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**MEMORANDUM**

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**TO:** SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS  
**FROM:** DAN KEPPEL, EXECUTIVE DIRECTOR  
**SUBJECT:** UPDATE REPORT  
**DATE:** AUGUST 1, 2022

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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 preparing for multiple Congressional hearings, working with Congressional staff on hearings and draft legislation before Congress heads home on August recess, and expanding public outreach associated with global food insecurity and the importance of Western irrigated agriculture. These issues and other matters important to our members are further discussed in this memo.

**BIDEN ADMINISTRATION DEVELOPMENTS**

**1. U.S. Department of Agriculture (USDA): Central Oregon Ribbon Cutting**

U.S. Senator Jeff Merkley (D-OR) and Robert Bonnie (Under Secretary of Agriculture for Farm Production and Conservation) traveled to Central Oregon last Friday to celebrate the completion of Three Sisters Irrigation District's (TSID's) 25-year effort to modernize its water delivery system. We had a strong presence at this event and directly engaged with the Senator and the Under Secretary at a one-hour roundtable meeting to discuss the importance of the Watershed and Flood Prevention Operations program (WFPO). Modernization improvements include piping the district's 64 miles of canals, installation of a Farmers Screen horizontal fish screen, on-farm improvements, and the implementation of fish-friendly. These efforts have transformed the district into one of the most modernized of Oregon's approximately 40 irrigation districts.

The event – hosted by Energy Trust of Oregon, Farmers Conservation Alliance (FCA), TSID and the Natural Resources Conservation Service – was organized to showcase the agricultural, environmental, energy, economic, and community benefits of irrigation modernization and the

broad collaboration between the many groups and organizations that made the work possible. Following the ribbon-cutting event, Senator Merkley and Under Secretary Bonnie met with Alliance Director Marc Thalacker (TSID's manager), two local irrigation district managers who also serve on the Alliance Advisory Committee, and myself to discuss concerns and opportunities associated with WFPO implementation. The roundtable event provided a tremendous opportunity for the Alliance and our Central Oregon members to share firsthand experience working with WFPO and how the program has advanced projects that implemented multiple benefits for farmers and the environment. Part of the conversation also focused on ways to improve WFPO to support future modernization projects in the Western United States.

WFPO funding is critical for supporting the modernization of irrigation water delivery infrastructure at scale. This is a program that Alliance members have put to use to replace leaking, open canals with pressurized pipes, and overall improving agricultural water security. The program's funding is becoming increasingly competitive because of the scale of need in modernizing agricultural infrastructure. [CLICK HERE](#) for info about irrigation modernization.

### **3. White House Releases Report on Breaching Lower Snake River Dams**

Last month, the Biden White House released a new draft scientific report from NOAA finding that breaching the four lower Snake River dams in Washington State would be "paramount" in restoring salmon runs in the Pacific Northwest, but did not endorse the action. The reports were released by the White House Council on Environmental Quality (CEQ). The White House also referenced a second report, commissioned by the Bonneville Power Administration (BPA), that found that removing the four dams could result in annual costs of as much as \$860 million by 2045, and increase household electric bills by as much as 18 percent in that same period. That analysis found that breaching the four federal dams would require other energy sources to replace between 2,300 and 2,700 megawatts of non-carbon emitting base-load power which could increase greenhouse gas emissions in the short term. House GOP lawmakers led by Washington Rep. Dan Newhouse and Northwest agricultural groups argue against the removal of hydropower on the Snake River, arguing it would harm the local economy.

### **4. Biden Administration and House GOP Take on Reforestation, Wildfire Challenges**

As wildfires this summer burn at double the 10-year average, the Biden Administration announced a series of actions intended to plan for and mitigate wildland fire risks, expand reforestation and nursery capacity, and implement climate adaptation strategies. House Republicans, meanwhile, hosted a forum on water on wildfire prevention and long-term forest health.

