



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY BOARD
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: MAY 12, 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 the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (Corps) and U.S. Fish and Wildlife Service (FWS) administrative proposals, engaging with Congress on the farm bill and 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. White House: “Earth Week” Water Summit

During last month’s Earth Week celebration, the White House convened state, Tribal and local leaders from across the country for a Water Summit, where over a billion dollars of new spending were announced, most of which will benefit tribal communities. The Bureau of Reclamation (Reclamation) and Indian Health Service (IHS) announced a new Memorandum of Understanding (MOU) to speed the delivery of safe drinking water and community sanitation infrastructure projects in tribal communities. The agencies also announced over \$1 billion in funding for tribal drinking water and sanitation projects from the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). The Colorado River Water & Tribes Initiative (WTI) in April 2021 released a first of its kind, comprehensive analysis examining the underlying causes of the lack of access to clean drinking water affecting 30 tribes in the Colorado River Basin. The Alliance at the time issued a formal statement supporting the important work started by the WTI to bring attention to this initiative.

At the White House Water Summit, the Biden Administration introduced the "[America the Beautiful Freshwater Challenge](#)" initiative, setting a goal to restore and reconnect 8 million acres of wetlands and 100,000 miles of streams and rivers by 2030. This initiative, which aligns with global efforts alongside 45 nations, seeks to address the increased risk to freshwater resources, which according to Administration officials has been exacerbated by the Supreme Court's *Sackett* Clean Water Act (CWA) ruling.

The Department of Interior (DOI) during Earth Week announced an additional \$11 million in new resources from Reclamation's WaterSMART program to help combat "Western megadrought". Over the first two years of its implementation, Reclamation selected 430 projects to receive \$3 billion of IJA funds for water infrastructure projects, including rural water, water storage, conservation and conveyance, nature-based solutions, dam safety, water purification and reuse, and desalination. The IRA includes \$4 billion in funding specifically for water management and conservation efforts in the Colorado River Basin and other areas experiencing similar levels of long-term drought.

Over the past 60 days, Reclamation has announced several grant awards through the WaterSMART program, including \$51 million for aquatic ecosystem restoration in eight states. Support for collaborative planning and design projects that improve water sustainability and efficiency received \$11.1 million in funding. Another \$13.3 million in applied science grants were dedicated to 51 projects across 12 states, focused on developing tools and information to support water management, including modeling and forecasting tools, hydrologic data platforms, and new data sets for decision-making.

As you know, the Alliance helped lead nation-wide coalitions in support of Congressional action to advance the 2021 IJA and the 2022 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.

2. White House Council on Environmental Quality (CEQ): Permitting Action Plan

The White House CEQ is finalizing the Bipartisan Permitting Reform Implementation Rule, intended to simplify and modernize the federal environmental review process while implementing the new efficiencies Congress passed last year in the *Fiscal Responsibility Act* (FRA). CEQ on May 1 issued the [Final Rule](#) implementing Phase 2 of significant revisions to National Environmental Policy Act (NEPA) regulations. CEQ describes these changes as enhancing the efficiency and effectiveness of environmental reviews while striving for regulatory certainty. The Final Rule implements the significant changes that require agencies to identify an environmentally preferable alternative and undertake additional consideration of climate change and environmental justice in environmental analyses.

CEQ officials have retained elements of [the 2020 Trump-era overhaul](#), though it appears that most of the retained provisions were required by the FRA. These include page- and time-limits for Environmental Assessments (EAs) and Environmental Impact Statements (EISs), language to strengthen the role of lead agencies, and language allowing agencies to adopt other agencies' categorical exclusions (CE). Given the history of NEPA litigation, and the significant changes in the Final Rule, it is likely that these changes will open new pathways for litigation and require courts to interpret the changes before providing regulatory certainty.

The Alliance last September submitted significant, detailed comments to CEQ outlining our concerns with its revised draft NEPA rule. While we respect that the Biden Administration might move in a different direction from the Trump Administration on issues like environmental regulations, climate change, and environmental justice, we cannot support a wholesale revision of the NEPA regulations that will thwart efforts to improve the efficiency and effectiveness of NEPA. Many more hours may be needed to continue this important work and work to educate key policymakers on the importance of the current rules and regulations to Western irrigators and water managers.

