



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY BOARD
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: APRIL 1, 2024

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 with Western Senators and committee staff, preparing comment letters for Bureau of Reclamation (Reclamation) and U.S. Fish and Wildlife Service (FWS) administrative proposals, engaging with Congress on new legislation, public outreach, and organizational administrative matters. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION

1. Administration Releases FY 2025 Budget Request

The Biden Administration last month released their FY 2025 budget request for the federal government. The budget impacts to those agencies we work with are summarized below.

a. Department of Interior (DOI), Reclamation

The FY 2025 budget request includes a proposed \$17.8 billion for DOI in FY 2025, emphasizing increased funding for tribal programs, climate change initiatives, and various conservation efforts. Notably, the \$1.6 billion budget request for Reclamation includes increased allocations to support the Columbia Basin Restoration Initiative aimed at restoring Pacific Northwest salmon populations. Additionally, the proposed Reclamation budget seeks to address ongoing drought issues in the western United States, particularly along the Colorado River System. DOI funds are

also budgeted amongst the agencies for national parks, wildlife refuges, endangered species conservation, forest management, wildland firefighting, and offshore energy development.

b. Environmental Protection Agency (EPA)

The Biden Administration’s budget request also calls for an increase in the EPA FY 2025 budget to support the President’s climate change legacy and support communities facing pollution challenges. The White House has proposed \$11 billion for the EPA in FY 2025, a significant increase compared to the \$9.2 billion appropriated for FY 2024. The budget aims to enhance EPA staffing levels, environmental justice initiatives, and enforcement efforts. Specifically, it allocates funds for air quality improvement, climate change mitigation, and tackling emerging contaminants like PFAS. The budget also prioritizes water infrastructure and cleanup programs, Superfund site remediation, and efforts to address toxic substances. Additionally, the proposal includes funding for the expansion of the American Climate Corps.

c. Department of Agriculture (USDA)

The administration has requested increased funding for USDA in the next fiscal year to address climate change, farmland conservation, and infrastructure needs. The proposed budget of \$31.6 billion in discretionary spending includes nearly \$12 billion for various climate crisis programs such as clean energy initiatives in rural areas and conservation efforts. The proposal also aims to expand USDA regional climate hubs and increases the budget by roughly \$85 million and hire more workers at the Natural Resources Conservation Service (NRCS) and promote equity conservation agreements for underserved farmers. Additionally, the budget proposal includes funding for climate hubs programs, outreach on climate change effects in agriculture and forestry, and a program to incentivize farmers to plant cover crops. These initiatives are intended to promote the administration's stated vision of creating an equitable and climate-smart food and agriculture economy while addressing the needs of rural America.

d. Army Corps of Engineers (Corps)

The administration has proposed a 17 percent reduction in the Corps budget for water resources work, prioritizing funding for projects focused on climate resiliency, public safety, environmental protection, and economic benefits. The \$7.2 billion budget request for FY 2025 follows a trend of past Administrations proposing cuts to the agency's budget to allocate resources to other policy priorities, expecting Congress to restore funding later. The proposed budget allocates \$930 million for operations and maintenance of locks and dams, and \$1.7 billion for coastal port maintenance—a significant reduction from previous years enacted levels. Notable investments include \$444 million for ecosystem restoration in the Everglades and \$145 million for salmon fisheries recovery in the Columbia River Basin. Additionally, the budget includes a paltry \$13 million for small wetland restoration projects negatively impacted by the Supreme Court *Sackett* decision limiting federal Clean Water Act regulation of streams and wetlands.

The likelihood of Congress fully adopting the Biden Administration's FY 2025 budget request is highly unlikely as lawmakers typically use the President's request as a marker to create their own budget through the appropriations process.

2. Corps: Post-Sackett Wetlands Protections

The Corps has announced plans to safeguard wetlands no longer regulated by the Clean Water Act (CWA) following the Supreme Court ruling in *Sackett v. EPA*. For a wetland to be regulated by the CWA, it must have a continuous surface connection to a regulated "waters of the U.S." or WOTUS. The Corps is planning to utilize existing authorities and resources to conserve what they consider vulnerable water bodies, focusing on ecosystem restoration projects, nature-based flood solutions, and assisting states and tribes with water protection efforts in regions left vulnerable to development because of the Sackett ruling. Despite the impacts from *Sackett*, the Corps will continue to require mitigation for wetland losses in permitted projects. President Biden has in the past emphasized the Administration's commitment to protecting water resources amid concerns over rollbacks to clean water regulations due to *Sackett*. Meanwhile, some states are pursuing new permitting programs to safeguard waterways, while others, like Indiana, have reduced wetland protections under state law.

