

# Monthly Briefing

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

## Winter Storms Provide Relief, Challenges for California Farmers

### *In the interior West, record snow impacts ranchers*

A relentless series of immense “atmospheric river” storm events has generated near-record snowpack in California’s Sierra Nevada Mountains and saturated millions of acres of lowland areas, which will equate to improved water supplies for millions of Californians.

It also spells disaster for many California communities hit with destructive flooding and damage to agricultural land that farmers say will be costly to address and could take months before they can farm again. And, further inland, severe winter storms have created “once in a lifetime” blizzard conditions that are wreaking havoc on ranching operations in the Rockies and Great Plains.



*California Department of Water Resources staff conduct the fourth snow survey of the season at Phillips Station on April 3, 2023. Photo courtesy of California DWR.*

winter storms in March and a massive Sierra snowpack. DWR now expects to deliver 75 percent of requested water supplies, up from 35 percent announced in February. The increase translates to an additional 1.7 million acre-feet of water for the 29 public water agencies that serve 27 million Californians.

“California continues to experience weather whiplash, going from extreme drought to at least 19 atmospheric rivers since late December. It really demonstrates that in times of plenty, we need to move as much water into storage as is feasible,” said DWR Director Karla Nemeth. “We’ve been able to manage the system to the benefit of communities, agriculture and the environment. It’s certainly been a welcome improvement

following the three driest years on record for California.”

DWR on April 3 conducted the fourth snow survey of the season at Phillips Station. The manual survey recorded 126.5 inches of snow depth and a snow water equivalent of 54 inches, which is 221 percent of average for this location on April 3.

### California Water Supplies Get Huge Boost

The Department of Water Resources (DWR) in late March announced a significant boost in the forecasted State Water Project (SWP) deliveries this year due to continued

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## California Water Supplies Get Huge Boost (*Cont'd from Page 1*)

“This year’s result will go down as one of the largest snowpack years on record in California,” said Sean de Guzman, manager of DWR’s Snow Surveys and Water Supply Forecasting Unit.

The Bureau of Reclamation in late March also announced an increase in Central Valley Project 2023 water supply allocations. Since making initial allocations in February, Shasta Reservoir, the cornerstone of the Central Valley Project, increased from 59% to 81%, and San Luis Reservoir, the largest reservoir south-of-Delta, from 64% to 97%.

Based on the encouraging hydrology and forecasting, Reclamation announced that irrigation water service and repayment contractors north and south of the Delta would see allocations increased to 80% from 35% of their contract total.

Westlands Water District (Westlands) was one of the districts receiving the initial 35% allocation and were pleased to see the total upped to 80%.

“For farmers and our Westside communities who have dealt with drought, and a 0% allocation these past two years, being in a position to have certainty of additional water supplies for the year to come will help them recuperate, hire and retain staff, and bolster their ability to continue feeding the world,” said Jose Gutierrez, Westlands’ interim general manager, at the time of the announcement.

While many farmers have already made planting decisions based on the initial allocation, the increase will enable farmers to reduce or temporarily eliminate groundwater pumping as well as recharge the aquifer.

Friant Division contractors’ water supply is delivered from Millerton Reservoir on the upper San Joaquin River and categorized by Class 1 (the first 800,000 acre-feet of available water supply) and Class 2 (the next amount of available water supply up to 1.4 million acre-feet). Reclamation announced that Class 1 remained at 100%. Class 2 was previously increased from 20% to 70% on March 7.

### Too Much of a Good Thing?

As the saying goes, “when it rains, it pours”, and in this case, the damage caused by the storms has threatened California’s vast agricultural production, which produces more than one-third of the nation’s vegetables and three-quarters of the country’s fruits and nuts, according to the California Department of Food and Agriculture.

California Farm Bureau’s *Ag Alert* reported that relentless storms brought destructive flooding to many California communities, such as in Tulare County near Exeter, where floodwater in citrus groves brought several feet of mud and debris.

Farmers say recovery will be costly and it will take months before they can return to farming.

“I saw drip lines strung out across the road because of the force of the water flowing through the orchard,” Tulare County dairy and citrus farmer Tom Barcellos told *Ag Alert*. “It’s going to be wet, muddy and full of silt for a long time.”

Severe storms brought floodwater to Monterey County, displacing residents and damaging crops, such as berries in hoop houses above, west of Salinas near the Salinas River.

Monterey County Farm Bureau estimates crop damage from the storms to exceed \$336 million.

Governor Gavin Newsom on April 3<sup>rd</sup> announced that the White House has approved California’s request for a Presidential Major Disaster Declaration to further support the state’s all-of-government emergency response and recovery efforts amid severe storm impacts throughout the state.