3. DOI, Reclamation

a. Drought Resiliency and Water Supply Reliability Funding

Reclamation on May 6 announced a \$147.6 million to help communities prepare and respond to water reliability challenges due to drought and other water scarcity concerns. The funding will support 42 projects in ten states. The funding announced comes from the IJJA, IRA and annual appropriations. Awards will support projects that build new infrastructure or upgrade existing infrastructure, recharge aquifers, advance water recycling and treatment, and strengthen innovative technologies to address water scarcity challenges for water users. For a portion of the projects, Reclamation is using IRA funding to help reduce the cost-share for domestic water supplies projects that support disadvantaged communities.

b. BABA Waivers for WaterSMART

Reclamation's WaterSMART program received final approval for a waiver for the WaterSMART Build America, Buy America (BABA) requirements on February 15, 2024. This waiver allows for conditional and time-limited purchase of non-domestic products used in water infrastructure projects funded under WaterSMART programs. The Alliance – along with ACWA, California Farm Bureau, NWRA and Western Growers Association in early 2022 sent a letter to DOI and Reclamation, urging DOI to employ discretion and flexibility regarding the “Build America” mandate. The 2022 coalition letter raised concerns about how BIL requirements regarding BABA could impact infrastructure projects costs and time frames. The coalition letter urged the Council, among other things, to issue an explicit general applicability waiver for manufactured products for water infrastructure investments.

On Tuesday, May 14 from 11:00 AM-12:30 PM (Mountain), Reclamation will hold a webinar on the WaterSMART BABA Waiver. The webinar will further discuss the coverage that this waiver offers, how it applies to your project, and long-term plans for sourcing products domestically. To access the live event and recording click on the [link embedded here](#) at 11:00 AM (Mountain) on May 14. There is no pre-registration required and no calendar invite associated with this event. See these links for more information: 1) [BABA Waiver Decision Map](#) 2) [Interpretation of the BABA Waiver for WaterSMART](#).

4. DOI, Fish and Wildlife Service (FWS)

a. Final Western Pond Turtle Listing

Citing the need for "having a robust public engagement process," FWS earlier this year extended a public comment period on its proposal to add the Western Pond Turtle to the list of Endangered Species Act (ESA)-protected species until May 5. More than 16,000 public comments have already been recorded in response to the federal [agency's dual proposals](#) to list the northwestern pond turtle and southwestern pond turtle under the ESA. This listing has potential ramifications for water managers and producers in California and Oregon, and the Western areas of Washington and Nevada.

The Alliance late last year worked with California Farm Bureau, Klamath Water Users Association (KWUA) and others to put together a coalition comment letter. Thirteen organizations from four states ended up signing on to the final letter, including three state Farm Bureaus. Among other things, our coalition letter emphasized that the 4(d) rule is important, and the proposed rule provides a section 9 exemption for routine maintenance of stock ponds. However, the letter also points out that there is nothing in the proposed rule that covers operation and maintenance of irrigation delivery and drainage systems. Representatives from the coalition that co-signed the December 2023 letter to FWS participated in a virtual meeting last month with FWS leaders from the Southwest regional office regarding the proposed listing. The intent was primarily to discuss meaningful ways to shape an irrigation district / agriculture-friendly 4(d) rule for the turtle listing. For much of the past week, we helped lead the effort to put those ideas to paper. The final result was finalized and transmitted to FWS earlier this month. It was signed on to by new organizations, including the Northern California Water Association and a consortium of districts from Skagit County (WASHINGTON).

b. ESA Implementation Developments

The Biden White House has approved changes to final ESA regulations, reversing some of the Trump-era rollbacks from 2019. Over the past three years, we have urged that the Biden Administration keep those reforms in place. Last August, we prepared detailed comments that further underscored our legal and technical concerns with all three of the administration's proposals, which have now been finalized. FWS has also reached a legal settlement with one of the most litigious environmental groups in the country to complete the pending ESA tasks for 15

other various species. And, FWS has also introduced newly proposed rules last month aimed at increasing enrollment in voluntary species conservation plans.

i. Final ESA Regulations

As previously reported, the Biden White House has approved changes to the ESA regulations, reversing some of the Trump-era rollbacks from 2019. These changes, promulgated by FWS and NOAA Fisheries, have sparked renewed debate and are likely to face further litigation. The revisions address critical elements of the ESA, such as the designation of critical habitat and defining terms like "foreseeable future" for assessing species status. The new rules reinstate a default policy for threatened species to receive strict [protections](#) unless a special rule is created. Additionally, federal agencies must consult with FWS or NOAA Fisheries before authorizing actions on designated critical habitat.