Elsewhere, the Waters Advocacy Coalition (WAC), representing various industrial and municipal entities, has submitted a Freedom of Information Act (FOIA) request seeking internal documents related to the implementation of the amended final WOTUS rule by the Corps and the Environmental Protection Agency (EPA). The coalition has concerns regarding internal guidance allegedly contradicting the Supreme Court's *Sackett* ruling. The FOIA request specifically targets undisclosed guidance statements from the Corps' headquarters to individual district offices. Industry groups expressed discontent with the agencies' transparency during WOTUS listening sessions, noting concerns over the definition of "continuous surface connection" and its interpretation in the amended WOTUS rule, asserting that the agencies' amended rule fails to adhere to the Sackett decision, particularly by omitting the requirement of wetlands to be "indistinguishable" from navigable waters.

3. Corps: Proposed ASPs for PR&Gs (Principles, Requirements and Guidelines)

Most of you know that the Corps has a presence in the West, although most of our members are more engaged with Reclamation. The Corps' most visible missions include planning, designing, building, and operating navigation locks and dams, flood control and dredging projects, and environmental regulation and ecosystem restoration. As a result of a congressional directive in the Water Resource Development Act (WRDA) of 2007, the Obama Administration's White House Council on Environmental Quality (CEQ) first developed PR&Gs for federal investments in water resources. These PR&Gs were originally intended to accelerate Corps' water project approvals, reduce costs, and support water infrastructure projects with the greatest economic and community benefits. Agency Specific Procedure (ASPs) provide agency specific guidance for identifying

which programs and activities are subject to the PR&G. The Corps has not issued final ASPs to implement the 2013 PR&G. The 2020 WRDA directed the Corps to issue its final ASPs. On February 15, the Corps published a proposed rule that does so.

The proposed rule would change how the costs and benefits of proposed water resource investments would be evaluated, and identify which Corps programs and activities are subject to the PR&G. The proposed rule would adjust cost-benefit assessment criteria for federal investment decision-making to include consideration of ecological benefits, public safety concerns, and environmental justice. Some environmental groups say this effort reflects a deeper understanding of “the true costs” associated with water resource development projects. Others believe that adding such requirements to the water project planning process could hinder and even stop key projects that are needed to meet rising water demands in fast-growing regions of the Nation.

The Alliance was part of a coalition of Western water and power users who sent detailed comments to the Obama Administration in 2015 as DOI was developing ASPs for Reclamation and other DOI agencies. In 2017-2018, the Alliance developed detailed regulatory recommendations to USDA, FWS, National Marine Fisheries Service (NMFS), Reclamation, Environmental Protection Agency, and U.S. Geological Survey. Where applicable, we raised our concerns regarding PR&Gs with each agency. Our letter to the Corps later this month will likely raise similar concerns expressed in these earlier processes. The deadline for comments on the proposal is April 15.

4. DOI, Reclamation: IJA Implementation

The Alliance helped lead nation-wide coalitions in support of Congressional action to advance the IJA and the Inflation Reduction Act (IRA). The IJA includes \$8.3 billion for Reclamation, as part of a proposal advanced by over 230 water, ag and urban organizations. That coalition was led by a steering committee that included the Alliance, Association of California Water Agencies (ACWA), California Farm Bureau Federation, National Water Resources Association (NWRA) and Western Growers. The IJA investment will repair aging water delivery systems, secure dams, complete rural water projects, and protect aquatic ecosystems. The Alliance now wants to ensure that most of these dollars would be spent on-the-ground for the intended purpose. Over the past two years, we worked with a subset of Reclamation leadership, led by the Commissioner’s office, to find ways to make implementation of the IJA - particularly the Aging Infrastructure Account (AIA) and the WaterSMART program - more efficient and responsive to water user concerns.

