s why this is being set up as a non-competitive “pilot” program. USDA used its own data from the Economic Research Service, coupled with input from Reclamation, to assess which districts had an ability to make adaptations to improve infrastructure or whose producers could shift to crops that use less water. The overall mix of districts may also likely have been developed in a way to make sure there were projects spread across the 12 states. The goal is to see what types of innovative and effective plans can be developed, driven by the districts. Most, if not all, of the districts that were selected already had a proven track record of successfully accomplishing similar endeavors in the past, which appears to have been a factor considered in the selection process.

d. Western Water Framework Report Card

Part II of last week’s announcement was a briefing on USDA’s [Western Water and Working Lands Framework for Conservation Action](#), which they claim is a comprehensive, multi-state strategy proposed by NRCS in February 2023 to address key water and land management challenges across 17 Western States. The Western Water Framework includes key NRCS conservation programs, including the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP) and Agricultural Conservation Easement Program (ACEP). Within EQIP, NRCS has created a WaterSMART Initiative (WSI), to coordinate investments with Reclamation’s WaterSMART investments in priority areas.

In fiscal year 2023, NRCS provided \$2.3 billion in conservation investments that help producers and communities in Western states better steward water resources, including investments that also support climate change mitigation. This total includes a boost of 9.7 percent or \$213.3 million from the IRA. For Fiscal Year 2024, NRCS selected 9 new priority areas and is continuing to offer funding in 36 prior approved areas, making \$29.7 million in EQIP funding available through the WSI across 16 states. Bottom line: the Framework is essentially a repackaging of existing NRCS conservation programs, boosted with additional IRA funding.

**4. EPA: Farm, Ranch, and Rural Communities Federal Advisory Committee**

Last month, the U.S. Environmental Protection Agency (EPA) announced a solicitation for nominations to serve on its Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC). This is a great opportunity for agricultural producers, allied industries, and/or rural community leaders located in your states to share their knowledge and expertise with EPA on issues and topics that impact them. We strongly believe that any of you who might be interested should consider applying. Or, if you know someone else who would be a good rep; please share this with them. In the past, the Alliance has formally endorsed candidates interested in similar

types of appointments. We'd be happy to consider doing so again. Nominations are due Sept 5, 2024, and EPA will accept letters of support, although not required, for any nomination. For more information, please [click here](#).

## **5. DOI, Bureau of Reclamation**

As reported extensively over the past month, Reclamation is seeking public comment on proposed revisions to seven categorical exclusions (CEs) under the National Environmental Policy Act (NEPA) of 1969 as well as changes to a directive and standard (D&S) that governs administration of financial assistance. Public webinars have been scheduled for both efforts, in response to a request made by the Alliance in June. D&S provide the level of detail necessary to ensure consistent application of policy across Reclamation. Alliance representatives met with the Commissioner's office to discuss concerns we have with the CE package recently posted in the Federal Register and draft directive and standard (D&S) – ACM 01-01, which appears to merge DOI and Reclamation policies for financial assistance into one policy. Both of Reclamation's proposals are important actions to our members -particularly those who utilize WaterSMART.

### **a. Proposed CE Expansion**

The White House Council on Environmental Quality (CEQ) in 2016 directed all federal agencies to begin regular reviews of the use of CEs, with the intent of making the NEPA process easier. The latest effort initiated by the Biden Administration marks the third time in three administrations that this effort has been undertaken. The latest proposed CEs pertain to water-related contracts, use authorizations, financial assistance, loans, and funding activities, such as WaterSMART grants. The revisions aim to streamline environmental reviews for infrastructure projects under the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA), aligning with NEPA regulations to enhance efficiency and clarity for Reclamation, project proponents, and the public. In summary, the package will revise three existing CEs related to financial assistance, loans, and funding activities to incorporate other programs including the WaterSMART program; revise two existing CEs for water-related contracts and revise two existing CEs related to use authorizations.

The Federal Register posted the proposed expansion in early June and set a 30-day comment period that expires today (July 8). Alliance representatives met virtually with senior level Reclamation leaders from the Commissioner's office last month, raised some questions and concerns with them, and suggested that a public webinar be scheduled to provide an opportunity for Reclamation water and power customers and other stakeholders to raise additional concerns in an open forum. Reclamation two days later announced it would host an informational webinar on July 2. Unfortunately, the comment period for the CE proposal could not be extended, since there are fairly rigid timelines associated with the White House Federal Register notice process.