#### **a. USDA Announces New Reforestation Strategy**

Agriculture Secretary Tom Vilsack last month announced a strategy for how the Biden Administration, through the U.S. Department of Agriculture (USDA), will address a reforestation backlog of four million acres on national forests and plant more than one billion trees over the next

decade. With new resources made available through the Infrastructure Investments and Jobs Act (IIJA), combined with support from state, local, and Tribal governments as well as other partners, the Forest Service aims to eliminate the backlog over the next 10 years and develop the infrastructure, such as nurseries, to keep up with increasing needs. According to Forest Service Chief Randy Moore, the reforestation strategy will serve as a framework to understand reforestation needs, develop shared priorities with partners, expand reforestation and nursery capacity, and ensure the trees planted grow to support healthy, resilient forests.

b. Sec. Vilsack Rolls Out \$1 Billion Community Wildfire Defense Grant Program

Secretary Vilsack on July 26 launched a new \$1 billion Community Wildfire Defense Grant program. This new, five-year, competitive program funded by the IIJA is designed to assist at-risk communities, including Tribal communities, non-profit organizations, state forestry agencies and Alaska Native corporations with planning for and mitigating wildfire risks. The program launch comes at an important time as shifting development patterns, land and fire management decisions, and climate change have turned fire “seasons” into fire “years” with increasingly destructive fires. Applications will be available in the coming days. Secretary Vilsack made the announcement during his keynote address at the Western Governors’ Association’s 2022 annual meeting where discussions focused on wildfire threats, restoring burned landscapes and drought in the West.

c. GOP Wildfire and Forest Health Forum

Rep. Westerman has championed his own legislation that would improve national forest health and mitigate wildfire risk, such as the [\*Trillion Trees Act\*](#) and the [\*Resilient Federal Forests Act\*](#). Some Western House Republicans claim congressional Democrats have advanced no meaningful action on wildfires this Congress. They joined Rep. Westerman at a July 21 forum to hear from witnesses on the impacts of catastrophic wildfire and the need for long-term forest health.

d. Forest Service Employs Emergency NEPA Powers to Protect Giant Sequoias

Just days following the GOP forum, the Forest Service announced it would use emergency powers under the National Environmental Policy Act (NEPA) to take immediate action on protecting Giant Sequoias, as first proposed by the bipartisan Save Our Sequoias (SOS) Act. The SOS Act was introduced by Rep. Westerman (R-Ark.), and a bipartisan group of California Congressmen on June 23. The bill sponsors believe the announcement from the Forest Service helps change the trajectory by activating emergency authority to streamline the NEPA reviews.

a. Alliance Meeting with Forest Service Chief Moore

Family Farm Alliance President Pat O’Toole recently had a very frank conversation with U.S. Agriculture Secretary Tom Vilsack about the U.S. Forest Service’s inability to move forward with large-scale forest restoration projects. In meetings with leaders of various land management agencies such as the Forest Service, Bureau of Land Management and U.S. Fish and Wildlife

Service, Mr. O’Toole said managers are saying they have “so much money and don’t know how to spend it.” Mr. O’Toole is working to bring the Family Farm Alliance and other partners together on a project called the Headwaters of the Colorado River Project. Planned activities would include forest thinning, strategic burning and aspen regeneration.

One hour after hanging up with the Secretary, Mr. O’Toole received a phone call from Forest Service Chief Moore, who later in the month participated in a one-hour discussion with Alliance representatives, spokesmen from Solutions from the Land, and other senior level Forest Service officials. Discussion focused on what would be needed to kick-start meaningful, large-scale forest restoration work in Colorado River and other Western headwater areas. Mr. O’Toole has planned a tour of the project with Chief Moore, state forestry officials from Colorado and Wyoming, project partners, and elected officials in mid-August.