“This declaration brings in more vital resources as we continue to work in lockstep with local, state and federal partners to support communities that have been turned upside down by these storms,” said Governor Newsom. “First responders and state personnel are on the ground in hard-hit regions across California to assist the ongoing response and recovery.”

The excess rain and floodwaters that have taken their toll on farms across the state could translate into higher food prices at the supermarket (*AccuWeather*).

California’s agriculture industry isn’t just crucial for the country but also for the world’s food supply. The state is the country’s largest agricultural exporter and the nation’s sole exporter of many

commodities such as almonds, artichokes, dates, garlic and much more, according to the California Agricultural Statistics Review 2020-2021.

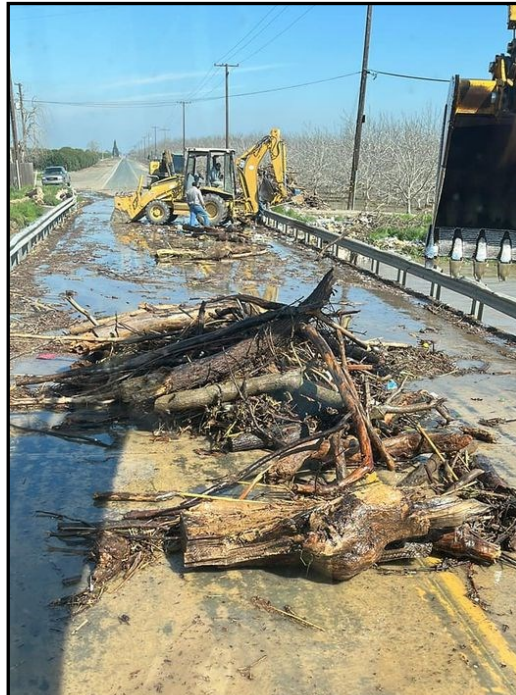
“Here in California, we feed the world, not just the country,” dairy farmer Johnny Dykstra told *AccuWeather*.

The damage caused by the multiple rounds of storms could affect the availability of these exports. While grocery prices are holding steady for now, they could rise in the coming weeks if crop losses or equipment damage worsen.

### Water Managers Prep to Mitigate for Spring Flooding

All of that snow in the Sierra Nevada will start melting soon, and water managers on both sides of the mountain range are preparing for the deluge.

In response to record breaking snowpack conditions in the Sierra Nevada, the Bureau of Reclamation is working with



**San Joaquin Valley Tom Barcellos and his crew clear debris from under a bridge to keep floodwaters flowing. Photo courtesy of Tom Barcellos.**

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# Alliance Advances 2023 Farm Bill Platform

While Congress is currently away from Washington on Easter recess, the Senate Agriculture Committee is preparing to ramp-up farm bill activity as policy ideas and support for those ideas is garnered and assessed.

“When it comes to public policy, if you’re not at the table, you’re probably on the menu. And we want you at the table,” House Agriculture Committee Chair “GT” Thompson recently told an audience attending a recent Farm Bill listening session in Waco. “You don’t want us writing this Farm Bill just listening to the voices inside the Beltway of Washington.”

The Family Farm Alliance has been working with its allies in agriculture and the conservation community to advance its platform, which focused primarily on the farm bill’s conservation title.

“We’ll looking to fine-tune USDA conservation programs that deliver cross-sector benefits to farming and ranching and conservation,” said Alliance Executive Director Dan Keppen. “These programs need to deliver measurable conservation outcomes in a simple way, without harming environmental interests or program integrity.”

The farm bill is an omnibus, multiyear law that is typically renewed about every five years. With enactment of the omnibus spending bill in December 2022, lawmakers laid the groundwork for battles to come in the next farm bill. The current farm bill expires at the end of September.

## Capitol Hill Politics

Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.) and Ranking Member John Boozman (R-Ark.), are finalizing a schedule that will drive discussion of major priorities and funding issues. Key spending challenges that have already surfaced include the Supplemental Nutrition Assistance Program (SNAP) and increasing reference prices in the Price Loss Coverage program.

SNAP eats up 80 percent of the farm bill’s spending but must be hammered out to secure Democrat support for the farm bill. Republicans want to see expanded work requirements in SNAP, which will be strongly resisted by Democrats like Senator Stabenow.

“We cannot go backward at a time when our farmers and families need us most,” Senator Stabenow said last month.

Senator Boozman, meanwhile, has called for more vigorous USDA enforcement of work requirements and for states to “no longer be allowed to game the system” through work requirement waivers, according to POLITICO.

Republicans on the House Ag Committee said during a hearing earlier this year that a new farm bill directly addresses federal regulations that they say are impeding production.