About 70 people participated in the webinar. Alliance representatives raised our key concern: What is "minor" in the proposal, and does Reclamation think this will change? While this was being

billed initially as CE for WaterSMART, practically we just want to make sure they will use the new CE expansively as possible. The recording of Reclamation's webinar is available at <https://youtu.be/5yIDMbZtc1c>. It is unlisted on YouTube. The recording and PDF of the presentation are available at [www.usbr.gov/NEPA](http://www.usbr.gov/NEPA). We will submit brief written comments later today. We'll basically express support for the proposed changes, suggest some more specific examples of projects / activities that should be covered under a CE, and memorialize the request we made on the webinar. Also – the Western Agriculture and Conservation Coalition (WACC) is going to include similar language in another letter to Reclamation, which will advance support for employing the stream restoration CE.

b. Draft D&S ACM 01-01

Reclamation has proposed changes to the existing D&S ACM 01-01, which outlines requirements for award and *administration* of financial assistance agreements. The draft document includes new definitions, more citations to the Code of Federal Regulation, and descriptions of new positions at Reclamation. DOI has tightened up some of its internal financial requirements, so Reclamation is doing the same. However, since this D&S does drive some marquee programs, such as WaterSMART, it is also of interest to Reclamation's customers. Some of our member districts and some NGOs involved with securing Reclamation financial assistance have experienced long response times, detailed and extended budget reviews, and extended periods of time to get a financial award under contract, even for a modest planning grant with no ground-disturbing activities. We suggested to Reclamation that conducting a webinar on the draft D&S would allow for some of our more vocal members to weigh in on the timelines and potential efficiencies that "could" be addressed in the newly revised D&S.

In response to the Alliance's request, Reclamation has agreed to extend the public comment period on the draft D&S by 30 days (closing on August 9, 2024) and to host a webinar for customers and stakeholders. The webinar was conducted on July 9, it lasted 25 minutes and just 35 total participants, 13 of which were Reclamation staff. There is nothing really of substance to report. We'll put together a brief comment letter, note that our members continue to have concerns about the challenges with overall WaterSMART implementation, and take them up on their offer to do a more interactive workshop later this year on WaterSMART / IRA / etc. implementation issues.

**6. Initial Agreement Reached on Columbia River Treaty with Canada**

The Biden White House announced last week a preliminary agreement with Canada to modernize the Columbia River Treaty, which governs hydropower operations and flood risk management on the 1,200-mile international waterway. The tentative agreement aims to update the 60-year-old treaty to address climate change and community needs, ensuring ecosystem health and honoring the cultural values of Native American and Canadian Indigenous nations. The Columbia River infrastructure in the U.S. Pacific Northwest is crucial, generating 40% of the nation's hydropower, supporting agricultural irrigation, and facilitating the transportation of 42 million tons of commercial cargo annually. The updated treaty will enhance U.S. and Canadian cooperation in

energy management, allowing for more clean hydropower energy to be retained in the U.S. while providing Canada with more opportunities to trade energy.

The treaty, initially established in 1964, included a \$64 million payment to Canada for flood water storage and granted Canada half of the hydroelectric generation from new storage facilities. However, provisions governing Canadian water storage are set to expire in mid-September, necessitating a new agreement to avoid shifting to a "called upon" flood management strategy. The modernized treaty, set to govern the waterway for 20 years, is the result of extensive engagement with Indigenous, state, and local communities. It aims to reduce flood risk, advance Indigenous priorities, and promote clean energy goals. The agreement must still be reviewed by Congress. Senators James Risch (R-IDAHO) and Maria Cantwell (D-WASHINGTON), who have been involved in the treaty negotiations, praised the preliminary agreement as a positive step.

#### **7. CVP Conservation Program and CVPIA Habitat Restoration Program Funding**

Reclamation and the U.S. Fish and Wildlife Service have announced a funding opportunity for the Central Valley Project (CVP) Conservation Program and Central Valley Project Improvement Act (CVPIA) Habitat Restoration Program for grants in fiscal years 2025 and 2026. The funding opportunity provides non-federal parties an opportunity to apply for awards up to \$1 million for projects benefiting federally listed endangered and threatened species whose habitat and population have been impacted by project operations. A total of approximately \$4.8 million is available for the two years combined, expected to result in seven to 10 awards. View the funding opportunity at [grants.gov](https://www.grants.gov) and search by keywords – e.g., CVP Conservation Program, CVPIA Habitat Restoration Program or opportunity number R25AS00005.