The updated regulations emphasize ESA decisions based solely on scientific and commercial data, restoring a statement that listing decisions will be made without considering economic impacts, something the Trump-era rule included. While the changes have drawn varied reactions, including criticism from environmentalists who feel more aggressive action is needed, they mark a significant shift in ESA implementation towards stricter protections for endangered and threatened species. 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.

ii. Another Court Settlement with The Center for Biological Diversity (CBD)

FWS last month agreed to complete the pending ESA tasks for 15 various species under yet another legal settlement with the CBD, one of the most litigious and anti-agriculture groups in the country. This agreement, filed in a federal court in Arizona, addresses the agency's previous failures to meet ESA deadlines. It includes finalizing decisions on listing 10 species as threatened or endangered and designating critical habitats for three species, with timelines extending up to 2026. The species involved range from the alligator snapping turtle to the Mount Rainier white-tailed ptarmigan and several types of freshwater mussels like the Texas fatmucket. The FWS has also agreed to decide on ESA protections for two additional species. The settlement requires the FWS to only decide on the ESA action but does not require listing the species. Settlements with CBD are not new for FWS, nor are the lawsuits that cause them. CBD and FWS reached a similar settlement near the end of the second term of the Obama administration, dictating when FWS would decide whether ten avian, fish, and invertebrate species warrant listing under the ESA. The FWS has previously cited limited budgets and staffing as factors affecting their pace of work implementing the ESA.

iii. Proposed Landowner 'Conservation Agreements' with Permitting Rules

FWS last month introduced newly proposed rules aimed at increasing enrollment in voluntary species conservation plans, which has divided environmentalists. The rule package is said to simplify and clarify a permit system intended to protect species while tolerating some harm to protected plants and animals. The proposed rulemaking changes focus on Section 10(a) of the ESA, which governs permits for actions benefiting or incidentally harming species during lawful activities. Under the new rules, "safe harbor agreements" and "candidate conservation agreements with assurances" are merged into one "conservation benefit agreement" type which was intended to clarify requirements for applicants. The proposed rules also allow the issuance of permits for species of concern not yet listed as threatened or endangered, with conservation commitments starting immediately and incidental "take" authorization becoming effective if the species is listed. The agency stated these revisions improve efficiency without significantly altering existing program implementation.

5. EPA

EPA has begun formal publication of a raft of its newly completed rules governing power plant pollution, chemical uses, PFAS cleanups and other issues, likely shielding the measures from quick reversal by a hostile Congress in the event of a Republican sweep of the November general election. Within weeks of the agency publicly releasing the various regulations, the *Federal Register* has begun publishing them -- a necessary step for the measures to take effect and to start lawmakers' review period under the Congressional Review Act (CRA). While the rules will almost certainly face litigation and judicial stay requests, the timing of *Register* publication is highly significant because of the CRA's review timelines. The statute gives lawmakers 60 "legislative days" to review a rule, though the timeframe restarts if Congress adjourns for the year before that period finishes. (*Inside EPA's Water Policy Report*).

a. Integrating Federal Treaty Right Protections into State Water Quality Standards

The EPA has [finalized a rule](#) that integrates consideration of tribal treaty rights into state water quality standards (WQS) under the federal CWA. This rule, published in the Federal Register on May 2, mandates that states consider treaty-based or statutory rights to aquatic resources when setting their WQS, where tribes hold and assert these rights. The rule specifies three steps for states during the WQS process if a tribe asserts a reserved right. These include taking tribal reserved rights into account when adopting or revising designated water uses, considering the future exercise of these rights unaffected by water quality, and establishing water quality criteria to protect these rights where applicable. The EPA claims it has made the final rule less prescriptive than initially proposed, in response to feedback and concerns about federal overreach. The final rule also emphasizes EPA's commitment to assisting states and tribes in evaluating reserved rights as practicable and initiates consultations with tribes asserting rights in the WQS process.