Reclamation has proposed two new implementing documents that impact use of IJA funds. As previously reported, on February 28, at the request of the Alliance, Reclamation hosted a public outreach session on draft Directive and Standard (D&S) CMP 08-01 (Capital Investment and Repair Needs). Comments were due March 15. Our comment letter focused on concerns regarding Reclamation's use of information provided by project sponsors for transferred work extraordinary maintenance (XM) projects they believe are high priority. If the operating contractor cannot afford the work, this presents potential liability for those contractors.

Comments on draft D&S PEC 05-03, “Funding and Extended Repayment of Extraordinary Maintenance Costs” were due last month,. The Alliance and 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. Overall, we are pleased with the changes Reclamation made to the revised draft PEC 05-03. The revised document shows the changes Reclamation has made to address our concerns regarding the requirement to use a large portion of the contractor’s reserve fund prior to using AIA funds. However, we have remaining concerns in two areas: 1) Contracting and contract requirements; and 2) Eligibility for emergency extraordinary maintenance (EXM). These concerns are further detailed in our March 22, 2024 comment letter.

5. Reclamation: \$28 M for Small Storage Projects in California

Reclamation last month announced a \$35 million investment for six small surface and groundwater storage projects, five of them located in California. The projects, each receiving funding from the Infrastructure Investment and Jobs Act (IIJA), will increase water supply reliability, improve operational flexibility, and enhance community and landscape resilience to the effects of climate change. The Small Storage Program, authorized by the IIJA, funds projects with a water storage capacity between 200 acre-feet and 30,000 acre-feet. Eligible projects completed and submitted a feasibility study to Reclamation for review. Last month’s funding builds upon [\\$20 million](#) announced through the program for projects in 2023. The California projects announced include:

- \$9.1 Million for Rancho California Water District’s Pauba Valley Groundwater Banking Project;
- \$7 Million for Imperial Irrigation District’s Upstream Reservoir Storage Project;
- \$6.7 Million for San Benito County Water District's Accelerated Drought Response Project;
- \$3.9 Million for Groundwater Banking Joint Powers Authority’s Phase 1 of the Kern Fan Groundwater Storage Project; and
- \$1.3 Million for Del Puerto Water District’s Orestimba Creek Recharge and Recovery Project.

More information can be found on Reclamation’s [Small Storage Program website](#).

6. Camille Touton’s Address to Family Farm Alliance Annual Conference

Following our conference in Reno last month, several attendees requested the video of Reclamation Commissioner Touton’s February 22 morning address. It took a while, but here’s the link, which is available on YouTube as an unlisted video at <https://youtu.be/F6OxxV7xzxM>.

7. Administration Finalizes Endangered Species Act (ESA) Rules

FWS and NMFS last month finalized rules that essentially reverse some several important reforms

to the implementation of the ESA promulgated by the Trump administration and supported by the Alliance:

- The “Revision of Regulations for Interagency Cooperation” rule makes changes to how federal agencies must consult with the Services under Section 7 of the ESA. Of particular concern with this rulemaking is it will significantly increase the discretion of both the Services to potentially require reasonable and prudent measures outside the action areas of a project to offset any remaining impacts of the incidental take of listed species, which is a departure from decades of regulatory precedent. In addition, the rule removes the framework that determines whether a consequence of a proposed project is “reasonably certain to occur,” which will remove important considerations from the consultation process.
- The “Listing Endangered and Threatened Species and Designating Critical Habitat” rule makes sweeping changes to how critical habitat can be designated and the process for listing and delisting species under Section 4 of the ESA. Under the proposed changes, the Services would remove the need, when designating unoccupied critical habitat, that “it contains one or more of the physical or biological features essential to the conservation of the species.” This will remove vital certainty for stakeholders as to what may be considered critical habitat.
- The “Regulations Pertaining to Endangered and Threatened Wildlife and Plants” rule (only proposed by USFWS), reinstates the so-called “blanket 4(d) rule.” This goes against the intent of Congress in the ESA that threatened and endangered species should be treated differently because the “blanket rule” gives the USFWS the ability to treat threatened species the exact same way as endangered species. The blanket rule was rescinded by the Trump administration in 2019 and has never been implemented by NMFS.

With that said, some of the 2019 amendments, especially as related to Section 7 consultation and what is and is not part of the environmental baseline, are not meaningfully changed, which is a good thing. It would be an even better thing if NMFS actually followed the regulations. The Services also intend to release a new Section 7 Handbook, where we can likely expect some additional heartburn. Last September, House Republicans introduced [legislation](#) to prevent DOI and the Department of Commerce from finalizing these rule proposals and retain the Trump-era regulations within the ESA.