## **DEVELOPMENTS IN CONGRESS**

### **6. Senators Manchin, Schumer Introduce “Inflation Reduction Act of 2022”**

After holding back support for a massive reconciliation package for months, Senator Joe Manchin (D-WV) buoyed the hopes of Congressional Democrats last month when he and Senate Majority Leader Chuck Schumer (D-NY) announced an agreement that would provide \$444 billion for climate and health care programs. The new agreement includes over \$20 billion for “climate smart agricultural practices, with most of the money going to USDA conservation programs that focus on reducing greenhouse gases, improving soil carbon or reducing nitrogen losses.

#### **a. All Eyes on Senator Sinema**

Democrats are using a process called budget reconciliation that allows a bill to advance in the Senate with a simple majority, rather than the 60-vote supermajority usually needed. To become law before the Senate escapes for its August break, the proposed reconciliation package needs all 50 Democrats and a tie-breaking vote from Vice President Harris as well as approval by the House. Many Senate Democrats have signaled they will support the deal, but one key Western moderate – Krysten Sinema (D-ARIZONA), who has opposed past reconciliation moves (e.g., President Biden’s “Build Back Better” plan) - is holding out until she has studied the legislation. In past public statements, Senator Sinema has repeatedly said that she has opposed tax increases that she thinks would harm U.S. economic growth.

#### **b. “Recession”...or not?**

The plan was also announced within days of new data released by the Commerce Department showing that the U.S. gross domestic product (GDP) shrunk for the second-straight quarter this year. GDP fell at a yearly pace of 0.9 percent. Two straight quarters of negative economic growth have been used as an indicator to determine when the U.S. is in recession and is the formal threshold for a recession in other countries. President Biden sought to reassure the country that the

economy is not currently in a recession, pointing to claims of strong job creation and wages in the first half of the year. Republicans blasted the new plan, saying it will only cause further financial pain to Americans, especially in light of the trillion-dollar coronavirus relief package and infrastructure bills passed by Congress last year. However, a number of Democrats say they think passing a reconciliation bill that increases taxes on some high earners would help reduce inflation.

c. What About the Western Drought?

Many regions in the Western United States are currently facing the worst drought in the last 1,200 years, a crisis that was the topic of a critically important Energy and Natural Resources Committee hearing conducted by Chairman Manchin in June. The result of this drought is starkly apparent in the millions of acres of unplanted farmland, depleted reservoirs, and water restrictions for millions of Western homes and businesses. A coalition of Western agriculture and water organizations – including the Family Farm Alliance- sent a letter to Senate leaders last Friday, expressing “surprise and concern” about how legislation aimed at climate change fails to include meaningful provisions to address water security and emergency drought response. None of the nine organizations signing the letter – which also included the Agribusiness and Water Association of Arizona, ACWA, National Water Resources Association, Western Growers Association, and four Western state Farm Bureaus – have formally supported the *Inflation Reduction Act*. The overall reconciliation proposal being considered will impact our members in different ways and our positions on the legislation vary. Nevertheless, if a reconciliation package is considered- Congress needs to include provisions to provide immediate drought relief to the Western United States.

**7. Senate Passes WRDA**

The Senate on June 28 passed the bipartisan *Water Resources Development Act of 2022* (WRDA), which authorizes key Army Corps of Engineers (Corps) projects and studies to tackle water resources challenges across the country. The bill also makes important revisions to the Civil Works policies and programs of Corps to increase the agency’s responsiveness to national and local priorities. The WRDA legislation would provide the Army Corps of Engineers with new climate-focused policies and authorize about \$37 billion worth of new water and environmental projects. Recent versions of WRDA have also included provisions for Bureau of Reclamation projects, something the 2022 WRDA does not provide. The 2022 WRDA being advanced in each chamber of Congress are more Corps-centric, although there are provisions that focus on the Western U.S. The Senate WRDA legislation S. 4137 was unanimously approved by the Senate EPW Committee earlier this year. The House last month passed their version of WRDA that differs from the Senate version, so it will be amended by the Senate vote to reflect those changes. The House must then take up and pass the Senate version once approved to send it to the President’s desk.