“[T]his administration continues to promote nonsensical regulations and policies that create needless uncertainty for farmers, ranchers and working families, further limiting our ability to meet the growing food demands of our nation and the world,” Committee Chairman GT Thompson (D-PA) said in his opening comments at the hearing.

Chairman Thompson and other House Ag Committee

leaders do not believe sufficient resources are dedicated by Congress for the farm bill. For the 10-year budget window of fiscal years 2024 to 2033, all federal spending contained within the 12 titles of the farm bill is projected to account for less than two percent of the entire federal budget.

“When broken down further, the farm safety net—commodity programs and crop insurance combined—is projected to account for a mere two-tenths of one percent of federal spending”, Chair Thompson and ranking member David Scott (D-Ga.), wrote in a letter last month to the Budget Committee, asking for more resources to enact the 2023 farm bill.

The farm bill supports America’s food and agriculture sectors, which in 2022 accounted for direct, indirect, and induced output of more than 43 million jobs, \$2.3 trillion in wages, \$718 billion in tax revenue, \$183 billion in exports, and \$7.4 trillion in economic activity.

“We would challenge any Member of Congress to identify other legislation that can take credit for a similar return on investment of federal support,” the Committee leaders wrote.

It remains to be seen whether the Budget Committee will grant their wish (*POLITICO*).

## Family Farm Alliance Engagement on 2023 Farm Bill

The Alliance began ramping up its own Farm Bill advocacy efforts last year, working with conservation partners, developing testimony for Congressional hearings, and working with its members to prioritize its energies in the farm bill debate.

“Earlier this year, we put together our Farm Bill wish lists for Congressional offices and committees,” said Mr. Keppen. “Once again, the Alliance will work closely on this with its partners in the Western Agriculture and Conservation Alliance—the “WACC” – on the conservation title.”

Last month, the WACC finalized its Farm Bill platform, which, among other things, puts priority on improving implementation of the Watershed and Flood Prevention Operations (“PL-566”) and the Regional Conservation Partnership Program, encouraging active management for grazing, and seeking to provide better and faster conservation program technical assistance and compliance.

The Alliance has also been working with Western Growers and several Western state Farm Bureaus to push more ag-centric priorities, starting with Western Senators and Ag Committee Members.

“Our key priorities working with our ag partners are PL-566, forest restoration, and pushing for the need to ensure that USDA conservation dollars – if they are directed at climate – are not solely focused on soil carbon but rather multiple benefits that help with water resiliency,” said Mr. Keppen.

Josh Maxwell, GOP consultant to the House Agriculture Committee, spoke at the February 2023 Family Farm Alliance annual conference in Reno, and shared his experiences and answered questions about the 2023 Farm Bill.

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

# Alliance Supports Senator Bennet's *Protect the West Act* ...and other Forest Health Developments on Capitol Hill

The Family Farm Alliance last month formally supported legislation introduced by Colorado Democrat Senators Michael Bennet and John Hickenlooper (D-CO) that would create a USDA-managed \$60 billion Outdoor and Watershed Restoration Fund for investments in Western forest and watershed restoration programs.

Under the *Protect the West Act of 2023*, a new Restoration Fund Advisory Council would allocate the money for various projects in the West. The legislation would assign \$20 billion for direct payments to state and local governments, tribal nations, special districts and nonprofit organizations.

The other \$40 billion would go to state and tribal nations to address the wildfire mitigation backlog and other projects.

Senator Bennet's office reached out to the Alliance earlier this year to discuss suggestions to improve the bill from the last Congress.

"The revised, newly introduced legislation incorporates all of our recommendations," said Alliance President Patrick O'Toole, a sheep and cattle rancher from Wyoming. "We have identified the problems and funded the solutions. Now is the time for implementation."

## Forest Health Hearings on Capitol Hill

Wildfire was back on the congressional agenda last month with hearings on forest policy and on the climbing economic costs of Western wildfires. The Senate Budget Committee heard from experts in prescribed fire, climate change and other issues surrounding wildfire policy, while the newly formed House Agriculture Subcommittee on Forestry held its first hearing on the upcoming five-year farm bill.

The Senate hearing — entitled "Burning Issue: the Economic Costs of Wildfires" — shed some light on wildfires' implications for insurance and lending, as well as on-the-ground impacts in places like New Mexico.

The House Committee on Natural Resources, Subcommittee on Federal Lands heard testimony on three bills that represent a more intensive approach to preventing and fighting wildfires, as well as a Democratic bill to restrict private individuals' use of national forests to grow marijuana.