8. DOI, FWS: Refuge Rule

FWS has proposed a regulation ([2024-02076.pdf](#)) that would establish a policy to prohibit farming and grazing on public lands in the national wildlife refuge system, unless new, extra-statutory criteria are satisfied. This proposal is an update of a policy issued during the last week of the Clinton Administration, and targets, and points to the elimination of longstanding and widespread agricultural practices on those public lands. FWS late last month notified our friends at American

Farm Bureau that the comment period for the proposed regulation is being extended by 60 days. They also said they are happy to take these 60 days to do meetings with interested parties.

We have drafted a comment letter on this proposed rule, which has implications for farmers across the country. We -and many other agriculture and water organizations across the country - are urging that FWS not adopt the proposed regulations. The fact that some of the most litigious anti-farming and ranching organizations are supportive of this regulation speaks volumes. The rule proposes sweeping, self-granted power that is undefined. We believe this will only invite conflict and litigation that would not serve the public interest. Perhaps our biggest concern with the proposed regulation is that the notice of rulemaking recites reductions in wildlife populations and climate change but does not link the specific policy changes to these underlying concerns. In fact, the proposal imbeds a message that we often hear from certain litigious environmental activist groups. While irrigation has increased agricultural productivity in the arid American West, these critics often focus only on how it has altered the natural landscape. We will urge anyone who works closely with federal wildlife refuges to develop letters of their own.

DEVELOPMENTS IN CONGRESS

9. Congress Finalizes FY 2024 Government Funding

Congress last month passed the Further Consolidated Appropriations Act, 2024 ([H.R. 2882](#)). The \$1.2 trillion second “minibus” package covers the Defense, Financial Services, Homeland Security, Labor-HHS-Education, Legislative Branch, and State-Foreign Operations bills. The House passed the bill by a vote of [286-134](#), and the Senate followed, passing the bill [74-24](#). President Biden signed the legislation into law to avoid a partial government shutdown. This comes after President Biden signed into law the first FY 2024 minibus package of six spending bills on Saturday, March 9. With these actions, all federal departments and agencies have full-year funding through September 30, 2024. Congress will now pivot to the Fiscal Year 2025 appropriations process following the release of President Joe Biden’s \$7.3 trillion budget request on March 11. To try to avert a partial shutdown, House Speaker Mike Johnson (R-LA) defied many of the funding conditions House conservatives forced upon former Speaker Kevin McCarthy — resulting in Rep. Marjorie Taylor Greene (R-Ga.) filing a motion to boot him from the speakership during the vote on Friday. Our advocates in Washington, D.C. – The Ferguson Group - published an in-depth analysis of the finalized FY 2024 funding [HERE](#).

10. 2023 Farm Bill

The farm bill is an omnibus, multiyear law that is typically renewed about every five years. The House leadership chaos of January 2023 had wide implications for the farm bill — including holding up work on the bill and complicating its eventual path to passage. Given the delays from the debt ceiling and appropriations negotiations, lawmakers have yet to release the draft text of the Farm Bill legislation in both chambers. Key topics of debate between Democrats and Republicans

include SNAP (food stamp assistance) and funding levels for climate change and rural energy programs.

1. Briefings from House Agriculture Committee GOP Staff

Josh Maxwell, GOP staff director, House Committee on Agriculture earlier this month briefed the Alliance board of directors on the state of play on the 2023 Farm Bill, which was supposed to be passed by the end of September 2023, but now has a deadline that expires at the end of next September. Challenges remain on reaching agreement between Democrats and Republicans on the House and Senate ag committees. House Ag Committee Chairman Thompson thinks that the \$20 billion IRA injected into USDA conservation programs, is the first opportunity for reinvestment. Because of the process used to pass the IRA, this increased conservation funding peaks in 2026 and ultimately all funds expire in 2031. These dollars are limited in use by climate sideboards and federal bureaucracy. Chairman Thompson thinks they should be refocused toward programs and policies that allow farmers to continue to make local decisions that work for them. Ag Committee Republicans believe the IRA's limitation on how conservation money is used works against farmers who benefit from other practices that don't meet USDA's "climate smart" definition.