This rule is part of ongoing efforts by the Biden Administration involving the protection of tribal rights in state water policies, with significant implications for how states and the EPA regulate

water quality and protect tribal communities, especially those relying on fishing and aquatic resources. We believe the rule's finalization may result in even more uncertainty in ongoing legal challenges related to state WQS and the protection of tribal rights in water quality regulations, giving EPA more support for imposing such stringent standards.

b. Public Coordination Updates on WOTUS Decisions

EPA has updated its approach to enhance transparency in its coordination with the Army Corps on jurisdictional determinations concerning "waters of the United States" (WOTUS). This move follows the Supreme Court's *Sackett v. EPA* ruling and aims to address industry concerns by posting public updates on the agencies' joint procedures. The new outreach strategy also includes handling differing regulatory regimes across states due to court stays on the Biden Administration's final WOTUS definition. The EPA's updated [coordination memo](#), intended to clarify and guide these processes, is a response to a Freedom of Information Act request from industry groups worried about the EPA's implementation of the WOTUS rule following the *Sackett* decision. The EPA and the Army Corps have also committed to posting any guidance memoranda online, ensuring public accessibility and ongoing transparency. This coordination memo will remain in effect until June 27, 2024, with provisions for potential extensions or modifications through joint agency agreement.

6. Department of the Army, Corp of Engineers

a. Proposed ASPs to Implement PR&Gs

The Alliance last month led a coalition of national and state water and power organizations who signed on to a letter in response to the Army Corps' proposed Agency Specific Procedures (ASPs) to implement the 2013 Principles, Requirements and Guidelines (PR&Gs). As a result of a congressional directive in the Water Resource Development Act (WRDA) of 2007, the Obama Administration's CEQ first developed PR&Gs for federal investments in water resources. These PR&Gs were originally intended to accelerate Army Corps' water project approvals, reduce costs, and support water infrastructure projects with the greatest economic and community benefits. ASPs provide agency specific guidance for identifying which programs and activities are subject to the PR&G. The Army Corps has not issued final ASPs to implement the 2013 PR&G. The 2020 WRDA directed the Army Corps to issue its final ASPs. The Army Corps last February published a proposed rule that does so. The deadline for public comments was April 15.

The Army Corps' most visible missions in the Western U.S. include planning, designing, building, and operating navigation locks and dams, flood control and dredging projects, and environmental regulation and ecosystem restoration. 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. Joining the Alliance on the comment letter were Agribusiness and Water Council of Arizona, ACWA, Colorado River Energy Distributors Association, Idaho Water Users Association, NWRA, Oregon Water Resources Congress and

Washington State Water Resources Association. The coalition letter describes concerns with the Army Corps' continued focus on imposing the Administration's aggressive environmental justice and climate change agenda, using "nonstructural" and other subjective management strategies that could slow or halt future federal water infrastructure investments and potentially result in significant alteration of operations of existing Army Corps hydropower dams.

b. Projects from Non-Federal Interests

The Assistant Secretary of the Army for Civil Works is currently [soliciting proposals](#) for inclusion in the Army Corps 2025 Annual Report to Congress on Future Water Resources Development (Annual Report). The Annual Report includes proposals submitted by non-federal interests for new feasibility studies, proposed modifications to authorized water resources development projects or feasibility studies, and proposed modifications to environmental infrastructure program authorities. The Annual Report is authorized under section 7001 of the Water Resources Reform and Development Act of 2014, as amended. Proposals must be submitted by Friday, August 30, 2024 by emailing the completed proposal form to WRRDA7001Proposal@usace.army.mil using the fillable [PDF proposal form](#). More information can be found [here](#).

DEVELOPMENTS IN CONGRESS

7. House Water, Wildlife and Fisheries (WWF) Subcommittee Legislative Hearing

The House Committee on Natural Resources WWF Subcommittee is conducting a legislative hearing on May 22 for four bills, including two that the Alliance has been involved with. H.R. 7938 (Bentz) is intended to address some of the issues important to local water users that were "left behind" once the Klamath River settlement agreements collapsed and the dam removal projects proceeded independently. The Alliance has supported similar legislation introduced in the Senate in recent years. The office of Rep. Lauren Boebert (R-COLORADO) over the past year has reached out to us on conceptual legislation that focuses on a project in her district, which would essentially allow a third party to develop hydropower on an existing Reclamation facility. We encouraged her office to reach out to others in Colorado to make sure project contractors/operators don't have concerns about projects being permitted over objections of the local operators. The bill – which has not yet been introduced - needs to be teed up today in order to be included on the hearing agenda. Two weeks ago, Alliance representatives participated in a call with WWF Subcommittee staff to discuss potential witnesses for this hearing.