**8. House Democrats Pass Large Drought, Wildfire Package**

House Democrats late last month passed the "Wildfire Response and Drought Resiliency Act," H.R. 5118, a package of 48 bills related to wildfire, forest management and drought. One

Republican, Pennsylvania Rep. Brian Fitzpatrick, voted in favor of the bill, while Oregon Rep. Kurt Schrader was the only Democrat to oppose it. The authorizing legislation would boost spending on wildland firefighting, forest management projects that make federal forests more fire resilient, and several near-term water projects like reuse, recycling, desalination, and conservation to increase drought resiliency in the West. Over 40 amendments were filed with the House Rules Committee, but only a handful were approved for consideration prior to the floor vote.

House Republicans believe the package fails to increase the pace and scale of critical forest management projects to reduce wildfire risk and does not deliver regulatory streamlining or construct the kind of long-term infrastructure needed to make communities resilient to drought. Committee Republicans also believe H.R. 5118 does nothing for long-term water solutions in the West, where much of the nation's food supply is produced. While the House package passed along mainly party lines, it faces an uphill battle in the Senate, although parts of the bill may become part of a future negotiated bipartisan House-Senate natural resource title later this year.

#### **9. Senate ENR Committee Passes Four Western Water Bills**

The Senate Energy and Natural Resources (ENR) Committee last month marked up a handful of Western water bills that were passed by a voice vote. The Family Farm Alliance has been engaged in the development of several of these bills over the past 18 months:

- S. 2693 (Padilla, CA) is a bill to authorize projects related to the Salton Sea. Senators Barrasso (R-WYOMING) and Hickenlooper (D-COLORADO) offered an amendment that would extend Colorado River Drought Contingency Plan conservation authorities.
- The committee also passed by a voice vote S. 3450 (Daines, MT), a bill to authorize the construction, operation, and maintenance of facilities in the Sun River project, Montana, for the purpose of hydroelectric power generation.
- S. 4176 (Risch, ID) was also approved by the committee. It would amend the Infrastructure Investment and Jobs Act (IIJA) to modify the eligibility requirements for certain small water storage and groundwater storage projects and to authorize the use of funds for certain additional Carey Act projects, and for other purposes. The Alliance has been advocating to expand the eligibility of this program to include reregulating reservoirs by changing the minimum reservoir capacity size from the 2,000 AF limit (as directed in the 2021 IIJA) to 2 AF. The amendment proposes a minimum of 200 AF. This change should allow most of the expensive re-regulating reservoirs to qualify while pushing the smaller projects to WaterSMART and other programs.
- H.R. 5001, an act to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, also passed the committee. The Alliance worked with the offices of Senator Hickenlooper and Romney (R-UTAH) to help secure bipartisan leadership on this bill.

S. 2568, a bill introduced by Rep. Cortez-Masto (D-NEVADA) to establish the Open Access Evapotranspiration (OpenET) Data Program was pulled from the markup, in part due to concerns raised by the Family Farm Alliance and other Western agricultural organizations. S. 4233 (Barrasso, WY) is a bill to amend the IJJA to provide for critical maintenance and repair of certain Bureau of Reclamation reserved or transferred works, was also withdrawn from the agenda but will likely be marked up this fall. We've also been working Senator Risch's office on another bill that would incentivize addressing aging canal reaches in urbanizing areas. That is still in the running for a markup in the fall, so stay tuned.

#### **10. House Passes First FY 2023 Spending Minibus**

The House last month passed a \$402 billion, six-bill appropriations minibus, H.R. 8294, which contains the FY 2023 Interior-EPA, Energy-Water, Transportation-Housing and Urban Development, Agriculture-Rural Development, Financial Services-General Government, and Military Construction-Veterans Affairs spending bills. The final vote was 220-207, along party lines. GOP members offered numerous amendments to decrease spending levels and add policy riders, but all were defeated by House Majority Democrats. House leadership is hoping to pass another spending package soon that could include the Commerce-Justice-Science, State-Foreign Operations, and Labor, Health & Human Services-Education spending bills. Defense and Homeland Security bills are expected to be delayed due to disagreements over spending levels and immigration policies.