Of special importance to Chairman Thompson is the Title 1 Safety Net, which has seen a significant decline in spending. There are three areas he is eyeing on how to boost funding for the Title. In addition to the IRA dollars – which he would like to see reinvested into the permanent baseline and research and development, he is looking the discretionary account set up using Commodity Credit Corporation authorities, and the thrifty food plan of SNAP.

Staff hope to see a committee markup before Memorial Day. The Chairman is in “go mode” now and they are pressing to mark up as soon as possible. They are waiting to hear back from the Congressional Budget Office and USDA technical services on a few items, and once that happens, things could break loose any day.

11. House Passes GOP Water Permitting Act

The House last month passed the *Confidence in Clean Water Permitting Act*, (H.R. 7023), on a 213-205 vote, with only two Democrats — Henry Cuellar of Texas and Don Davis of North Carolina — voting in favor and one Republican voting against it, Rep. Morgan Griffith of Virginia. The bill includes modifications to the CWA and was amended on the House floor to codify Florida's wetlands permit program (after a federal judge revoked their authority under the CWA) and to bar Chinese companies from obtaining federal water permits. While the legislation was defended by Transportation and Infrastructure Committee GOP leaders as an improvement to the CWA, Democrats and the White House argue it weakens environmental protections. Amendments also address staffing for federal water permits, permit length for public works projects, and exemptions for certain types of pollutants. However, contentious aspects, such as provisions shielding companies from liability for unlisted pollutants and shifting EPA's system for developing water quality criteria into a formal rulemaking process, drew criticism for potentially endangering

water quality. Despite passing the House, the bill faces opposition from the Democrat-controlled Senate and the White House and is unlikely to become law in this Congress.

IN THE COURTS

12. Alliance Engagement in Western Litigation

The Family Farm Alliance board of directors at our February meeting in Reno authorized that the Alliance sign on to two amicus briefs in cases that have implications for our members throughout the West. The first is *PCFFA v Conant*, which deals with the all-important irrigation return flow exemption under the CWA. The environmental litigants are challenging the exemption, and advancing arguments that would essentially render that exemption meaningless. The briefs filed by Reclamation and the San Luis & Delta-Mendota Water Authority were very good, as was the *amicus* brief we joined, which was filed earlier this month. The *amicus* includes the Association of California Water Agencies, California commodity groups, water purveyors and the Alliance. We think the brief is very good, and this effort was time and money well-spent.

The second case involves Klamath Drainage District's lawsuit with the United States. This is a good appeal and has West-wide implications. It's another classic ESA vs state water right issue. Under the ESA, when an agency is proposing a federal action and there is some discretion involved, ancillary non-federal issues (such as diversion of state-based water rights, which have nothing to do with Reclamation) should not reach into these matters. Our brief focuses on this issue and was two weeks ago in the Ninth Circuit Court of Appeals.

13. Supreme Court Rio Grande Case Could Affect New Western Water Fights

The ultimate outcome of the Supreme Court case argued last month in *Texas v. New Mexico* and Colorado concerning the sharing of the Rio Grande's waters under a 1938 interstate compact, may have broader implications for water management in the West. The ruling could either weaken the federal government's role in managing major waterways or strengthen its authority, depending on the outcome. The Biden Administration's objections to a settlement between Texas, New Mexico, and Colorado underscore the federal government's concerns about its ability to mediate water disputes, especially in river basins with interstate compacts, like the Rio Grande. If the Court upholds the settlement, it could empower states to bypass federal involvement in water negotiations. Conversely, a ruling favoring the federal government could expand its role. The decision's ramifications could extend to issues such as hydropower, tribal water rights, and endangered species protection. The settlement itself proposes a new system for monitoring water usage along the Rio Grande, but its enforcement hinges on the Court's decision. If the case returns to negotiation, the timeline for reaching a new agreement is uncertain.

ALLIANCE INITIATIVES

14. Colorado River Initiative

The Colorado River is a vital water resource in the southwestern United States and northwestern Mexico. It irrigates nearly 5.5 million acres of farmland and sustains life and livelihood for over 40 million people in major metropolitan areas. The Colorado River provides water to two countries, seven western states, 30 Tribal Nations and 40 million residents. It is currently experiencing the longest and worst drought on record, driven by hotter temperatures under climate change. Efforts continue across the Colorado River Basin to find ways to stabilize water storage volumes in Lakes Powell and Mead. Reclamation and water agencies are working to take extraordinary actions to protect the River System. A recent [Reclamation study](#) found that an average of 1.3 MAF of water is lost annually as it evaporates between Lake Mead and Mexico.

