

Monthly Briefing

A Summary of the Alliance's Recent and Upcoming Activities and Important Water News

2023 Conference Sets New Attendance Record

Hundreds Make the Trip to Reno, Despite West-wide Winter Storms

The Family Farm Alliance held its 2023 annual conference at the Silver Legacy in Reno, Nevada starting on Thursday, February 23, 2023.

While travelers driving and flying to Reno faced challenging winter weather conditions, this year's attendance at the Silver Legacy Resort was the largest ever, and the reaction from conference attendees was enthusiastic.

"We're getting better with age," said Alliance President Patrick O'Toole (WYOMING). "A journalist told me our conference had the highest level of intellectual discussion she had ever witnessed."

This year's conference theme was "A Wake-Up Call for America: Why Farms, Water and Food Matters."

President Pat O'Toole called the conference to order on the morning of February 23 and welcomed the attendees. What he had to say was sobering: farmers have been driven out of California, mostly because of uncertain water supplies. Mr. O'Toole spoke about the demonization of alfalfa and farmers in general by the mainstream media, mostly from spokespersons representing "unsustainable metropolises."

"Western cities have laid down a marker," he told the audience. "You're bad, we're good. The system is built for developers. Make no mistake about it - agricultural water supplies are being targeted."



Keynote Speakers

The opening keynote speaker at this year's conference was Tanya Trujillo, the Interior Department Assistant Secretary for Water and Science, a Senate-confirmed appointed position which oversees the Bureau of Reclamation and the U.S. Geological Survey. Assistant Secretary Trujillo noted that she had just wrapped up a call with the White House and said there has been a great deal of scrutiny on the Interior Department due to the unprecedented weather conditions we're now facing.

Much of her talk pertained to the Bipartisan Infrastructure Law's \$8.3 billion for Reclamation infrastructure

and the Biden-Harris administration's direction.

"The government has an obligation to protect the infrastructure that allows it to deliver water," she said.

At the Interior Department, she noted that there is an

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2023 Family Farm Alliance Annual Conference (Cont'd from Pg. 1)

acute awareness that they are working in emergency conditions in the Western water arena.

“The Klamath, the Colorado and Rio Grande basins are all under stress,” she said, but also observed that there is a better snowpack this year and there is hope for a boost in water supplies in the Colorado River watershed.

Luncheon keynote speaker Congressman Cliff Bentz (R-OREGON), the new Chairman of the House Water, Oceans and Wildlife (WWF) Subcommittee, outlined priorities for the 118th Congress from a unique vantage point as a third-generation cattle rancher, water attorney, and former Oregon state legislator. Top priorities with his Subcommittee will be finding ways to modernize implementation of the National Environmental Policy Act (NEPA).

“The WWF subcommittee is looking at a hearing to focus on fixing NEPA,” he said.

He also said that ducks, geese and other waterfowl are losing water through federal agency decisions that direct the water to fish protected by the Endangered Species Act, instead.

“This single species intervention is causing harm,” he said.

Mr. Bentz’s speech was very well received by the audience

“We were thankful to have Rep. Bentz join us in person in Reno,” said Alliance Executive Director Dan Keppen. “He provided some much-needed reasons for optimism when dealing with water and the federal government.”

The Thursday afternoon keynote speaker was Bureau of Reclamation Commissioner Camille Touton, a native Nevada and graduate of the University of Nevada at Las Vegas.

“That’s a good thing, since Reclamation was founded here with the construction of Derby Dam - less than 20 miles from Reno – nearly 120 years ago. Now, one in five Western farmers get irrigation or other services from Reclamation.”

Commissioner Touton said when she thinks of the Colorado River, she thinks of Pat O’Toole and the Ladder Ranch. When she goes to Trader Joe’s she wants to know where her food is coming from. She then reeled off an impressive list of farmers in the audience and farms from around the West and the crops they grow.

“The challenges are very real and generational. That is why Reclamation matters, and why my staff will never forget that. The name in this organization says it all: family. Family Farm Alliance.”

Other Meetings

The two-day conference general session was preceded by two full days of meetings with the Alliance board of directors and Advisory Committee, where 2023 priority issues and actions were identified. Key initiatives identified by the leadership of the Alliance for 2023 are summarized on Page 3 of this *Monthly Briefing*.

“This conference was a great way to show off the Alliance,” said Mr. Keppen. “I would like to thank our board, Advisory Committee, Mark Limbaugh, Norm Semanko, Josh Rolph, and Jane Townsend – our conference planner and fundraising coordinator - for another successful conference.”

The Annual Meeting and Conference general session wrapped up at noon on Friday, February 24th, and was followed by an offsite, working lunch hosted by the Western Agriculture and Conservation Coalition (WACC). Over fifty conference attendees opted to ride a full charter style bus across a snowy Reno cityscape to partake of some Mexican food at Mari Chuy’s and hear about water conservation in the West and the upcoming Farm Bill.

Laura Ziemer, a Western environmental attorney with Culp & Kelly law firm, provided an overview of the WACC and its recent Farm Bill activities.

“Farmers and ranchers have been finding ways to successfully balance resource stewardship and their bottom line, thanks in part to the availability of Farm Bill conservation programs,” she said.

Ms. Ziemer summarized recent WACC efforts to modernize and streamline the review process and raise the funding ceiling to \$50 million for the Watershed & Flood Prevention Operations Program (PL-566).

“We want NRCS to prioritize multi-benefit projects for watershed, ag producers and rural communities,” she said. “We want

more transparency from NRCS.”

WACC also wants the Regional Conservation Partnership Program to reduce its administrative burdens and prioritize conservation innovations using outcome based payments to producers and projects enhancing drought resilience.

Josh Maxwell, consultant to the House Agriculture Committee, shared his experiences and answered questions about the 2023 Farm Bill. He reminded those at lunch that the Farm Bill funding is based on a Congressional Budget Office baseline that runs 10-years out.

“The 2018 Farm Bill was one of the most friendly to Western farmers and ranchers, in part due to the efforts of the WACC and organizations in this room,” he said.

This *Monthly Briefing* is dedicated to coverage of other 2023 conference highlights.