8. 2024 Farm Bill

Both the Senate and House agriculture committees in recent weeks have released high-level "previews" of the long-awaited 2024 Farm Bill. U.S. Senate Agriculture, Nutrition, and Forestry Committee Chairwoman Debbie Stabenow (D-MI) on May 1 unveiled the *Rural Prosperity and Food Security Act*, which contains more than 100 bipartisan bills and puts the 2024 Farm Bill back on track to being signed into law by the end of the year. Here is a detailed [summary](#) of the Senate

legislation; a section-by-section is available [here](#). There are no dates set for when the Senate will roll its version out.

The House Agriculture Committee on the same day released a [high level](#) overview of the sections of the 2024 farm bill, followed by a [38-page title-by-title framework](#) which was released last Friday. The farm bill summary's release comes about one week before Chairman Thompson has said he plans to publish the full legislative text. Democrats have balked at Chairman Thompson's plans to pay for the farm bill, which include restricting the Agriculture secretary's authority over USDA's internal Commodity Credit Corporation and limiting future updates to the Thrifty Food Plan. Chairman Thompson also plans to reinvest some of that money in nutrition programs.

There has been much attention paid to the division between Republicans and Democrats on retaining the climate policies tied to the \$20 billion in conservation title funding provided by the Inflation Reduction Act. The IRA focused those dollars on reducing emissions and sequestering carbon, and the Senate wants to retain those climate sideboards. The farm bill will eliminate those sideboards. We'll continue to work with the Western Agriculture and Conservation Coalition (WACC) to accommodate more water management practices into the IRA programs. Before we can really act, we need to see the text first. The House farm bill will likely be a "monster", considering the size of the bill summary alone. Input from Alliance members like SLDMWA will really be needed and important.

a. Family Farm Alliance Conservation Title Priorities

A key part of Alliance and WACC collaboration has focused on Farm Bill conservation programs, where the interests of coalition agriculture and conservation groups are very closely linked. The WACC is also striving to find ways to simplify program delivery without harming environmental interests or program integrity. On our WACC call later this week, we'll discuss, exchange intel, and determine if there's a pathway forward. There will probably not be anything formally for us to do at least until the bill is introduced for markup.

The Alliance and many of its members are strong supporters of the NRCS Watershed and Flood Prevention Operations Program (WFPO, often referred to as the "PL-566" Program). The House summary of its 2024 farm bill suggests that provisions will be included that streamline and improve program administration for the Regional Conservation Partnership Program, the Technical Service Provider Program, and P.L.566. These were all priorities for us.

So far, it looks like the priorities for the Alliance – RCPP streamlining, PL-566 federal cost shares, and an overall improved focus in the West –are being addressed in the Senate version. There are some other interesting sections in the Senate legislation that we'll be taking a hard look at, including a new program to address runoff, soil erosion, and flooding caused by a natural disaster that has damaged natural resources on National Forest System lands. The House summary had less detail in it on PL-566, with attention being paid to reforms, which we expected.

The Alliance and its allies last year worked with the office of Senator Michael Bennet (D-COLORADO) on legislation intended to streamline PL-566. Last August, Senator Bennet, along with Senators Deb Fischer (R-NEBRASKA) and Jeff Merkley (D-OREGON) introduced *S.2636, The Healthy Watersheds and Healthy Communities Act*. It appears that this legislation will be included in the Senate’s version of the 2024 farm bill. Last month, Senator Bennet and 30 other lawmakers also signed on to a letter urging USDA to invest more in drought relief in the Western U.S. The group specifically asked for additional resources for the U.S. Forest Service Water Source Protection Program – a program advocated for by the Alliance - and drought-related multi-benefit projects under WFPO.

b. Agriculture Appropriations

The House Agriculture Appropriations Subcommittee on Friday closed the period to accept public comment about funding priorities for the upcoming 2025 Fiscal Year (FY25). The recently passed FY24 Appropriations funding provided \$34 million in funding for PL-566 on top of the annual \$50 million in mandatory funding required by the 2018 Farm Bill. The FY24 was the lowest amount of discretionary funding in recent years for the program. One reason for the reduced funding was because the House did not allocate any funding for the program in their proposed FY24 funding legislation. To protect funding for PL566 in FY25, the Alliance on Friday submitted public testimony highlighting how the program is being used in the West and its importance for maintaining agriculture and protecting the environment. Our friends at Farmers Conservation Alliance gave us the “heads up” on this outreach effort, and many Alliance members submitted similar letters of their own.