"America desperately needs solutions to the catastrophic wildfire and forest health crisis decimating our federal lands and forests year after year," said Subcommittee Chairman Tom Tiffany (R-WI). "The four forestry bills the Federal Lands Subcommittee held a hearing on today will cut red tape, put an end to frivolous litigation, address the Biden border crisis by cutting off illegal marijuana cultivation from cartels on our federal lands, and save lives and land through wildfire prevention."

Forest Service Chief Randy Moore at the hearing vowed to boost timber harvests across the national forest system.

## House Bill Introduced to Allow Continued Use of Firefighting Chemicals

A litigious environmentalist group is suing the U.S. Forest Service (USFS) under the Clean Water Act (CWA) to require a permit to use fire retardant and has requested an injunction on the use of fire retardant until the USFS receives this permit, which could take years.

Republicans in Congress are pushing a bill to exempt the practice from such permit requirements.

A court case in the Federal District Court of Montana is being litigated that could ban the use of aerial fire retardants nationwide during the coming 2023 fire season, placing western communities who routinely experience wildland fires at risk.

"The Forest Service has commenced the process to obtain Clean Water Act permits that will authorize the discharge of aerial fire retardant into waters, including entering a Federal Facilities Compliance Agreement with [EPA]," the Justice Department said in a recent brief in environmentalists' lawsuit alleging that without a permit, such spraying violates the CWA.

However, because of the need to obtain a federal National Pollutant Discharge Elimination System (NPDES) permit and as many as 47 state permits, the process is expected to take about two and a half years. If the injunction is granted and fire retardant is not available for use in the 2023 fire year, fire-



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## House Republicans Pass Energy Bill with Permitting Reform

House Republicans passed a sprawling energy bill late last month, intended to restore energy independence. *The Lower Energy Costs Act* (H.R. 1) focuses on increasing domestic energy production, reversing policies advanced by the Biden administration, and boosting production and processing of critical minerals. It also includes important permitting process reforms for all industries.

“Today is a great day in America – the House has delivered a bill that will grow our economy, bolster our national security, reduce global emissions, and make the United States more competitive with the passage of H.R. 1, the Lower Energy Costs Act,” said Speaker Kevin McCarthy (R-CALIFORNIA).

The bill passed by a 225-204 vote, with four Democrats joining Republicans to pass the bill and one Republican legislator voting against.

H.R. 1 includes the “*BUILDER Act of 2023*,” legislation from Rep. Garret Graves (R-LA), would shorten the time allowed to complete environmental reviews and to file lawsuits challenging those reviews under the National Environmental Policy Act (NEPA). The BUILDER Act would limit to one and two years the length of NEPA environmental assessments and impact statements, respectively. It would also place a deadline of 120-days for parties to file lawsuits related to projects.

“Why are more and more Americans unable to afford groceries, utility bills, refueling cars and other necessities?” Rep. Graves asked. “Why are we dependent on other countries that hate America for the same products and resources that we have right here in America? This bill works to address these problems and more.”

We’ve been working with GOP staff at the House Natural Resources Committee for the past year on ways to modernize implementation of NEPA. We are always looking for ways to clarify ambiguous provisions, align NEPA with relevant case law, reflect modern technologies, optimize interagency coordination, and facilitate a more efficient, effective, and timely environmental review process.

The BUILDER Act could garner bipartisan support as renewable energy as well as traditional energy projects are slowed due to NEPA process delays. Water infrastructure projects are also sometimes delayed by the NEPA process. The GOP package, including the NEPA reforms, was approved by the Committee and will be taken up by the full House later this spring, even though House Democrats on the Natural Resources Committee remain staunchly opposed to the package. The package may also pick up other bills from various House committees in the process.

But most Democrats and the White House dismissed the Republican bill as reviving fossil fuel-centric policies or gutting environmental permitting processes.

“For anyone who is being lured into thinking there are opportunities for negotiations on this bill, do not be naive,” Rep. Raúl Grijalva (D-ARIZONA) said on the House floor prior to the vote. “This performative permitting reform is not a bipartisan solution, not even a starting point for one. This is just another decades old request from polluters to make their operations cheaper and easier while making Americans’ lives harder and more costly.”

The bill likely won’t advance in the Democratically controlled Senate.

## BOR Awards \$585M of IJA Funds to Repair Aging Water Infrastructure

During an April 5 visit to the Imperial Dam near Yuma (ARIZONA), Deputy Secretary of the Interior Tommy Beaudreau, Senior Advisor to the President and White House Infrastructure Implementation Coordinator Mitch Landrieu, and Bureau of Reclamation Commissioner Camille Calimlim Touton announced a nearly \$585 million investment from the Infrastructure Investment and Jobs Act (IIJA) for infrastructure repairs on water delivery systems throughout the West. Funding will go to 83 projects in 11 states to improve water conveyance and storage, increase safety, improve hydro power generation and provide water treatment.