Congressman Cliff Bentz (R-OR) who was the luncheon keynote speaker at this year’s annual conference, talks water with newly appointed Alliance board member Nadine Bailey, who will represent Northern California.
Photo courtesy of Dave Meurer.

A “Six Point Plan” to Tackle Western Water Challenges

The Alliance’s Top 6 Priorities for Federal Engagement in 2023

The Western drought, rising inflation and the Ukraine crisis all have a direct and serious impact on American consumers, along with global food supplies. Policy makers must understand the relationship between all of these challenges and how they intersect to impact national and global food security. We cannot continue to allow policy decisions that slowly and permanently downsize Western agriculture by focusing on long-term theoretical processes centered solely around conservation. Our irrigated system of agriculture in the West has and can continue to provide the most stable food supply in the world - but only if we allow it to function.

These challenges are daunting, and they will require innovative solutions. The following recommendations – three each for the Biden Administration and Congress to consider - reflect a philosophy that the best solutions come from the ground up and are driven locally by real people with a grasp of “on-the-ground” reality and who are heavily invested in the success of such solutions.

Three Priorities for the Biden Administration

1. **Federal agencies must efficiently and effectively implement the billions of dollars now available to repair aging water infrastructure, improve conservation efforts, and develop new storage and delivery infrastructure.**
2. **Agricultural water users dependent upon the Colorado River must be included as partners as Reclamation develops future long-term operating provisions on the River.** Something needs to be done, or Colorado River water users are facing “dead pool” conditions in the country’s largest reservoir – Lake Mead – in four years, or less.
3. **Restore our dead and dying federal forest lands through active forest management and work to better quantify watershed health improvements associated with these and other water conservation actions.**

Three Priorities for Congress

1. **Cut Red Tape** - If we are serious about building and rebuilding infrastructure, improving forest health, and protecting and promoting American production agriculture, then Congress must pass real, meaningful solutions that expedite federal permitting processes.
2. **Pass a Farm Bill that Addresses Western Agriculture Challenges** - Projects that help producers and water managers adapt to the water supply impacts of climate change must also be encouraged and supported.
3. **Carefully evaluate legislation that could have negative unintended impacts to Western producers.**

The Family Farm Alliance board of directors on March 20, 2023 formally adopted an 8-page policy paper that provides further details on these priorities. Please contact dan@familyfarmalliance.org if you would like to receive a PDF version of this policy document.

Solving Nutrient Challenges with “Bushels of Nature”: The Nutrient Work Group

Creative conservation, technology, finance and policy experts are working together to put coordinated action, analytics, and rapid funding for outcomes to work on behalf of river basins across the West. Joe Whitworth, President and CEO of the Freshwater Trust, moderated a panel that included Jim Gebhardt (Director of U.S. Environmental Protection Agency’s Water Infrastructure and Resiliency Finance Center), Eric Letsinger (Founder and CEO, Quantified Ventures), Tim Male (Executive Director, Environmental Policy Information Center), and Tim Wigington (Vice President Finance & Policy, The Freshwater Trust).

The conference opening panel featured discussion on efforts to employ proven solutions from technology, finance, and policy to tackle the most critical water quality and quantity problems.

“Our goal is to develop bushels of nature with value for farmers and ranchers,” said Mr. Whitworth. “There is a tsunami of cash coming from Washington, D.C. and if we spend it the same way we have in the past, a few years down the road nothing will have changed.”

Mr. Letsinger explained how a sequestered carbon program gave farmers a stake in these investments. His company borrowed money and invested in farmers who were able to quantify carbon sequestration. This was sold to other industries as credits and Mr. Letsinger’s company was able to pay off the loan and realize a profit.

Tim Male discussed how to shorten the current cycle of writing grants for months or years and going through feasibility studies. He related how a program in Maryland has found a way to provide clear and fixed pricing that allowed a way around the status quo and sped up results.

Tim Wigington – who participated via ZOOM because the winter storms hitting Portland (OREGON) prevented him from flying to Reno - said there are so many pots of money from sources not usually identified with agriculture like the Environmental Protection Agency (EPA). One example was routing tail water to flow through wetlands, which act as a natural filter, as an alternative to developing a billion-dollar recycling facility.

The federal government has spent more than a trillion dollars on water matters and still has not achieved the progress the agency had hoped for, said Jim Gebhardt. He said there are ways to create projects that address sustainable development

which impact an entire area’s eco-health and also avoid the competitive “grant dance” for one-off projects.

Mr. Gebhardt said under the Trump administration, EPA’s head of the Office Water, David Ross, initiated the policy direction that prioritized working with agriculture to improve water quality. He is now working on aligning the funding sources and the regulatory processes to allow for investments.

A Nutrient Funding Group – which the Family Farm Alliance is a part of - has been created to fine tune a bipartisan policy approved by the agricultural community to improve the environment and provide fiscal sustainability.

“Things are all over the place, and that scattering discourages investments,” he said. “I want to see farmers managing the land they want to, without going out of business.”

Mr. Male said the goal is to find a way for the government to provide larger amounts of

capital to those who will put it to use. Relying on conditioned grants can actually be an impediment.

Mr. Letsinger said the good news is there is now plenty of capital.