The Senate, meanwhile, has yet to move any spending bills but Majority Democrats released their draft versions of FY 2023 spending bills last month, since no bipartisan agreement has been reached between House and Senate Democrats and Republicans on overall FY 2023 spending levels. We expect a temporary continuing resolution to be taken up before the end of the fiscal year on September 30, 2022 to allow the government to continue to function.

### **JUDICIAL DEVELOPMENTS**

#### **11. SCOTUS 'Major Questions' Ruling Opens EPA to Future Rule Challenges**

The Supreme Court of the United States (SCOTUS) used the "major questions" doctrine in its June 30 6-3 decision in *West Virginia v. EPA* that limited the EPA from mandating energy sources that reduce greenhouse gas emissions to combat climate change. The ruling was cheered by many in the business, industry and agricultural communities, as well as Republican lawmakers. The decision could open the door to other future rule challenges at the agency. The major questions doctrine essentially would push to the courts any agency decision that is either not explicitly backed by statutory language in the law or that fundamentally changes the statute, putting many agency regulations at risk of litigation and nationwide injunctions.

One case that could be impacted by the SCOTUS' use of the major decisions doctrine is in *Sackett v. EPA* over how to define "waters of the U.S." that would set the reach of federal agency jurisdiction under the Clean Water Act. *Sackett* is scheduled to be heard by the SCOTUS on October 3 of this year. The Alliance joined several other national agricultural organizations in an amicus brief in support of the plaintiffs that was submitted to the Court earlier this year.

## ALLIANCE INITIATIVES

### **12. Food Insecurity Public Relations Campaign**

Driven by concerns of rising food prices and the Russian invasion of Ukraine, the Family Farm Alliance board of directors at its meetings in Reno last February prioritized the need to improve communications on what rising inflation and the Ukraine crisis means to American consumers. Now, record global hunger is on the rise. Searing temperatures have destroyed 70% of the crops in Italy's Po River Delta. Millions in Sri Lanka face a food crisis largely driven by policies enacted by its own government. Similar policies have triggered farmers in The Netherlands to revolt against their government. Back in the Western U.S., development and well-funded environmental groups are buying up agricultural lands and taking them out of production. The drought is hurting farmers and ranchers across the West, and the Nation's #1 agricultural economy in California is getting hit especially hard, due in part to government policies that are crippling its food production capability.

The Alliance in the past month continued its efforts to educate the public and policy makers, as global realization of the looming food crisis grows every day. The Global Agricultural Productivity (GAP) Report in 2010 first quantified the difference between the current rate of agricultural productivity growth and the pace required to meet future world food needs. That report predicted that total global agricultural output would have to be doubled by the year 2050 to meet the food needs of a growing global population.

#### a. Record Hunger on the Rise

Last month, the State of Food and Nutrition in the World 2022 (SOFI) report showed that after years of seeing global hunger numbers drop, it is back – and at record levels and rising. The report shows that an unprecedented count of up to 828 million people went hungry in 2021, an increase of 46 million from the previous year and a leap of 150 million people since the start of the COVID-19 pandemic. World leaders fear global price spikes in food, fuel and fertilizers will lead to widespread famine, prompting global destabilization, starvation and mass migration on an unprecedented scale.

Italy's Po River observatory has reported that the waterway is suffering its worst drought since 1952, *Forbes* reports. Italian Authorities told CNN that "70% of the crops are gone" in the Po River Delta. The river basin accounts for about 30 percent of Italy's national agricultural output by market value.