#### **8. Biden Regulatory Plan for the Balance of the President's Term**

The Biden Administration's spring [Unified Agenda](#) has been released by the White House outlining upcoming regulations, including those targeting clean water. The Administration has made significant strides in finalizing rules this spring to protect them from potential repeal under the Congressional Review Act (CRA) if a new administration takes over. However, experts note that anything not finalized by the CRA's deadline could be vulnerable to congressional repeal if former President Trump wins a second term and the GOP takes control of Congress. The Administration's regulatory agenda, while signaling its intentions, faces challenges due to the Supreme Court's recent decision to overturn the *Chevron* doctrine, complicating the rulemaking process. If President Biden wins another term, the proposed agenda could advance, but if Donald Trump wins, many of these regulations are unlikely to be finalized.

### **DEVELOPMENTS IN CONGRESS**

#### **9. 2023 Farm Bill**

The 2024 farm bill continues to show no sign of busting through a partisan snarl-up. In the Senate,

Agriculture Committee Chair Debbie Stabenow (D-Mich.) last month criticized House Republicans for a bill that is biased toward southern farmers who would benefit from price support in the bill targeting rice, peanuts and cotton. House Agriculture Chair Glenn Thompson (R-Pa.) at a recent hearing said he is the one who is pursuing the bipartisan path. The 2018 farm bill, already extended by a year, expires at the end of September. The Senate ag committee said in a recent news release that the House version would mostly benefit growers of three crops grown mainly in the South through increased price support. Chairman Thompson said at a hearing on the farm economy that he's open to a negotiation with the Senate, but not until Senator Stabenow rolls out the bill text to go along with the framework she released earlier this year. He and other key House Republicans are eager to push a new farm bill reauthorization across the finish line this year. A coalition of more than 500 organizations is also calling for farm bill finalization by the end of the year. In a letter sent to congressional leaders, the organizations state that "as committed stakeholders and beneficiaries of the farm bill, we cannot continue to wait for updated policies, provisions, initiatives and critical funding that support our collective interests."

a. Implications of Joe Biden's Reelection Announcement

President Joe Biden's historic decision to end his reelection campaign has drawn questions about whether Congress has the political willpower to pass a farm bill by the end of the year and where his successor's agricultural stances differ (*Bloomberg Government*). After Joe Biden's bombshell announcement last month, a number of top Democrats — including President Biden — quickly endorsed Vice President Kamala Harris to take over the top of the ticket. *POLITICO* reports that, though her native California ranks first in agricultural production, she hasn't been too vocal on any federal ag policy. President Biden has had little-to-no engagement in the farm bill process, and he wouldn't expect its priority level to change significantly under a Harris administration, Senate Agriculture ranking member John Boozman (R-Ark.) spokesperson Patrick Creamer told *Bloomberg Government* in a text message.

b. Alliance Farm Bill Priorities

The Alliance for the past three farm bills has worked with its partners in the Western Agriculture and Conservation Coalition (WACC) to advocate primarily on the conservation programs authorized in Title 2 of the Farm Bill, like the Regional Conservation Partnership Program (RCPP) and the Watershed Protection and Flood Prevention Program (PL-566). The Alliance and its agricultural partners have also advocated for removal of income limitations to participate in Title 2 programs and for provisions that encourage more active management of the West's drying and dying forests. We believe active forest management can increase water yield, improve water quality, provide for jobs, and reduce the cost and danger of firefighting, while increasing forest resiliency. This can be done, in part, by increasing the productivity of national forests and grasslands; employing grazing as an effective, affordable forest and grassland management tool; increasing access to national forest system lands; and expediting environmental reviews to support active management.