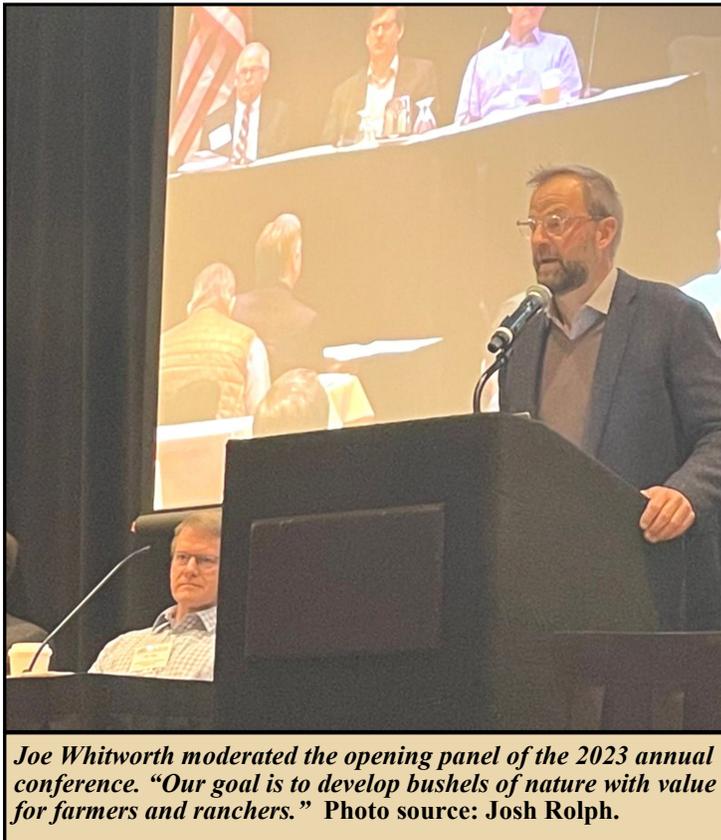
“Matching grant funds was a process implemented to prevent fraud. In the digital age it isn’t an essential part of that goal,” said Mr. Wigington. “It can be a minor miracle to get to the money when a matching fund is a requirement.”

He said the federal agencies have the money, but there are “fences around it made out of electrified razor wire”.

“It takes a lot of time and energy and a risk of going into debt to get that matching money,” he said.

Mr. Male reported that developers in Maryland who want to build on the Chesapeake Bay have to purchase phosphorus and offsets for constituents.

“It’s the farmers who create the credits,” he said. “The value of these value of these credits help all involved. You must make the value crystal clear to the participants.”



Joe Whitworth moderated the opening panel of the 2023 annual conference. “Our goal is to develop bushels of nature with value for farmers and ranchers.” Photo source: Josh Rolph.

A Look at DC From the Hill

What’s in store for Western water in the 118th Congress? Annual Conference attendees got the inside scoop from staff leaders on key Congressional water committees. Panelists included Josh Maxwell (House Committee on Agriculture), Matt Muirragui (House Natural Resources Committee, via ZOOM), John Tanner (Senate Energy and Natural Resources Committee, via ZOOM), Melanie Thornton (Senate Energy and Natural Resources Committee), Kyle Varner (Senate Committee on Agriculture, via ZOOM), and Kiel Weaver (House Natural Resources Committee).

Mark Limbaugh (The Ferguson Group), the Alliance’s representative in Washington, D.C. moderated this panel.

With two staffers from Congressional agriculture committees on the panel, much of the discussion was about the 2023 Farm Bill.

Mr. Maxwell noted that the last farm bill negotiations that occurred 5 years ago, the House Committee on Agriculture conducted more than 100 listening sessions across the country. He doesn’t expect that many this time around.

“National security of food and the world’s food supply are at the front of the committee’s deliberations right now,” he said.

Kyle Varner reported that the Senate Committee on Agriculture has been holding hearings, giving the public a chance to be heard and the elected officials a chance to ask questions. The Senate committee is looking at ways to improve rural internet service, food for families, and farmers markets, among other priorities.

“Each farm bill is different and the budget is the big diver,” he said. “We expect a very busy year.”

Democrat and GOP staff from the Senate Energy and Natural Resources Committee said Senators will be interested in tracking the “unprecedented amount of money” to spend on infrastructure right now.

“It’s been a while since there has been this much money and it will be difficult for the government to ramp up responsible spending,” said Mr. Tanner.

Melanie Thornton said the Western members of the Committee are focused on how the infrastructure dollars will be spent, as well as drought and Colorado Basin issues.

Permitting and process are concerns for Republicans running the House Natural Resources Committee in the 118th Congress, Mr. Weaver reported.

“The Endangered Species Act hasn’t been updated since 8-track cassette tapes were still the main source for recorded music,” he said, holding up a tape of “Dark Side of the Moon”, Pink Floyd’s epic album that was recorded the same year the ESA was passed – 1973.

Matt Muirragui, a Democrat staffer on the House Natural Resource Committee said Democrats will be looking at opportunities to work together, but hopes not to retread “the same old NEPA and ESA discussions”. He spoke against heightening the contrast for political posturing.

Mr. Weaver said there is a history of bipartisan cooperation on the House Natural Resources Committee. The margins are

close in the House, so if anything is going to pass, it will have to be bipartisan. He added that some of the NEPA regulation, forestry concerns, and title transfers are on the table.

“Those ideas come from citizens,” he said.

When asked by an audience member if Democrats acknowledge that NEPA needs to be updated, Ms. Thornton replied that, instead of catching fire over proposals to update NEPA, we should just identify the problems and work on them.

Mr. Muirragui acknowledged that there have been problems, mostly due to lack of staffing. He said the Democrats sought to spend \$1 billion on agency staffing to help speed the permit timelines.

Mr. Weaver noted that staffing might be part of the problem, but said that right now, when someone wants to get a WaterSmart Grant in California who has already gone through CEQA (California’s state “NEPA-like” law) and then is told he has to go through NEPA, a fourth of the \$1 million grant will be lost to further bureaucracy.

“Why hire staff to permit something that doesn’t need permitting?”, he asked.



Mark Limbaugh (The Ferguson Group) moderated a panel of six Congressional committee staffers who participated virtually and in-person this year.

Generation “NEXT”: Re-framing Western Agriculture

A college student raised on a Wyoming ranch shared stories from working in the office of the Interior Secretary, where she witnessed firsthand how decisions in Washington, D.C. impact farmers and ranchers working thousands of miles away. Further West in Nevada, the next generation farmers are looking into regenerative farming, soil sciences, dairy production, while combining traditional and new practices with the help of fresh eyes bridging the ag-to-urban gaps for end products.

Moderated by Therese Ure Stix (Schroeder Law Offices, P.C. Reno, NV), this panel discussion considered the challenges facing the next generation, how traditional agriculture is embracing and fostering its youth, and how the next generation is thinking outside the box. Panelists included Ted Christoph (Liberty Jersey Dairy, NV), Joe Frey (Rambling River Ranch, NV), Emily Fulstone (Fulstone Ranch, NV), Siobhan Lally (Ladder Ranch, WY), and Adrienne Snow (Western States Hemp, NV).