Sri Lankan President Gotabaya Rajapaksa fled the country last month, just days after thousands of protesters stormed his residence over the nation's crippling economic crisis. This came after months of demonstrations against Sri Lankan officials as the South Asian country grapples with severe food and fuel shortages and skyrocketing inflation. Canadian Broadcasting Association reports that domestic food production also took a hit by the government of Sri Lanka's April 2021 decision to ban the importation of chemical fertilizers and agrichemicals, including herbicides and pesticides, in an apparent shift to organic agriculture. But the move was abrupt, with no plan to import organic fertilizers and no boost in domestic production. By the time the ban was partially reversed in November, farmers reported a 40 to 50 per cent loss in rice paddy crops. Fruit, vegetable and tea crops also suffered. The cost of chemical fertilizer has also risen dramatically since that time, amid a global shortage, leaving farmers in the lurch.

b. When Farmers Revolt

Farmers in the Netherlands are taking to the streets in anger, protesting sweeping environmental policy change that threatens to upend the extraordinary agricultural productivity of the tiny country, which ranks second only to the U.S. in global exports. Amazingly, the Netherlands accomplished that impressive output with a land base that is approximately 270 times smaller than that of the U.S. – roughly one-third the size of Wisconsin. In December 2021, the Netherlands Environmental Assessment Agency released a 13-year, 25-billion-euro plan to cut nitrogen oxide and ammonia emissions by 50% by 2030. The plan in its current state would reduce the Netherlands' population of cattle, pigs, and poultry by roughly 30%. The potential methods of doing so include voluntary buy-outs, relocation, and even expropriation – forced sale of emission rights and even land itself to the state (*Dairy Herd Management*).

Farmers have taken their frustrations to the streets by blocking highways, storming a provincial assembly and driving a caravan of tractors into the heart of the country's administrative and capital city, The Hague. The protests have ensued for nearly three years, with a massive “freedom convoy” of trucks, tractors, and other farm implements currently rolling across the country.

c. Development, Eco Groups Taking U.S. Ag Lands Out of Production

Back in the U.S.A., a bewildering set of forces appear to be aligned against keeping domestic agricultural lands in production. *Western Farmer Stockman* recently reported on the latest study from American Farmland Trust (AFT) which shows that two Western states are paving over and compromising productive farmland at the fastest rate in the U.S. In a recent report titled “Farms under threat 2040,” Arizona and California top the list of states that continue to face high urbanization rates and the impacts of climate change. According to the AFT report, Maricopa County, Arizona – which includes Phoenix and its many suburbs - is losing farmland at a faster rate than any other county in the nation. Late last year farmers in at least one Pinal County water district south of Maricopa were warned that their irrigation allotments would be cut by over 50% because of declining levels at Lake Mead and curtailments of access to irrigation supplies through

the Central Arizona Project. In California, Riverside and San Bernadino counties are said to be the two fastest in the state to be losing farmland. Fresno County, the nation’s leading agricultural county by gross value, is in third place, and the 17<sup>th</sup> fastest in the nation.

Elsewhere, the American Prairie (AP), a conservation project in Montana, has quietly scooped up more than 450,000 acres of land with the help of its billionaire donors and the federal government, *Fox News* recently reported. The group has recorded 34 transactions spanning roughly 453,188 acres of land throughout central Montana — much of which were once used for farming and grazing — since 2004 and continues to aggressively expand. The vast majority of locals throughout the surrounding counties who have looked after and conserved the land for decades are opposed to the AP's plans. The region is almost entirely dependent on the agriculture industry.

d. Drought Impacts to the Nation’s #1 Ag Economy

Nearly the entire state of California, which has the nation’s largest agricultural economy by far is currently in the “severe” drought category or worse, and three-quarters is experiencing “extreme” to “exceptional” drought, according to U.S. Drought Monitor. California’s agricultural economy last year shouldered \$1.2 billion in direct costs due to drought. California Farm Water Coalition estimates that up to 690,000 acres of California farmland will go fallow this year.

e. Western Drought Policies Hurt Western Food Production

Undoubtedly, the Western drought has reduced the amount of water for many users, including irrigated agriculture. However, in places like California and Oregon, much of the water that once flowed to farms and ranches is currently being re-directed by the federal government for environmental purposes. In other words, federal water policy is shutting down water availability for hundreds of thousands of acres of productive farmland. At a time when the future of Ukraine’s ability to help feed the outside world is at risk, our ability to increase productivity is being further curtailed. The grim global hunger conditions we once expected to encounter in 2050 may now hit us decades sooner.