## **10. Appropriations Developments and Disappointments**

The House adjourned for August recess after passing H.R. 8998, the FY25 Interior Appropriations bill, but not before cancelling another planned vote on the FY 2025 Energy and Water Development spending bill. H.R. 8998, the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2025 passed the House of Representatives by a bipartisan vote of 210-205. It proposes a \$38.5 billion funding package that aims to bolster wildland firefighting and energy production while making substantial cuts to several Biden administration priorities. Overall, the bill reflects a shift towards enhancing energy production and firefighting capabilities, while reducing environmental protection efforts and slashing key administration initiatives. The bill also increases funding for wildland fire programs and permanently addresses firefighter pay. The Senate's \$44.6 billion version of the FY 2025 Interior-Environment bill marked up last month on a 28-1 committee vote contrasts sharply with the House passed bill, maintaining or increasing funding for key environmental and conservation programs at EPA and the Department of the Interior. This sets up a potential standoff with the House in a conference committee after the November elections.

### **a. House Appropriations Committee Passes Agriculture-Rural Development Bill**

House Appropriators last month passed a \$25.9 billion annual spending measure that would trim agriculture programs in fiscal 2025 while steering them away from addressing climate change. The Republican-written bill, passed on a partisan vote of 29 to 26, would cut agriculture and food safety funding by 1.35 percent, or \$355 million, although individual programs would see much bigger swings — many negative but some with increases. Appropriations Chair Tom Cole (R-Okla.) said the bill would roll back “ill-advised” priorities of the Biden administration. The Agriculture subcommittee’s top Democrat, Sanford Bishop of Georgia, said the bill marks an improvement from deeper cuts proposed a year ago but still takes too much from key programs.

### **b. GOP Cancels Vote on Energy-Water Spending Bill**

House Republican leaders canceled a pre-August recess planned vote on the FY 2025 Energy and Water Development spending bill (funding the Corps of Engineers, Reclamation and Department of Energy) due to opposition from both Democrats and some Republicans. The decision came after hours of amendment debate and has disrupted the House's appropriations process. The bill, H.R. 8997, included controversial provisions to cut federal climate and clean energy initiatives, drawing criticism from Democrats. The \$59.2 billion appropriations bill proposes significant cuts to the Biden Administration’s clean energy programs while increasing overall funding for key agencies. Notably, Reclamation would receive a funding boost to \$1.77 billion—\$329.5 million over the Biden Administration's request. The bill includes a GOP-backed provision to reinstate a Trump-era policy under the ESA) to pump more water to California's Central Valley farmers through the Sacramento-San Joaquin River Delta's ecosystem. The Army Corps of Engineers also sees increased funding for projects addressing inland waterways, flood damage, and harbor maintenance. The bill would provide nearly \$10 billion to the Army Corps in FY 2025, an increase

over President Biden's request of \$2.7 billion. The bill would also direct the Army Corps and EPA to provide additional guidance documents explaining the regulatory scope of the CWA and specifically the latest definition of “waters of the U.S.” (WOTUS).

c. Senate Appropriations Committee Approves FY 2025 Energy and Water Development Bill

The Senate Appropriations Committee has released their Energy and Water Development funding table for the FY 2025 spending bill. The bill was marked-up at full committee last week and would provide \$1,864,550,000 (vs House bill at \$1,773,000,000) for Water and Related Resources for FY 2025 – about \$112.8 million above FY 2024 enacted levels, CalFed at \$33M, CVP Restoration Fund at \$55.7M, and Policy and Administrative at \$66.8M. The House has yet to pass their Appropriations Committee’s version of the bill. FY 2025 Senate bill language includes provisions that would: Reauthorize CalFed, Reclamation States Emergency Drought Relief Act, and Upper Colorado/San Juan ESA Recovery Implementation Program, among other things. Community Project Funding (Earmarks) included in the Senate bill for Reclamation projects in California \$2 million for Salton Sea research. The Senate Committee did not recommend any funding for authorized WIIN Act storage/desal/reuse projects. Notably, Sec. 206 of the FY 2025 E&W bill prohibits federal funding for FY 2025 and prior years for the Shasta Dam and Reservoir Enlargement Project on the Sacramento River.