“Even though most of today’s panelists are over 35 -years of age, they are doers and not sit arounders,” Ms. Stix said in her introductory remarks.

Advocates for Soil Health

Emily Fulstone grew up in Nevada and spoke of her interest in soil biology. She said after her time at college she realized that farming is a biological unit. She explained the soil food cycle and noted that, when nitrogen fertilizer was introduced and more and more chemicals were being applied, soils began losing nutrients and the ability to store water.

Ms. Fulstone is now growing earthworms and using the worm excrement to amend the soil. She said she was able to save \$30 an acre on one 1,000 acre alfalfa field to treat blue legged aphids. She found that within three days the majority of the aphids were gone and for those left there were hungry lady bugs. The field also held on to water to a much better amount than any neighboring field and saved on irrigation water.

“Farmers don’t grow plants,” she concluded. “They create environments where plants grow.”

Joe Frey said he is now working with nature instead of fighting it. His Nevada ranch integrates cover crops, and he has observed an 80% reduction in fertilizer and pesticides. He said his earthworm population has soared.

His ranch now grazes cattle on the land as part of the farming cycle.

“Cattle add immense benefits to soil health,” he said.

Mr. Frey said he wants to avoid the problems of the past with chemicals and erosion. He allows beavers to flourish and build dams, which he believes has imparted a tremendous improvement to water supplies and soil moisture on his ranch.

Addressing Public Perception and Regulators

Mr. Frey said having open conversations about these farming practices and having the land where they can be implemented is key. Applying this openness to inheritance and financial planning matters has helped his organization, and he has urged other families to embrace this approach, as well.

Ted Christoph said he milks 750 head of dairy cows on 180 acres and helps feed 70,000 people every day. He said because people are not hungry they are not thinking about policy and government overreach and how that harms farms.

“Government inspectors have become adversaries instead of advocates,” he said.

Last year, only five to eight people died from raw milk in

the United States. There is no data available for pasteurized milk.

“Perfection isn’t reality,” he said.

Mr. Christoph said in the next 5 to 15 years, most of the Baby Boomer generation will retire or die, which will result in one of the largest transfers of wealth in American history. Unfortunately, plans are not being made to deal with this.

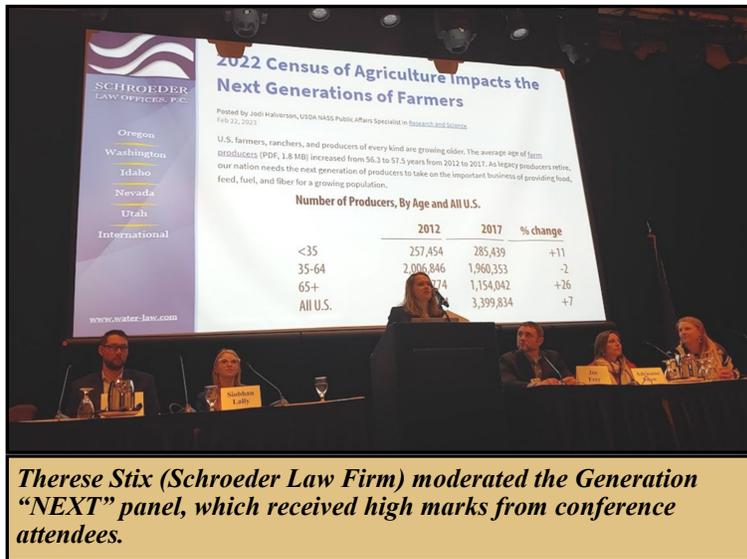
“I don’t want to see subsidies for agriculture, especially for corn and ethanol, as it hurts animal feed,” he said. “I want to see a return to true capitalism.”

He also believes the agriculture industry needs to “drastically” improve its marketing.

Ms. Lally Goes to Washington

Siobhan Lally is a sixth-generation rancher in Wyoming and the granddaughter of Alliance President Patrick O’Toole. She graduated from high school in 2021 and went directly to college at the University of Wyoming. She’s been attending the Family Farm Alliance annual conference since she was less than a year old; meetings have long been a part of her life.

In the summer of 2022, she interned with Interior Assistant Secretary for Water and Science Tanya Trujillo and sat through even more meetings, hearing and discussions.



Therese Stix (Schroeder Law Firm) moderated the Generation “NEXT” panel, which received high marks from conference attendees.

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SCOTUS & Western Water: The Highest Court Gets Busy in Your Backyard

Family Farm Alliance General Counsel Norm Semanko (Parsons Behle & Latimer, Boise, ID) moderated a panel of Western water attorneys engaged in recent U.S. Supreme Court (SCOTUS) cases with important ramifications for Western farmers and ranchers, including the *Sackett* “Waters of the U.S.” case awaiting decision, the *Navajo Nation v Department of Interior* case on *cert* petition from the 9th Circuit, and the ongoing SCOTUS saga of *Texas v New Mexico*.

Panelists included Samantha Barncastle Salopek (Barncastle Law Firm, New Mexico), Patrick Sigl (Salt River Project, Arizona) and Paul Simmons (Somach, Simmons & Dunn, California).

Mr. Sigl spoke first about *Sackett v. EPA*, which deals with the jurisdictional standard for wetlands under the Clean Water Act (CWA). He explained that the case is essentially another phase of trying to determine just how to define the Waters of the United States (WOTUS) under the CWA. The Sacketts are a couple in Idaho who bought a lot on the shore of Priest Lake and started to build a home but were stopped by the EPA. They are represented by the Pacific Legal Foundation, who brought suit. The case has winded its way through the court system, and ended up in the Supreme Court. The lower court referenced Justice Kennedy’s “significant nexus” test of jurisdictional waters, as opposed to the late-Justice Scalia’s “relatively permanent continuous surface flow” test.