f. Family Farm Alliance Engagement

Family Farm Alliance leaders continue to advocate for Western irrigated agriculture and American food security. The Alliance in March released a brief report – “A Wake-up Call to Our National Leaders from an American Rancher” – which further describes current and projected food shortages resulting from the Russia-Ukraine war. Alliance President Patrick O’Toole emphasizes that food security is something that Alliance leaders have warned policymakers about for over fifteen years. Mr. O’Toole – who was recently inducted into the Wyoming Agriculture Hall of Fame, along with his wife Sharon – last month participated in the closing panel of the University of Arizona’s Water Resources Research Center (WRRC) 2022 Annual Conference, *Arizona’s Agricultural Outlook: Water, Climate and Sustainability*. A video of the conference proceedings can be accessed by the public on the [conference website](#).

July was Smart Irrigation month, and Jim Lauria (Mazzei Injector Company) and Adam Tank (Transcend Water) conduct an interview with yours truly, entitled “Expanding Your Solution Story To Reach Diverse Stakeholders”. This was the second in the Smart Irrigation Voices series, sponsored by Water Online. We discussed a variety of topics on the podcast “Water We Talk About?”, including why food security starts with water security. I’ll also be addressing food security concerns in my keynote speech to the Arizona Agribusiness and Water Council annual conference in Phoenix in September.

### **13. Crisis on the Colorado River**

Colorado River Basin states and water users in the past month have been both posturing and scrambling to find ways to respond Bureau of Reclamation Commissioner Camille Touton’s June 2022 message to a Senate Committee: the seven states must come up with an emergency deal by mid-August to conserve between 2 and 4 million acre-feet of water in the next year in order to protect the entire system. If unsatisfied with the voluntary commitments, Reclamation and the Interior Department are prepared to use their federal authority to implement mandatory water conservation actions, Commissioner Touton said before the Senate Energy and Natural Resources Committee last June. Additional federal resources are being brought to bear in the Colorado River Basin and other parts of the West as the Army Corp of Engineers is now poised to delve into the Western "drought resilience" arena. Assistant Secretary of the Army for Civil Works Michael Connor last month issued an order that directs the Corps to submit a report within 45 days detailing ongoing, planned, and additional potential civil works projects addressing drought impacts.

#### **a. Grim Hydrology**

The Lower Basin has experienced Tier 1 shortages cutting water supply deliveries to Arizona (-18%) and Nevada (-7%) beginning last year. Reduced Colorado River flows are evident in record low levels in the Lake Powell (backed up by Glen Canyon Dam) and Lake Mead (behind Hoover Dam) reservoirs. Lake Powell is now at 28% of its 24 million acre-ft. In March, water levels fell below elevation 3,525 feet for the first time. If the lake drops just another 32ft, Glen Canyon Dam will no longer be able to generate power for the millions of Westerners who rely on it. Commissioner Touton told the Senate ENR Committee that shortages on the Colorado River system need at least 2 million acre-feet of reduction in water use by 2023 just to keep Lake Mead functioning and physically capable of delivering drinking water, irrigation and power to millions of people. Wyoming rancher and Family Farm Alliance President Patrick O’Toole told the Senate committee that farmers and ranchers are always the first ones asked to make sacrifices.