“Many of our members’ projects made the list,” said Family Farm Alliance Executive Director Dan Keppen. “The Aging Infrastructure Account was included as part of a proposal advanced by over 230 water, ag and urban organizations in 2021, during IJA negotiations.”

That coalition was led by a steering committee that included the Alliance, Association of California Water Agencies, California Farm Bureau Federation, National Water Resources Association and Western Growers.

The visit to the Colorado River Basin’s Imperial Dam – which is receiving \$8.24 million in fiscal year 2023 – is part of the Biden-Harris administration’s Investing in America

tour to highlight the opportunities that IJA are creating.

“These projects have been identified through a rigorous process and is a testament to the Bureau of Reclamation’s commitment to deliver water to future generations,” said Commissioner Touton. “As we manage through changing climate, we must look to the safety of our projects to ensure that we can continue to provide clean, reliable water to communities, irrigators, and ecosystems across the west.”

The projects selected for funding are found in all the major river basins and regions where Reclamation operates. Among the 83 projects selected for funding are efforts to increase canal capacity, replace equipment for hydropower production and provide necessary maintenance to aging project buildings. Projects will be funded in 11 Western states.

The IJA includes \$8.3 billion for Reclamation water infrastructure projects over five years to advance drought resilience and expand access to clean water for families, farmers and wildlife. The investment will repair aging water delivery systems, secure dams, complete rural water projects, and protect aquatic ecosystems. Detailed information on Reclamation programs and funding provided in the IJA is available on Reclamation’s website: <https://www.usbr.gov/bil/>

## Alliance Rep Testifies at House Subcommittee Hearing

Oregon Republican Rep. Cliff Bentz chaired his first hearing of the House Committee on Natural Resources, Subcommittee on Water, Wildlife and Fisheries (WWF) last month on the importance of multi-purpose water management across the country.

“Today’s hearing is one of many that will address the essential need for long term water storage solutions across the West,” he said in his opening statement.

Family Farm Alliance Executive Director Dan Keppen testified at the hearing, where he underscored the importance of properly balancing management of the anticipated historic Western snowmelt this year, ensuring transparency and accountability in federal water decision-making, and suggested a new way of doing business regarding Endangered Species implementation in the West.

“Solutions can be reached that address the true stressors on fish in a way that doesn’t take away water supplies from farmers and ranchers,” Mr. Keppen told the Subcommittee.

While conflicts over water resources have existed long-term, federal policies and non-elected government agency staff have exacerbated some of these conflicts and threatened economies, the environment and ways of life.

“Cities, other states, farmers, ranchers, refugees, and rural homeowners, all of whom are heavily dependent on access to

water, are being put in harm’s way at the expense of bad science and bad policy,” said Chairman Bentz.

The March 8 hearing explored those threats while focusing on solutions.

Other witnesses joining Mr. Keppen at the hearing were Scott Corwin (Executive Director, Northwest Public Power Association), Martha Guyas (Southeast Fisheries Policy Director, American Sport-fishing Association) and Amy Cordalis, a long-time advocate for, and member of, the Yurok Tribe in northern California.

The Alliance developed extensive written testimony for the Subcommittee prior to the hearing. Mr. Keppen’s spoken, 5-minute statement focused on: the huge snow-pack in California, and the importance of managing that in a way that sends most of it out to the ocean with minimal environmental benefits and no benefits for human uses.

He also discussed the multi-decade failure of the flow-centric management scheme employed by federal agencies to “protect” fish on the West coast, and why now is not the time for our government to be taking farmland out of production.

“For the time being, this Nation needs our farmers and ranchers to produce food and fiber,” said Mr. Keppen. “Laws and regulations need to be updated to mandate accountable and transparent results from diverting water away from Western farms and creating man-made droughts.”



*Alliance Executive Director Dan Keppen responds to a question at the March 8 Water, Wildlife and Fisheries Subcommittee hearing. Photo courtesy of House Committee on Natural Resources.*

## House Fire Retardant Bill (Cont’d from Page 4)

fighters and individuals living in forested areas would be in greater danger.

Last month, Rep. Doug LaMalfa (R-CALIFORNIA) and Rep. Dan Newhouse (R-WASHINGTON) introduced H.R. 1586, the *Forest Protection and Wildland Firefighter Safety Act of 2023*, which creates a CWA exemption for federal, state, local, and tribal firefighting agencies so they can continue to use fire retardant to fight wildfires.

“Fire retardant is an essential tool in wildland firefighting, especially in the West. Not only is it absurd to try to take away that tool, it’s flat out dangerous,” said Rep. LaMalfa. “These regressive environmentalists are scared that a little bit of fire retardant could get into our rivers while we’re fighting another million-acre fire.”