“Conceivably, the Court could adhere to existing precedent regarding adjacent wetlands, but jettison the significant nexus test for WOTUS,” Mr. Semanko noted. “That would

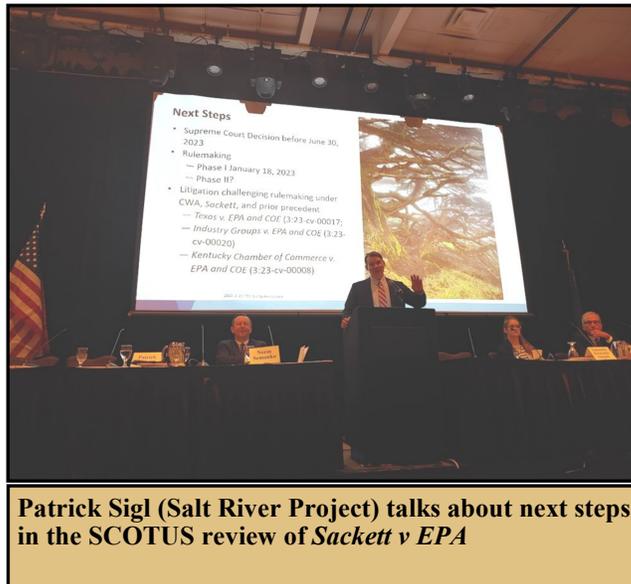
still be a very good result for farmers, ranchers and the larger regulated community.”

Paul Simmons discussed *Interior Department v. Navajo Nation*, which deals with the Colorado River and federal trust obligations to Indian Tribes. The Navajo Nation seeks water for its reservation. The federal government argues that it is not legally obligated to assess the Navajo Nation's needs because no treaty, agreement or law explicitly addresses the tribe's claim to Colorado River water. Now, the Supreme Court will decide if the 9th U.S. Circuit Court of Appeals was right when it sided with the Navajo Nation and said Interior had a “duty to protect and preserve the Nation’s right to water.”

“Everyone should be concerned about this case, as it could introduce a great deal of uncertainty about enforcement of federal trust obligations regarding unknown, undeveloped or unadjudicated tribal water rights,” said Mr. Simmons.

Samantha Barncastle Salopek, who represents Elephant Butte Irrigation District, discussed the long-running saga of *Texas v. New Mexico*, including last-minute efforts by the State of Colorado to derail a settlement almost reached in that case.

“New Mexico was previously only obligated, by the express terms of the Rio Grande Compact, to deliver water to Elephant Butte Reservoir, which is located approximately 100 miles north of the state line,” she said. “This state line obligation is a new agreement never before used in practice but that will now tell us who gets what below the reservoir.”



Patrick Sigl (Salt River Project) talks about next steps in the SCOTUS review of *Sackett v EPA*

Generation NEXT (Continued from Page 6)

“My takeaway from that experience was that no one knows how to fix it and everyone wants it fixed,” she observed.

Following her D.C. internship, Ms. Lally has enrolled in a double major of political science and agribusiness. She has increasingly observed that there is a “systemic disrespect” for agriculture that is not based on reality.

Web-Based Marketing for Hemp Production

Adrian Snow grows hemp and runs a cow/calf operation in Northern Nevada. She started raising Jersey cows and found out soon that, while anything in Nevada goes, not so

for the sale of raw milk. She partnered with Mr. Christoph and Mr. Frey and started a hemp project. Because there was not a supply chain set up locally, she moved towards a web-based management approach.

“We had to figure everything out from seed to sale,” she said.

Ms. Snow said they’ve been able to grow, and emphasized the importance of the business side of things to the audience.

“Ask yourself if what you’re doing is working,” she advised. “Spend more time looking over the finances. Figure out your family’s happiness, your ability to participate in the community and if what you’re doing is good for the planet.”

Bureau of Reclamation Roundtable Tradition Continues

Bureau of Reclamation Commissioner Camille Touton kicked off this year’s edition of a time-honored Family Farm Alliance conference tradition, which featured interactive discussion between a deputy commissioner, two regional directors, and three deputy regional directors.

David Palumbo (Deputy Commissioner), Jennifer Carrington (Columbia Basin/Pacific Northwest Regional Director), Jeff Payne (California/Great Basin Deputy Regional Director), Brent Esplin (Missouri Basin/Arkansas/Rio Grande Texas/Gulf of Mexico Regional Director), Stacy Wade (Lower Colorado Basin Deputy Regional Director), and Nick Williams (Upper Colorado Basin Acting Assistant Regional Director) participated in 75-minute discussion moderated by Alliance Executive Director Dan Keppen.

After the Commissioner’s opening remarks (*see related story, Page 1*) Deputy Commissioner Palumbo noted that Reclamation was created in 1902 to support irrigated agriculture.

“It is an exciting mission, and we’re glad to be here.”

Challenges Across the West

Mr. Keppen noted that the Alliance was created over 25 years ago, and now includes members from every Reclamation state – those roughly located west of the 100th meridian – the “arid” part of the continental U.S. He asked the panelists to describe some of the challenges they are facing across the West.

The drought’s impact on the Colorado River is a tough one, noted Ms. Wade. Her region is evaluating proposals to help keep the system’s current storage shortage in check.

“Droughts and wet years come and go, so long-term durability is the best approach,” she said.

Mr. Payne said the Klamath and Central Valley Projects are experiencing hydrologic conditions never seen before. He said much of the work he is overseeing is devoted to working on funding various water projects.

“Science and transparency are the focus and will continue through the years,” he said.

Once-in-a-Lifetime Funding for Infrastructure

Mr. Keppen asked about the \$12.3 billion in Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) money, how Reclamation plans to spend those dollars over the next four years, and what the toughest implementation challenges were.

Everyone knows folks are watching, observed Mr. Payne. He said people, process and perception are the three areas.

“Staffing needs are bigger since the budget is so much bigger,” he said. “This will help get requests processed faster. Getting the allocations and the obligations where they need to be is the focus.”

Mr. Palumbo noted that there are meetings scheduled with Alliance leaders to help move the implementation phase along.

“Perceptions are confusing,” he said. “There’s the Biparti-

san Infrastructure Law and the Inflation Reduction Act and other pots of gold. It makes it a challenge for folks to understand how much money is and where it is available.”

Water users should work with the local Reclamation offices, Ms. Carrington advised. She pointed to canal safety projects in rapidly urbanizing Boise (IDAHO) and the proposed Anderson Dam raise as ongoing project examples.