#### **b. Lower Basin State Efforts**

In the Lower Colorado River Basin, 4.4 million acre-feet of water is available to California. Arizona gets about 2.8 million acre-feet, the country of Mexico receives 1.5 million acre-feet, Southern Nevada gets 300,000 acre-feet. John Enstminger (Southern Nevada Water Authority)

emphasized urban efforts to reduce per-capita water use at the June Senate ENR Committee hearing and suggested that agriculture must also cut its consumption. He also noted that SNWA is planning to serve a population that will swell to 3.8 million by 2072. Arizona lawmakers are also moving forward with efforts to solve the crisis. One of the final bills that was signed into law by Governor Doug Ducey provides \$1.2 billion over three years to find new sources of water and further lower water demand in the state. Some of the project ideas are big, such as building a desalination plant in the Gulf of California or importing piped water from major rivers to the east, such as the Missouri or Mississippi.

c. Concerns of Lower Basin Water Users

Since Commissioner Touton's announcement at the Senate hearing, there's been a flurry of forums and meetings of agriculture landowners and organizations in the Lower Basin to discuss the crisis and how to respond to it. Irrigation districts, farm organizations, and producers in the Imperial Valley and Yuma, Arizona are working on a variety of proposals that could eventually be merged and used to work with the states and Congress to provide additional resources, tools, and authorization to address the grim hydrology. There are several proposals that have been floated since late June, and key issues that are being addressed include potential costs to compensate growers for limiting water use, costs associated with mitigating for economic and social impacts to communities, agencies and service providers, and addressing additional environmental and community safety concerns associated with the shrinking Salton Sea, which receives much of its inflow from Imperial Irrigation District return flows. Farmers along the Lower Colorado River are bracing for severe reductions next year in their river water supplies — cuts that could lead to widespread crop production cutbacks, major economic dislocation and, possibly, food shortages.

d. Upper Basin States: Drought has Already Curtailed Water Usage

States in the Upper Colorado River Basin (Wyoming/Colorado/Utah/New Mexico) through the Upper Colorado River Commission (UCRC) last month told Reclamation that persistent drought in the Basin has already diminished their available water supplies through state water right cuts under the prior appropriation doctrine (aka Western water law), and that any additional water use cuts in the Basin should focus on water used by the Lower Basin states of Arizona, California and Nevada. The UCRC letter called for enhanced water measurement, monitoring, and reporting infrastructure to improve water management, but stopped short of identifying any water cutbacks in the Upper Basin.

e. Family Farm Alliance Engagement

The Family Farm Alliance board of directors on March 11 formally adopted a policy brief that sets forth Colorado River principles developed in collaboration with several key agricultural interests. We believe this group can play a major role as the seven Colorado River Basin States and Basin stakeholders engage to replace the 2007 Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead. The Alliance policy brief urges

Colorado River Compact decision-makers to incorporate 8 principles into new operating guidelines. At the top of the list is a demand that Colorado River decision-makers recognize that Western irrigated agriculture is a strategic and irreplaceable national resource.

The Alliance policy brief has already been adopted by IID, Palo Verde Irrigation District, Dolores Water Conservancy District, Yuma County Ag Water Coalition, Wellton-Mohawk Irrigation & Drainage District, Central Arizona Irrigation and Drainage District and the Maricopa Stanfield Irrigation and Drainage District. Other agricultural water districts throughout the Colorado River Basin are also considering adopting the policy brief. The Alliance has been monitoring meetings with several of its member districts in Arizona and California in the past month.

## **12. 2022 Farmer Lobbyist Trip**

Mark your calendars! This year's farmer lobbyist trip is scheduled for the week of September 26. The Family Farm Alliance annual farmer lobbyist trip is one of the cornerstone programs of our organization. It was created to allow farmers, ranchers and water managers to interact directly with elected officials and other policymakers in Washington, D.C. It presents a unique opportunity for our members to share with Members of Congress and the Administration the important issues that impact our industry.

Monday and Friday would be travel days, Tuesday-Thursday would be three days of back-to-back meetings with some high-calorie dinners mixed in between. We're also working with The Ferguson Group to set up a "Western drought briefing" that will allow representatives from our contingent to directly share stories with a host of Congressional and agency staff in one fell swoop. Participants will have the opportunity to engage directly with high-level Biden Administration officials and Congressional committee staff, and gain insight into what lawmakers and policymakers are saying about the issues impacting Western irrigated agriculture. The farmer lobbyist meetings will allow us to again deliver the diverse but unified voice of irrigated agriculture champions in Washington, D.C.

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