11. The Messy State of Appropriations

The collapse of the House FY 2025 appropriations process late last month follows the cancellation of votes on other spending bills, indicating a broader struggle for support for the annual spending measures among House Republicans. The House tabled all planned votes for the last week of July to recess one week early for the August recess due to current election year politics. The Senate's approach contrasts with the House's more partisan efforts. Even though the Senate committee has advanced bills with sweeping bipartisan support they have yet to move any to the Senate floor for a final vote. House Republicans, however, have passed several bills through the House, mostly along party lines. The Senate’s final bills avoid the steep cuts and partisan policy riders seen in the House versions of the spending bills, which will make conferencing bills between House and Senate approved versions much tougher. We expect Congress will need to approve a temporary continuing resolution sometime before the end of the current fiscal year on September 30 to keep the government open until after the November elections.

12. House Passes Bipartisan WRDA Bill

In a rare bipartisan effort, the U.S. House of Representatives passed their "Water Resources Development Act of 2024" (WRDA) to improve water infrastructure, curb flooding, and restore ecosystems. The bill, approved on a 359-13 vote, authorizes the Army Corps of Engineers (Corps) for 12 new projects and 159 new studies. Key provisions of the bill include reducing delays in Corps projects, increasing transparency, and facilitating community collaboration for stormwater

reuse and groundwater recharge. The bill also targets navigation challenges at ports, urban runoff, wastewater services expansion, dam safety, and Everglades restoration. Despite some concerns about some provisions said to bypass the congressional spending process, the bill received broad support. The Senate Environment and Public Works Committee had already passed its version of the water projects authorization package in May.

### **13. Legislation Hearing on Draft ESA Reauthorization and Reform Bill**

The House Natural Resources Committee, Subcommittee on Water, Wildlife and Fisheries (WWF) last month conducted a legislative hearing on several bills, including a 38-page discussion draft of a bill amending the Endangered Species Act (ESA). House GOP lawmakers have been drafting proposed changes to the ESA since last year, culminating in the discussion draft set reviewed by the House WWF panel. Spearheaded by Natural Resources Chair Bruce Westerman (R-AR) and Western Caucus Chair Dan Newhouse (R-WASHINGTON), the draft includes measures such as publishing reasons for ESA listing decisions online, analyzing economic impacts, and imposing new limits on critical habitat designations on private lands. It also proposes allowing states to implement their own recovery strategies for threatened species. Although unlikely to pass in the current Senate, these bills highlight potential Republican legislative priorities if they gain more votes in Congress. Mauricio Guardado (who serves on our Advisory Committee) represented the United Water Conservation District (CALIFORNIA) at the hearing, expressing support for the legislation, particularly relative to proposed critical habitat and environmental baseline issues. We assisted Mauricio with his testimony and worked with subcommittee staff prior to the hearing.

### **14. Western Democrats Support Raising Grant Cap for Water Recycling**

House and Senate Democrats are urging Reclamation to increase its funding cap for water recycling projects due to rising construction costs. Led by Sen. Alex Padilla (D-CALIFORNIA) and Rep. Grace Napolitano (D-CA), the lawmakers are advocating to raise the cap on 25% cost shared grants from \$30 million to \$40 million. This push aims to bolster drought resilience in the West by enhancing local water supplies through federal investment in water recycling. In a letter to Reclamation Commissioner Camille Calimlim Touton, nearly 30 Democrats emphasized the need for adjusting the cap for inflation to ensure effective use of federal resources. The current \$30 million cap, set in 2022, was an increase from the original \$20 million limit established in 1996. The lawmakers noted that \$20 million in 1996 equates to approximately \$40 million today, highlighting the need for the proposed adjustment.

## **ALLIANCE INITIATIVES**

### **15. Board Retreat and Pat O'Toole Memorial Service**

While the Republican National Convention was underway, in the days leading up to President Biden's announcement to withdraw from the 2024 presidential election, several of us spent much

of the week in Northern Colorado and Southern Wyoming, participating in the board retreat and attending Pat O'Toole's memorial service at Ladder Ranch.

a. Board of Directors Strategic Retreat

Nearly 20 members of the Alliance leadership team made the trek to Berthoud (COLORADO) for a two-day board retreat, facilitated by recently retired general manager of Southeastern Colorado Water Conservancy District, Jim Broderick. In summary, here's what the board formally authorized on July 17-18:

- Paul Orme (ARIZONA) has been appointed as the new president of the board. Director Mark Hansen (WASHINGTON) was appointed to fill Paul's vacant seat at 2<sup>nd</sup> Vice-President. Don Schwindt will remain in the First VP position. The current slate of officers would serve until next year's annual meeting (October 2025), when officer elections will occur again. The goal is to appoint a longer-serving president who can take over for President Orme, ideally at the October 2025 annual meeting.
- Ea'mon O'Toole (WYOMING) was appointed to fill his father Pat's seat for Wyoming.
- Three committees and one task force were authorized, and chairs designated to recruit additional committee and task force members, the final composition of which will be ratified by the board of directors in September 2024.