Brent Esplin said there are other sources of money such as PL-566 that will allow Reclamation, local districts and the US Department of Agriculture to team up for funding.

Nick Williams summarized a project that allowed water stored behind Glen Canyon Dam to supply the town of Page, Arizona. Due to years of prolonged drought, Lake Powell water levels could drop to a point where power can no longer be generated and also hinder water deliveries to Page, which also serves parts of the Navajo Nation. Reclamation worked to develop a new outtake that allows Paige to access water from the full range of lake levels.

“It took less than a year to complete the project,” said Mr. Williams. “The City of Page purchased the material instead of the federal government, which resulted in big savings in time and cost.”

Mr. Payne noted that it is rare for Reclamation to enter into a project in California without an outside partner involved. Sites Reservoir, Los Vaqueros Reservoir and the San Luis Reservoir dam raise are all partnership projects.

Increased Public Pressure to Capture Water

Mr. Keppen said the recent atmospheric river storms and flooding in California – following on the heels of prolonged drought – has generated an amazing amount of press coverage, focusing on how much water has been lost to the sea. Will that have a beneficial impact on storage projects in the near future?

“If there was storage in the right place, this water could be captured,” said Mr. Palumbo. “Reclamation is operating on the assumption that climate change is going to reduce the amount of snowpack available for surface supplies.”

Colorado River Competing | Demands

Ten minutes were set aside to field questions from the audience. An Imperial Valley producer said his grandfather invested time, sweat and labor to build their family farm and develop an efficient irrigation system. He said that agriculture has doubled its production every 20 years and that the Colorado River feeds 300 million people daily. Meanwhile, Clark County (NEVADA – home to Las Vegas) has added millions of people since the irrigation projects were over 100 years ago.

“Housing and urban development represents a permanent, perpetual crop,” he said. “The Colorado River should be supplemented with water from the Missouri or Columbia Rivers, or farming will suffer. Urban growth will stop, as well, without food.”

Continued on Page 11

Kiss The Ground with Forestry and Ag Solutions

Are government policies and bureaucracy the REAL fire starters in America? Are answers to a major climate crisis staring us in the face? Can forest managers, farmers and ranchers play a role in restoring our Western forests and capture carbon while also turning water and other inputs into food, feed, fiber and fuel?

Moderated by Nadine Bailey, COO for the Family Water Alliance (CALIFORNIA), this panel discussion shed light on what brought us to this point and the innovative solutions that Western producers are bringing to the table. Panelists included Jim Lauria (Vice President, Sales and Marketing, Mazzei Injector Company, LLC), Dale MacDougall (California Deer Association), Alliance President Patrick O’Toole and Ali Duvall (Headwaters of the Colorado River Project).

Ms. Bailey had some strong words and powerful photos showing how single species environmental management is killing off many other species. She lives in Northern California’s Cottonwood-Anderson area and for the first time in 100 years, her family did not receive surface water supplies last year. Hundreds of acres of walnuts died, the wildlife was decimated and there was no improvement in the salmon population.

“The forests are our headwaters and we’re burning them down as a result of mismanagement,” she said, pointing to a photo of the devastating 2021 Dixie Fire in California.

Mr. O’Toole described the collapse of the national forests in Colorado and Wyoming, and said you can no longer ride a horse through part of his traditional grazing land because of forests “that have turned into ‘Pick Up Sticks’ because of pine beetle infestation. The Forest Service in recent years has proven to be very challenging to work with. Now billions of federal dollars are pouring into Forest Service coffers.

“The last thing we want to see is six brand new electric pickup trucks parked in front of the local Forest Service office,” he said.

However, things are changing. He is helping to lead the Headwaters of the Colorado River Project, which will remove dead wood and thin the forests, leading to actual results

on the ground.

Dale MacDougall spoke about the link in the chain between agriculture and landscape-scale management. The forest mismanagement has led to a decline in California’s deer population. California’s deer population has declined from 2 million in the 1960s to 850,000 in the 1990s. Now, there are 400,000 deer and they could be facing a potential listing.

The California Deer Association (CDA) hired Mr. MacDougall to help broaden the association’s credibility and to secure “a seat at the table”. CDA now has a Master Stewardship agreement that allows the organization to work on every acre of federal land in California, which is more than seven million acres. This secures CDA a role in wildlife habitat and watershed health, in places that include the Lake Shasta watershed area, where just about every forest health metric – things like tree density, erosion, merchantable timber density -

is “three times worse than it should be.”

“You literally cannot see the forest function for the trees,” said Mr. MacDougall. “It’s a wall of green.”

Addressing these challenges would yield an additional three billion gallons a day to Lake Shasta.

Jim Lauria described how the “Circular Water Economy” begins and ends with Agriculture. Growing up in New York City as a child, his first experience with agriculture was having the police chase him and his friends off the grass and out of the trees.

“So, I grew up realizing that agriculture can have over-reaching regulation”, he joked.

Mr. Lauria made it clear that agriculture uses 80 % of the captured water in California, not 80-percent of all the water. He pointed to a report from Lawrence Livermore National Labs called “Getting to Neutral, Carbon Neutrality by 2045” where agriculture plays a major part in reaching that goal.

“Smart irrigation leads to more efficient carbon capture,” he said. “The topic is as timely as it gets — both water efficiency and carbon sequestration are high-visibility issues right now around the world.”



Jim Lauria (Mazzei Injector Co.) speaks on the “Kiss the Ground” panel. “Smart irrigation leads to more efficient carbon capture”.



Meet Don Wright of Water-Wrights.net, this year’s *Monthly Briefing* Special Conference edition’s on-site correspondent!

Don took detailed notes that helped form the basis for the articles in this *Monthly Briefing*. However, final editing was performed by Family Farm Alliance contractors, so any criticism can be leveled at dan@familyfarmalliance.org. Don’s

WaterWrights.net has carved a niche covering news at “the intersection of public and private transfer”– California’s water and irrigation districts.

“I’m very glad I was able to attend the Family Farm Alliance conference this year,” said Don. “I learned a lot and met some dedicated people. I want to thank Patrick O’Toole and Dan Keppen for their willingness to not only work with me but make me feel at home.”

Thanks, Don! Great work!