1. States Submit Upper/Lower Basin Water Management Proposals

Officials from the seven states sharing the Colorado River presented conflicting proposals to the Biden Administration regarding how to implement necessary cuts amid worsening water scarcity and decades of drought conditions. Both Upper Basin (Colorado/Wyoming/Utah/New Mexico) and Lower Basin (California/Arizona/Nevada) states agree on potential cuts of up to 25% of the river's flows under extreme conditions but disagree on the distribution of the reductions. Disagreements also continue over accounting for water in the Colorado River system, including whether to include smaller reservoirs in the system alongside Lake Mead and Lake Powell.

DOI and Reclamation will review the proposals and work to seek consensus, aiming to draft a long-term operating plan by the end of the year before the current operating guidelines expire in 2026. The Upper Basin's plan suggests imposing cuts on the Lower Basin, while the Lower Basin's proposal advocates for shared cuts across all states. Despite the gap between the plans, basin state officials express a willingness to collaborate towards a common solution, recognizing the need for collective action to address the long-term challenges facing the Colorado River Basin. Last week, the Biden Administration released a [final Supplemental Environmental Impact Statement](#) (SEIS) for the near-term interim pre-2026 operation of Glen Canyon and Hoover Dams to address the ongoing drought and impacts from chronic water shortages in the Basin. The identified preferred alternative reflects a historic, consensus-based proposal secured in partnership with the seven Basin states that will lead to at least 3 million acre-feet of system water conservation savings through 2026, when the current guidelines expire.

2. New “Sustainable Waters” Study

Many of you likely saw the piece last week in the *Los Angeles Times*, where Bruce Babbitt and noted water speculator Brian Richter spotlight a [recent study](#) led by Richter that finds that more than half of the Colorado River's total annual water flow is being used to irrigate agricultural land: [Hay consumes a vast share of the Colorado River's water - Los Angeles Times \(latimes.com\)](#).

Brian Richter - the star of this story – is now president of Sustainable Waters, a “global water education service”, and senior freshwater fellow at the World Wildlife Fund. The study was originally published in [Research Communities by Springer Nature](#). His press release was picked up not only by the LA Times, but also the *Salt Lake Tribune*, *High Country News*, ABC News, *Newsweek*, NPR, and KNAU Arizona Public Radio.

Mr. Richter is also tied to the water speculation sector. In January 2021, an [article in the New York Times](#) focused on the Colorado River and included quotes from James Eklund, who works for Water Asset Management (WAM), which favors a market-driven approach to water distribution in the West. Mr. Richter – another WAM associate - shortly thereafter wrote this guest column: [Western Slope needs to suspend irrigation to avert water shortage catastrophe](#) that was published in the *Denver Post*. The Family Farm Alliance and others responded with guest columns of their own, including this one: [Lasting Colorado River solutions come from Main Street – not Wall Street](#), co-authored by Scott Yates (Director, Western Water & Habitat Program, Trout Unlimited), Taylor Hawes (Colorado River Program Director, The Nature Conservancy), and yours truly. The *Denver Post* also ran this response: [Collaboration will protect the Colorado River from drought and speculation alike](#) from Rebecca Mitchell, Colorado’s current Colorado River Commissioner and director of the Colorado Water Conservation Board. Colorado Commissioner of Agriculture Kate Greenberg penned this response: [Big Money eyeing Colorado’s Water](#), which was picked up by *Colorado Politics*.

We’re working with our members and allies in the Colorado River Basin to assess how to best respond to this latest attack on alfalfa and hay production.

3. Steve Benson Guest Opinion

The *San Diego Union Tribune* last month ran an [opinion piece](#) written by Alliance Director Steve Benson on solving the Colorado River crisis. Steve is also the president of IVH2O, an organization of producers in the Imperial Valley. California Farm Water Coalition (CFWC) worked with Steve and the *Tribune* to get the column published. Steve’s personal view is one of many held by Alliance members, who operate in all 7 Basin states. 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”.