9. House Conservation Bill Passes Committee

The House Natural Resources Committee last month marked up a controversial Republican bill, H.R. 7408, titled "*America's Wildlife Habitat Conservation Act*," introduced by Committee Chairman Bruce Westerman (R-Ark.). important to Alliance members, the spending offsets in the bill have been changed and would not include rescissions from Bureau of Reclamation aging infrastructure loan or aquatic ecosystem restoration funds as initially proposed. The bill would make investments of \$320 million in grant funding and give states the opportunity and support to enact their congressionally mandated wildlife action plans. The initial version of H.R. 7408 that was introduced in March proposed new spending programs that would be offset by IRA and IJA funds for Reclamation that the Alliance and a coalition of over 230 organizations helped secure in 2022-23. We engaged with the committee to raise our concerns, and they were open to our input.

The bill that was passed by the committee was amended to strip out those offsets, so the bill does not include rescissions from Reclamation aging infrastructure loan or aquatic ecosystem restoration funds as initially proposed. The bill still includes language rescinding nearly \$1 billion from the IRA, of which \$30 million is currently directed toward the offices responsible for environmental permitting. Other provisions in the bill that passed the committee would give congressional backing to private, voluntary conservation efforts and provide a solution to the

detrimental *Cottonwood vs. U.S. Forest Service* 9th Circuit Court decision. The bill also authorizes Good Neighbor Authority for the FWS, allowing the agency to partner with states, tribes and counties to better manage their lands, placing it on par with other federal land management agencies. Critics of H.R. 7408 argue the bill would weaken the ESA and may create more funding uncertainty and hinder long-term conservation efforts.

10. WWF Subcommittee Hearing on Proposed Refuge Rule

Earlier this year, FWS proposed new regulations that target agriculture unnecessarily by presumptively prohibiting farming practices on wildlife refuges. The House WWF Subcommittee last month conducted an oversight hearing on this proposal, where our formal comment letter was entering into the hearing record. The oversight hearing was titled, “The National Wildlife Refuge System at Risk: Impacts of the U.S. Fish and Wildlife Service’s Proposed BIDEH Rule.” The FWS 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 in late February agreed to extend the early March public comment period for the proposed regulation by 60 days, until May 6. Marc Staunton, a young farmer who has many years of experience farming on the lease lands of refuges served by the Klamath Irrigation Project, testified at the hearing.

The Alliance - 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. While irrigation has increased agricultural productivity in the arid American West, these critics often focus only on how it has altered the natural landscape. A key 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 reality, agriculture and human settlement have long been tied to ecologically important wetland and riparian resources and the water they provide. The Alliance comment letter submitted to FWS further documents how irrigated agriculture supports abundant wildlife. Rep. Doug LaMalfa (R-CALIFORNIA) at the close of the WWF Subcommittee hearing asked to have the Alliance letter included in the hearing record.

11. WASH Access Data Collection Act

Senators Ron Wyden (D-OREGON), Jeff Merkley (D-OREGON), Ben Ray Lujan (D-NEW MEXICO) and Martin Heinrich (D-NEW MEXICO) earlier this month introduced the *Water, Sanitation, and Hygiene (WASH) Access Data Collection Act*. The bill would improve national data collection and interagency coordination on water access for rural, tribal, and other underserved communities. It would authorize EPA to create and chair a working group known as the “Water and Sanitation Needs Working Group.” The group would survey households to estimate water access gaps throughout the country and report on the costs of needed improvements to close those gaps. The bill would also authorize annual appropriations of \$10M for FY25-FY29.

ALLIANCE INITIATIVES

12. 2024 Farmer Lobbyist Trip: Save the Date!