The PL - 566 Small Watershed Program – A Report from the Field

The opening panel discussion on the morning of February 24 focused on field reports of experiences associated with implementing the Small Watershed Program administered by the federal Natural Resources Conservation Service (NRCS). The program is often referred to as “PL-566”, a reference to the public law that authorized it.

The presentation panel was moderated by Raija Bushnell (Farmers Conservation Alliance) and featured Craig Horrell (Central Oregon Irrigation District), Andy Mueller (Colorado River District), Ben Shawcroft (Truckee-Carson Irrigation District) and Craig Simpson (East Columbia Basin Irrigation District).

“PL-566 is a complicated program, with a 188-page manual, just for starts”, Ms. Bushnell explained in her opening remarks.

Those comments were echoed by panelists who also lamented the difficulty in coordinating with two federal agencies.

Mr. Mueller said one of the projects he’s working on has been delayed because Reclamation and NRCS program delivery systems and embedded engineering standards don’t line up.

“It took so long for one of our agreements to be met by the

federal agencies, that the cost went up and the matching portion of the grant was lost,” he said.

Mr. Shawcroft said his first concern is coordinating differing engineering standards between the two agencies. He expressed hope that Reclamation would push hard for improved interagency collaboration as it realizes its WaterSmart grant program isn’t enough to fund all the needs.

One of the hurdles all the panelists mentioned was not knowing what proper environmental documentation was needed to satisfy the agencies’ requirements.

“Developing a standard MOU between Reclamation and NRCS could be very helpful,” Ms. Bushnell observed, before asking, “What advice to you have to share about your PL-566 experiences?”

“Bring partners and a good story to the table,” said Mr. Mueller.

Mr. Horrell agreed that bringing partners to the table - including Members of Congress - is very helpful.

Mr. Simpson said that quickly assembling a team and working immediately on getting to know the local NRCS folks were top priorities.

“Manage expectations early on,” said Mr. Shawcroft. “This takes time to work out.”

Biden’s Water Leaders Discuss Opportunities to Best Implement PL-566

Following the panel discussion featuring real-life implementation stories of the PL-566 program (*see above story*), high-level Interior Department and U.S. Department of Agriculture (USDA) officials discussed opportunities and ways to improve coordination between the departments on implementing watershed programs in the West.

Julie O’Shea (Farmers Conservation Alliance Executive Director) moderated the panel, which featured Gloria Montano Greene (USDA Deputy Secretary for Farm Production and Conservation), Tanya Trujillo (Assistant Secretary for Water and Science Department of Interior), Dr. Dave Raff (Chief Engineer, Bureau of Reclamation), and Ron Alvarado (Natural Resources Conservation Service, Oregon State Conservationist).

Mr. Alvarado noted that recent application of the PL-566 program in the West has changed the view on how it can be applied to tackle drought challenges, expanding from the program’s long-term priority for single purpose flood control projects. There are six PL-566 programs underway in Oregon.

“The program was originally meant for flood control,” he said. “It takes a village of cooperation to make it work.”

Ms. Trujillo said the Department of Interior has \$1.6 billion for infrastructure funding that will help ecosystems impacted by drought. There is an executive order that lays out the criteria that includes environmental solutions. The WaterSmart program for that past decade has provided several funding options for water recycling, irrigation efficiency, and other improvements. There is also a new environmental water program with \$80 million for multi-benefit projects that will improve watershed health and aquatic ecosystems.

“I’m always thinking about removing the logjams in the funding stream,” she said. “There is a new federal inter-agency water group dedicated to improving coordination as a result of the drought. I see better flexibility and responsiveness as a likely result.”

Mr. Raff said Reclamation is interested in improving the process. The Bureau has heard about the need to improve the PL-566 process. The Bureau and NRCS have worked out a Memorandum of Understanding to streamline the PL-566 process where NRCA addresses planning and Reclamation handles construction.

“We are ready to work with growers, districts and other agencies to find better ways to implement these programs,” he said, and invited interested conference attendees to talk with him.

Mr. Alvarado talked further about the future of watershed planning. In Oregon, NRCS has met with Reclamation staff and have agreed to meet monthly to check that “they are not stepping on each other’s toes”. The goal is to get through the planning stages quicker. It is a very complex process and that in itself slows things down.

“If there is an existing plan already on the table that will accomplish the same goals of a PL-566, it would be worthwhile to use that if it moves the needle to the implementation process,” he said.

Ms. Montano Greene said USDA’s goal is to “safely move agriculture to the next generation”. USDA recently re-

Continued on Page 11

Ag in the Crosshairs:

Colorado River Agricultural Water Management and Policy Challenges

What are the policy implications and unintended consequences of looking to agriculture as the “default reservoir” to meet competing demands along the Colorado River? The last panel of the conference focused on innovative approaches being employed to stretch dwindling agricultural water supplies.

Panelists included Richard Morrison (Esq. Adjunct Professor, Arizona State University Law School); Greg Peterson (Executive Director, Colorado Ag Water Alliance); and Tina Shields, (Water Department Manager, Imperial Irrigation District).

Lane Dickson moderated the panel, and in his introductory remarks discussed the recent ramped up attacks on agricultural water users in the Colorado River by interests representing competing water sectors.

“It’s not paranoia – they really are out to get you,” he said. “It’s hard to listen to the attacks on agriculture and alfalfa, followed by the often-inane responses to fix the problem.”

He pointed to recent comments by former Clinton Administration Secretary of Interior Bruce Babbitt where the Arizonan said the problem on the Colorado River can be summed up in one word: “agriculture.”

“Not constructive,” Mr. Dickson observed.

Challenges in the Lower Basin

Tina Shields explained that the priority system employed on the Colorado River was not designed to be implemented after certain water demands are “carved out”. Nor are such actions necessary, despite the advocacy for such approaches by junior water rights holders -many of them urban interests - seeking this opportunity to circumvent existing laws and agreements that already contemplate and address such needs.

Ms. Shields said as the irrigation becomes more efficient at IID and tailwater volumes diminish, the flows to the Salton

Continued on Page 12

Reclamation Roundtable (Cont’d from Page 8)

Deputy Commissioner Palumbo replied and said as long as cities grow grass, there should be no expectation to reduce alfalfa.