Senator Cynthia Lummis (R-WYOMING) has introduced

a companion bill in the Senate.

Fire retardant is an essential tool used to contain or slow the spread of wildfires. Currently, the Forest Service and other agencies are operating under the assumption that a NPDES permit is not required for the use of fire retardant because the regulations specifically state that fire control is a “non-point source silvicultural activity” and communications from EPA dating back to 1993 indicated a permit is not required.

“Wildfires are a serious threat to life and property throughout the Western United States. Our firefighters need all possible tools to contain any damage caused,” said Rep. Harriet Hageman (R-WYOMING). “Out of touch eco-activists filing lawsuits to stop the use of aerial fire retardants cannot be allowed to threaten the safety of our citizens, first responders, wildlife, livestock, and forests.”

## House Subcommittee Conducts Oversight Hearing on Storage

Several witnesses with ties to the Family Farm Alliance last month testified at a House Committee on Natural Resources, Water, Wildlife and Fisheries (WWF) Subcommittee oversight hearing titled “*Why We Need to Store More Water and What’s Stopping Us*”.

Witnesses included William Bourdeau (Vice-Chair, San Luis & Delta-Mendota Water Authority, CA), Tricia Hill (Klamath Water Users Association, OR), Andy Mueller (General Manager, Colorado River Water Conservation District), and Joshua Sewell (Taxpayers for Common Sense).

Mr. Bourdeau serves on the Alliance board of directors, Mr. Mueller is an Alliance Advisory Committee Member, and Ms. Hill and KWUA are members of the Family Farm Alliance.

Over the past three years, much of the western United States has experienced prolonged, persistent drought and below-average precipitation. Those years have been some of California’s driest on record. These extreme drought conditions have significantly depleted reservoirs and water storage. Now, California is experiencing extremely high precipitation levels, yet does not have the necessary infrastructure in place to store the excess water. Much of it is washing out to sea as a result, either through San Francisco Bay or the mouth of the Klamath River, which was addressed by Mr. Bourdeau and Ms. Hill, respectively, at the hearing.

Mr. Bourdeau spoke about the immense amount of water being flushed out into the ocean amid the recent storms to start the year, citing information from the Bureau of Reclamation that on a single day in March Shasta Reservoir captured 145,000 acre-feet of water, but on the same day California lost 200,000 acre-feet of water to the ocean.

“While it is difficult to compare ourselves to the generations that came before us, we have the chance to implement meaningful change that will enhance the quality of life for

generations to come,” Mr. Bourdeau said. “We need to identify the best projects and avoid over-studying, undue delays and build a better system. My hope is that today’s critical discussion on the future of the west and water infrastructure will pave the way for such transformative steps and a better future for generations to come.”

Ms. Hill urged the Subcommittee to “take a hard look” at how water is being managed in the Klamath Basin, which encompasses parts of California and Oregon.

“The details and the decisions being made that I could not go into detail in my testimony would, quite literally, shock you,” she said. “Fish science has gone out the window as apportionment of Klamath Basin water has become a tool of politics, not wildlife and fisheries management. The backbone of this nation’s food supply and food security—irrigated agriculture in the West—is being broken for no good reason.”

The hearing also showcased the need for managing the watersheds in Western national forests to increase water supplies and improve forest health.

Mr. Mueller reported that on the slopes across Colorado’s high country, the snow-water equivalent of 2023 winter storms soared past the seasonal averages of the last thirty years. However, he also warned that Colorado experienced a similarly robust snowpack in 2011 and 2019, but both followed closely on the heels of 2012 and 2020, which were “brutally dry” years.

“Managing a system where the only certainty is uncertainty means looking both at long term and short-term solutions,” Mr. Mueller testified. “In the long term, one of the largest variables over which we have any control is the health of our forests and their ability to collect, filter and convey water. In the short term, accessible and easily adaptable storage solutions mean that our communities, our agriculture and rivers can continue to thrive year to year.”

## OpenET Bill Would Create New Federal Program to Track Water Use in the West

A bipartisan coalition of Western lawmakers last week reintroduced their “*Open Access Evapotranspiration Data (OpenET) Act*,” filed as H.R. 4832 and S. 2568 in the 117<sup>th</sup> Congress to create a new program in the USGS at the Department of the Interior that could be used to track water lost to evaporation and transpiration from soil, crops and vegetation in a river basin.

Rep. Susie Lee (D-NV), whose district includes parts of Las Vegas, sponsored the House bill along with Rep. Jared Huffman (D-CA) and Reps. Burgess Owens (R-UT) and Chris Stewart (R-UT). Bill sponsors say that data could prove crucial to many drought-stricken river basins in the West, including the Colorado River Basin.