The Alliance's annual Farmer Lobbyist trip is one of our "cornerstone" programs which brings family farmers and water professionals to Washington, D.C. to meet with legislators and Administration policy leaders on critical water issues. The Alliance philosophy has long held that the most effective voice in Washington DC is the individual family farmer. Last year's farmer lobbyist contingent included nearly 30 representatives from Arizona, California, Colorado, Idaho, Oregon, Washington and Wyoming. In addition to meeting with Congressional Members from those seven states, the group also met with senior officials from the Department of the Army, DOI, EPA, and staffers from key Congressional water committees. The Western contingent visited 39 offices in the course of 2-1/2 days! We are proposing that we schedule this year's Farmer Lobbyist trip for the week of September 23. That means Monday, September 22 would be a travel day, our meetings would be scheduled for Tuesday, Wednesday and Thursday morning, and Thursday afternoon and Friday (September 27) would be times for folks to fly home.

13. Alfalfa 101

The *Arizona Republic* last month ran a [guest opinion, "Alfalfa is not Arizona's water-use enemy"](#), authored by Alliance Vice-President Paul Orme and Advisory Committee member Gina Dockstader, who also happens to be a director on the Imperial Irrigation District Board and the California Farm Water Coalition (CFWC) board. We worked with CFWC staff to put this together, and Gina did yeo(wo)man's work with the editorial board to get it published. The *Republic's* editorial page has requested that we help share this far and wide with others in the farm and water community. We worked with CFWC on some social outreach to get some eyeballs on it. Still – feel free to share it with your networks, and let's help MAKE ALFALFA GREAT AGAIN.

You likely saw the eblast Josh Rolph sent out to our newsletter distribution list last month in regard to our "Alfalfa 101" webpage. It's shaping up nicely, and earlier this month, we encouraged the board and Advisory Committee to review it. Here's a link to the current draft version: <https://www.familyfarmalliance.org/alfalfa/>. It's pretty clean and uncluttered. If you have a few minutes, please take a quick look, and if you have any comments or ideas to make it better, let me know by tomorrow. Then, Josh and I will update as necessary and publicly roll this out on Friday, May 10. We're especially interested in finding additional resources / op eds that we can include on the page, which we will update periodically to reflect new developments.

14. Coordination with Western States Water Council

The [Western States Water Council](#) (WSWC) and [Western Federal Agency Support Team](#) (WestFAST) have been working together to develop a series of informational webinars on aquatic ecosystem restoration. The series is intended to bring together state water managers, regulators, federal agencies, and stakeholders to share knowledge and collaboratively develop

solutions to advance aquatic ecosystem restoration, comply with state and federal laws, and deploy federal funding efficiently. The webinars are focused on permitting processes, water laws in Western States, and the role of water rights, to facilitate better cooperation on future projects. Previous webinars have featured various state and federal perspectives in an effort to better understand our respective legal constraints and programs.

Now, WSWC and WestFAST would like to hear some perspectives from land and water rights owners who may have had both positive and negative experiences with stream restoration projects, particularly as those projects intersect with downstream water rights and water supply. So far, they have only lightly touched on the importance of communication with water rights holders along the stream to avoid conflicts and to adjust projects as appropriate. Now, they are looking for the addition of the perspectives of those who have both good and bad examples, and some "lessons learned" or "wisdom gained" from those experiences, and reached out to me for ideas on Family Farm Alliance representatives who might participate in a webinar series on [Stream Restoration and Water Rights](#), which will likely be conducted in July or August. I recently met virtually with WSWC leaders to talk about some potential candidates.

ADMINISTRATIVE & MISCELLANEOUS

- 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 will provide funding for young farmers and ranchers to attend the Family Farm Alliance Annual Conference. In the first month alone, over \$7,500 has been dedicated by dozens of individual contributors. The O'Toole family will host a gathering of Pat's friends, family and loved ones to celebrate his exceptional life on July 20, 2024 at Ladder Ranch, on the Wyoming-Colorado state line near Savery (WYOMING). As many of you know, Ladder Ranch is "centrally located in the middle of nowhere", so lodging options are limited. Check back to [this page on the Ladder Ranch website](#) for more information, including lodging options, donation information and tributes.
- Typically, travel and speaking engagements slow down during the spring months and start picking up speed as the year advances. I'll be speaking about federal water affairs at the IWUA's Water Law & Resource Issues Seminar on June 10 in Sun Valley (IDAHO). I've also accepted an invitation to the Colorado Water Congress summer meeting and will speak on an August 20 panel in Colorado Springs. The panel will focus on Colorado River issues, and I've been asked to provide the irrigated ag perspective. 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 September.

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.