“Fallowing is the ‘F’ word to the Bureau of Reclamation,” he said.

Mr. Keppen said that urban water purveyors are doing a great job of cutting back on “per capita” water use, but no one seems to be addressing the “capita” part of the equation. Many urban areas dependent on the Colorado River are planning for millions of new citizens in the coming decades.

“What keeps you up at night?”

“What keeps you up at night and what can you do about it?”, Mr. Keppen asked all the panelists as the Roundtable came to an end.

“Aging infrastructure,” said Mr. Esplin. “I’m concerned about failure during planting or other critical times.”

Ms. Carrington said this is a “once in a lifetime” oppor-

tunity to get the BIL and IRA money out there. Reclamation has hired 300 new staffers to help in this effort, so “loyalty amongst staff” was important to her. Ms. Wade thinks about the rising costs to American consumers for both food and energy. She’s aware that Reclamation staff are also feeling these economic impacts.

Mr. Palumbo said the drought and reduced runoff in light of higher temperatures are troubling. The recent storms will also generate erosion, which can create a whole set of additional problems.

“I’m concerned about growers going broke before any more storage can be built,” said Mr. Payne.

Mr. Williams joked that his teenagers keep him up at night, as well as “impacts and expectations” associated with operating reservoirs at historically lower levels.

Commissioner Touton ended the session on an upbeat note.

“I can sleep at night because of the people on this panel,” she said.

Agency Leaders Assess P.L.-566 (Cont’d from Page 10)

leased some funding categories geared to the West, and she would like to see more staffing to help implement this.

“The Inflation Reduction Act is bringing a good deal of money to the table,” she said. “That is triggering a national and local level discussion about streamlining the process of moving the money to the finished project.”

Mr. Alvarado noted there are irrigation districts now in the

construction phase, which is “music to my ears”, due to the multiple benefits that are generated from these projects. He acknowledged that NRCS cannot do this alone, and adding new federal employees isn’t necessarily the answer.

“The answer is building a community,” he said.

“Construction takes time and water has to be delivered when it is needed. Adding flexibility is an important part of that.”

Colorado River Challenges (Continued from Pg. 11)

Sea also diminish, and the Sea shrinks.

“This harms birds and people,” she said.

In his state, Mr. Morrison said implementation of the Arizona Groundwater Management Act has been working for the past 40-years to bring improvements.

“There are very few areas in Arizona where the water comes from rivers,” he said. “It has been more reliant on groundwater.”

Still, he predicts there will be a dust bowl in Arizona.

“Pinal County is going to go dry,” he said.

Upper Basin Concerns and Impacts

Further upstream, Mr. Peterson said there is already a projection that 40% of irrigated agriculture in Colorado will be lost. He said 4,000 wells were shut down in the three major agricultural counties in the state. There were 23 growers who committed suicide.

“Every basin in that state but for the North Platte is facing drastic cutbacks,” he said. “This is a matter of survival.”

Mr. Peterson said Crowley County, Colorado had its water supply purchased out from under it by metropolitan areas. The county now has the highest poverty rate in the state, impacting over 40 % of the population.

“There are no good ends when water is removed because the economics are removed,” he said.

The federal government wants to conserve water in the Upper Colorado River Basin by giving farmers and ranchers cash to let their fields lie fallow. However, the interstate agency running the program isn’t offering these producers enough money to quit farming voluntarily, Mr. Peterson said. .

“Farmers and ranchers know the cost of food,” he said. “They know what it costs them to produce it and the offers to fallow for a price per acre usually fall far short.”

Public Perception of Agricultural Water Use

Mr. Dickson said he has observed that agriculture’s reduction of water usage and increased production doesn’t get a fair “apples for apples” comparison when urban water usage is discussed.

Mr. Morrison replied that, while in the past he wouldn’t use per-capita as a metric for agricultural water use, he now agreed that it would be good to take a look at what Western agriculture has achieved in terms of feeding people.

“I don’t see much room for more water efficiency,” he said. “There also isn’t much more room for increasing production from modified genetic organisms.”

Mr. Peterson noted that some claim agriculture uses 80%

of the water.

“That may be true,” he said. “However, ag also produces 100% of the food. You can’t replace ag with housing, municipalities and industry and improve the economy or the environment. We need to be more creative in how we bring the message.”

Ms. Shields said the 80% figure needs to be updated. She suggested that the ag industry should focus on showing people how much water a year-round yield – something that occurs in Yuma and the Imperial Valley – actually achieves.

Food Security

The conversation shifted towards food security.

Morrison said some folks would argue there are enough offshore food sources to counter the lost agricultural production in the West, whether or not that is true.

“The attack on alfalfa is an attack on the human food sources it produces,” said Ms. Shields. “By the time there isn’t enough food at the stores it will be too late to fix it.”

Closing Remarks

Mr. Dickson closed out the session by asking each panelist what the biggest problem they are facing in the Colorado River Basin, and how best to address it.

Mr. Morrison said the shortage of water is a big challenge.

“Urban developers are claiming Arizona could support 30 million people if ag water is removed. No one but developers want that.”

**Richard Morrison, Esq.
Adjunct Professor, Arizona State University Law School**

There have been preliminary talks with an Israeli company that could build a desalination plant on the Cortez Sea capable of producing one-million-acre feet of

water annually. He said it would cost \$3,000 per acre foot, well above what agricultural water users could afford. He thinks this water will go to urban areas.

“Urban developers are claiming Arizona could support 30 million people if ag water use is removed,” he said. “No one but developers want that.”

Ms. Shields said California didn’t buy in on the recent 6-state Colorado River agreement proposal because the other states relied upon California’s water and Mexico’s water shares.

“It took billions of dollars and decades of awkward agreements between state agencies to get the California portion of the Colorado River together,” she said. “Our area has no other water source.”

Mr. Peterson said many people in the Upper Basin do not understand how the Lower Basin operates, especially when it comes to addressing evaporative losses in the system. However, he realizes the people in the Lower Basin are the same as the people he represents.

“I hope it works out for farmers in the Imperial Valley,” he said. “They need water, too.”

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