“It’s absolutely necessary that we get the most use out of the water we already have. That starts with giving states more consistent, accessible, and accurate data,” said Rep. Stewart, whose district includes the burgeoning St. George area. “This legislation will allow us to be more prudent with our current resources and plan for the future of our communities.”

Sens. Catherine Cortez Masto (D-NV) and John Hickenlooper (D-CO) introduced the bill in the Senate.

Evapotranspiration can be tracked with satellites and weather stations, although critics of the legislation argue that making such data widely available to the public using federal resources, which is made possible by the OpenET legislation, must be subject to existing data privacy and data quality laws as well as be peer-reviewed for accuracy.

“We share the concerns expressed by other agricultural producers in the West regarding S. 2568, which would inject major federal funding into the OpenET program,” said Family Farm Alliance Executive Director Dan Keppen. “We stand ready to work with the sponsors of these and similar proposals to ensure they do not have unintended consequences for Western agriculture and water management.”

“Hopefully, the OpenET discussions will lead to opportunities where we can generate political interest that drives science to get things right on things like the relatively unknown shallow groundwater / surface water relationship in many areas of the Upper Colorado River Basin,” he added.

## Congress and Courts Slap Down Biden WOTUS Rule *As Expected, President Vetoes Congressional Resolution*

Both chambers of Congress last month passed a resolution against the Biden Administration’s recently finalized “waters of the U.S.” (WOTUS) rule, while a federal judge stayed the rule’s implementation in two Western states. However, President Joe Biden on April 6 vetoed the resolution, and the bill now heads back to Capitol Hill, where critics of the Biden rule lack the votes to override the presidential veto.

### Congress Moves to Overturn Biden WOTUS Rule

The Senate late last month approved 53-43 a Congressional Review Act (CRA) resolution against the Biden Administration’s recently finalized Clean Water Act “waters of the United States”, or WOTUS, rule.

Many in the agricultural community and their political supporters believe the new WOTUS rule vastly expands regulatory jurisdiction beyond just returning to the pre-2015 regulations and guidance as proposed, at a time when the Supreme Court has yet to issue an opinion in *Sackett v. EPA*, which will directly impact the rule.

“By voting to overturn President Biden’s waters rule, we are sending a clear, bipartisan message that Congress, even a divided one, will defend working Americans in the face of executive overreach,” said Senator Shelley Moore Capito (R-WV), who introduced the Senate resolution. “I’m proud to lead my colleagues in standing up for farmers and ranchers, landowners and builders, and energy and infrastructure workers across the United States.”

Senate Energy and Natural Resources Chair Joe Manchin (D-WV) and Sens. Kyrsten Sinema (I-ARIZONA), Jon Tester (D-MONTANA), Catherine Cortez Masto (D-NEVADA) and Jacky Rosen (D-NEVADA) joined Republicans in supporting the measure.

Industry leaders and associations representing rural America – including the Family Farm Alliance - released statements in response to the earlier House passage of the joint resolution.

“Over the past two decades, we have engaged in a variety of ping-pong administrative efforts-now spanning four different presidential administrations - all of them aimed at clarifying the interpretation of the Clean Water Act,” said Family Farm Alliance Executive Director Dan Keppen. “We applaud the Western Caucus’ leadership and the House of Representa-

tives passage of the Joint Resolution, which provides a useful mechanism for Congress to overturn this action in the future.”

The CRA allows for a simple majority to overturn recent rules, but also hinders the government’s ability to pursue a similar rule. The House approved the CRA resolution earlier so the Senate vote sent it to the President’s desk. Earlier this month, as expected, President Biden vetoed the resolution.

As reported in *E&E Daily*, the White House warned that scrapping the WOTUS rule “would leave Americans without a clear definition” of what streams, rivers and other waterways are covered as waters of the U.S.

“The increased uncertainty caused by H.J. Res. 27 would threaten economic growth, including for agriculture, local economies, and downstream communities,” President

Biden said.

Republicans like Senator Capito disagreed.

“By vetoing this Congressional Review Act resolution of disapproval, President Biden is ignoring the will of a bipartisan majority in Congress, leaving millions of Americans in limbo, and crippling future energy and infrastructure projects with red tape,” said Senator Capito.

### Court Stays Biden WOTUS Rule in Idaho and Texas

A federal judge in Texas has put the Biden Administration’s newly finalized WOTUS rule on hold in two states while many are calling for the rule to be stayed nationwide until a much-anticipated Supreme Court ruling is decided later this year.