15. Farm Water Communications Team Reunites

CFWC has reinitiated its scheduled communications conference calls, something we participated in regularly, particularly during the last drought. In the past, these calls have been a valuable tool for sharing water-related information with the purpose of supporting a unified voice on California

agricultural water issues. Prior calls have addressed issues in every region of the state and CFWC strives to identify the best voices available for discussion on important water topics. CFWC has been a great and effective partner to the Alliance in recent years, co-leading the *Wall Street Journal* food security ad and co-authoring our “Alfalfa 101” paper later that year. On last week’s call, CFWC staff summarized new media products they have developed to help better educate the public on food security matters. One product is a menu that shows how many gallons of water goes into each course that you eat during the day. Another is an excellent map of California, showing the amount of water that is consumed in the production of food and fiber. The other shows where those products are being consumed (i.e., the cities).

In this election year, where voters’ top concerns are the economy, jobs and inflation, we may never have a better opportunity to educate the public on where their food comes from. There appears to be agreement that we need to begin having more public conversations about the degree to which mandates and regulations are contributing to rising food costs, which is by far the top concern expressed by voters relative to inflation. It was noted that farmers across the world are making their voices heard through protests and organized political actions and achieving success in defeating misguided policies that harm food production. Meanwhile, we’re losing small and medium-sized farms, according to the latest USDA census.

NEWS FROM AROUND THE WEST

20. Klamath River Basin (CALIFORNIA/OREGON)

On February 15, the Klamath River Renewal Corporation (KRRC) announced the completion of the initial drawdown phase in the timeline for the Klamath Dam removal. The draining process for the Iron Gate, Copco, and JC Boyle reservoirs has allowed restoration crews to begin revegetation seeding work on the 2200 acres of exposed reservoir area. The facilities are expected to refill during spring runoff as the river retraces a path through the reservoir footprints. KRRC plans to begin demolition of Iron Gate, Copco, and J.C. Boyle Dams in May. They plan to breach the cofferdams for each dam in August, reconnecting Klamath river flows permanently. Meanwhile, the Siskiyou County Board of Supervisors proclaimed a local emergency last Tuesday and requested that the governor proclaim a state of emergency based on water quality concerns in the Klamath River as the four dams are being removed. Many residents spoke during public comment periods during the nearly six-hour meeting, expressing concerns about fish killed as the reservoirs were drained, deer trapped in mudflats and potential human health issues.

Mostly sailing under the media radar in recent weeks was the report that an unknown number of the 830,000 young Chinook salmon released from a new hatchery were found dead, their eyes bulging, in a federal sampling trap about 9 miles below Iron Gate Dam. State officials called it “a large mortality,” but said there’s no official count yet and released no additional details about the size of the die-off. California’s fish and wildlife officials said they suspect “gas bubble disease,” is to blame — possibly caused when the salmon traveled through a 9-foot-wide tunnel out of Iron Gate dam to reconnect with the Klamath downriver. Few seem to have picked up on the latest twist

regarding the juvenile fish killed. There are reports that the tunnel at the base of Iron Gate is experiencing unforeseen cavitation, due to the failure of a 45-foot section of air vent pipe in January. The vent pipe had been installed as a precautionary measure. KRRC's letter disclosing this failure dated January 19 was not received by FERC until February 26 and not publicly disclosed until March 11. Some are speculating that if CDFW biologists had known that the tunnel was experiencing cavitation due to the loss of the air vent, the decision to release the fish might have been different.

ADMINISTRATIVE & MISCELLANEOUS

- Last month, I had a phone conversation with Travis Brammer, Director of Conservation with the [Property and Environment Research Center](#) (PERC). Travis joined us in Reno for our February conference, and we've had a constructive relationship with his organization for nearly two decades. He wanted to give me a heads up that he was co-authoring a report on groundwater conservation easements. In Colorado's San Luis Valley, the creative use of a conservation easement to reduce groundwater pumping has attracted national attention as a more tailored alternative to traditional water-savings programs, as it allows farmers to choose how they achieve agreed-upon water reductions. Its recent implementation in Colorado is motivating efforts to apply similar approaches to other areas with overdrafted aquifers. Anyway – you can download it [HERE](#).
- The steering committee set up to prepare for our July board of directors retreat in Northern Colorado has developed a conceptual strategy to move forward in the weeks ahead. Also - a date has been set for long-time Alliance President Pat O'Toole's memorial service at Ladder Ranch, near Savery, WY: Saturday, July 20. A fireside chat will take place the evening before, to share stories about Pat's amazing life.

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.