The committees and task force will help drive board of directors' succession decision-making on executive director transition between now and October 2025. In the coming year, this will lead to more clearly defined expectations and terms of future board presidents, roles and succession for vice presidents and other officers, election of new vice president(s) and/or other officers, roles and expectations of board members including strategies for board recruitment. The retreat served as a kick-off to begin the board's succession discussion, which will continue until late summer 2025.

b. Pat O'Toole Memorial Service

Nearly 500 friends and family members from across the West (and beyond) made the trip to Ladder Ranch, near Savery (WYOMING) to celebrate the life of Pat O'Toole on July 20. The service was conducted on the front lawn of the Sharon's house, and was officiated by the Reverend Warren Murphy, from nearby Savery. The eulogy was a family affair, co-presented by Pat's daughter Bridget, and granddaughters Siobhan and Maeve Lally. I was honored to present remarks in remembrance of Pat, but I was dwarfed by the political rock stars who also made comments: Governor Mark Gordon, U.S. Senators John Barrasso and Cynthia Lummis, and Wyoming State Senator Larry Hicks. Other political dignitaries in attendance included Reclamation Deputy Commissioner David Palumbo, U.S. Fish and Wildlife Service Director Martha Williams, and BLM Director Tracy Stone-Manning.

Sharon had a collection of Pat's ties for people to choose from. David Palumbo took one back to DC with him, which he wore at a Congressional hearing today. Lots of folks with Alliance ties

made the trip to Ladder Ranch, as well, including over half of the board of directors, and many Advisory Committee members and contractors. It was an emotionally draining, but very productive week. We have lots to do in the coming weeks.

## ADMINISTRATIVE & MISCELLANEOUS

- Alliance Directors and your own William Bourdeau and Cannon Michael are quoted in [this POLITICO article, “Farmers are Planting Seeds”](#), which covers a recent fundraiser for J.D. Vance, hosted by William and his team at Harris Ranch. It’s an interesting take on how the political backdrop has changed in the last four years for our Central Valley farmers.
- At the request of the O’Toole family, the Alliance in March established the [Patrick O’Toole Young Conservationist Scholarship](#) in his memory. This account – which has grown to over \$16,500 - will provide funding for young farmers and ranchers to attend the Family Farm Alliance Annual Conference. The O’Toole family hosted a gathering of Pat’s friends, family and loved ones to celebrate his exceptional life last Saturday at Ladder Ranch, on the Wyoming-Colorado state line near Savery (WYOMING). I was honored to make remarks at the event, along with Wyoming Governor Gordon, U.S. Senators John Barrasso and Cynthia Lummis, and Wyoming State Senator Larry Hicks.
- I’ve accepted an invitation to the Colorado Water Congress summer meeting and will present at “tag-team” Ted Talks-style speech with Mike Wade (California Farm Water Coalition) on food security and Colorado River irrigated ag challenges speak on an August 20 panel in Colorado Springs. I’ll be back in Colorado on September 20 to speak at the Colorado River District’s Annual Water Seminar in Grand Junction. And, I’ll once again take part in the Legislative Roundtable Lunch at the California Agricultural Irrigation Association’s Fall Meeting in Pismo Beach in early September.
- Last month, I was interviewed by a reporter with [Headwaters](#) Magazine, which is running a feature story about key trends in Colorado water. I weighed in on issues regarding preserving irrigated agriculture in Colorado — specifically, ways that irrigated agriculture can be beneficial to the West, and any lessons that municipal water users might be able to learn from agriculture about water use on land. I was also interviewed by the Idaho producer magazine *Ag Proud*, which is putting together a piece about alfalfa. Finally, *Basin Ag News* recently [ran a feature story](#) about my connection to water in the Klamath Basin and the Family Farm Alliance.

*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](mailto:dan@familyfarmalliance.org) if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.*