Judge Jeffrey Brown handed the states of Texas and Idaho a victory in their fight to head off the new WOTUS rule. Judge Brown, a Trump appointee, found Texas and Idaho were able to show “irreparable harm because they will expend unrecoverable resources--monetary and otherwise--complying with a rule unlikely to withstand judicial scrutiny.”

“Certainly, the court agrees with the defendants that federally regulating some interstate waters may be necessary to carry out Congress’s intent to protect the nation’s waters, but



**Republican Senator Shelley Moore Capito—a vocal critic of the Biden Administration’s WOTUS rule—speaks at an event earlier this month in her home state of West Virginia.**  
Photo source: Office of Senator Capito.

*Continued on Page 12*



## Colorado River Basin Congressional Coalitions Take Shape .....And Other Colorado River News

Twelve House lawmakers from the six Basin states of Arizona, California, Colorado, Nevada, New Mexico and Utah have formed a new caucus focused on the Colorado River Basin, where more than two decades of drought threaten water supplies and hydropower production. The Wyoming congressional delegation has yet to join. The caucus is jointly led by Rep. Joe Neguse (D-COLORADO) and Rep. Juan Ciscomani (R-ARIZONA).

"As the Representative of the headwaters of the Colorado River, I'm honored to be joined by colleagues from the Upper and Lower Basin States in launching the Congressional Colorado River Caucus," Rep. Neguse said.

In the Senate, Sen. John Hickenlooper (D-COLORADO) has likewise been convening an informal group of Colorado River Basin Senators to work on Basin issues.

The Colorado River supplies water to some 40 million individuals (about twice the population of New York) and irrigates 5.5 million acres of agricultural land but is experiencing the worst drought in a thousand years according to scientific data.

Shrinking reservoirs that store and distribute the river water according to 100-year-old multi-state compact and various court directives, known as the "law of the river," now sit at record low levels, jeopardizing power production at the Glen Canyon and Hoover dams and endangering water deliveries downstream. The Interior Department is currently reviewing how it can update the 2007 Colorado River Interim Guidelines, a set of rules that dictate how much water is withdrawn from each reservoir based on its current surface elevation. A draft is expected to be released this April.

### Challenges with Upper Basin System Conservation Program

Western Slope basins that feed the Colorado River have seen above-average snowpack this year, and some areas of the Colorado River Basin have reported record levels of snow, according to Natural Resources Conservation Service data. The challenge will be not to squander it. (*The Colorado Sun*)

"The challenge that the basin states face is, what will people do in response to this gift, this tremendous success?" said Chuck Cullom, executive director of the Upper Colorado River Commission (UCRC), an interstate water administration agency. "Are we going to squander it? Or are we going to store it and rebuild resiliency in this potentially once-in-a-decade, potentially once-in-a-century, type of runoff?"

A new, federally funded conservation program overseen by the UCRC - set up to pay farmers and ranchers to let fields go dry - is off to a rocky start in Colorado.

The Bureau of Reclamation 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, local water interests say.

"Farmers and ranchers know the cost of food," said Greg Peterson, executive director of the California Ag Water Alliance. "They know what it costs them to produce it and the offers to fallow for a price per acre usually fall far short."

Troy Waters is a fifth-generation farmer in Grand Valley, Colorado. He recently told *Business Insider* that he fears his way of life will turn to dust and blow away in the wind like dried-out topsoil.

"There ain't nobody in this valley that's gonna stop farming for \$150 an acre-foot," Waters said. "I think they put out that program hoping nobody would really participate."

Local water districts are also raising concerns. *Aspen Journalism* recently reported that Colorado West Slope water managers say they are being cut out of the process to review and approve applications for the recently funded System Conservation Program within their boundaries. But it now appears that the districts' role will be limited to providing input to the Upper Colorado River Commission on the applications, for which limited public information has been released.

"I think that was disturbing to us because it was a reversal of a commitment that had been made in early December by the commissioner," said Andy Mueller, the General Manager of the Colorado River District. "There is a complete lack of process within our state reviewing this program or the potential impacts to other water users. ... There is no analysis done whatsoever to protect communities."

### Cloud Seeding Funding Redoubled

Further down river, the Southern Nevada Water Authority last month voted to accept a \$2.4 million grant from Reclamation to fund cloud seeding in Upper Basin states.

"The research that's come out over the last 10 years or so really seems to have convinced them that cloud seeding is a legitimate way to increase snowpack and subsequent water resources," said Frank McDonough, a scientist at the nonprofit Desert Research Institute.

The grant from Reclamation will be spread out over two years, temporarily doubling financial support for the Upper Basin cloud seeding from outside parties, according to the Associated Press.

### White House Announces New Colo. River Investments

Earlier this month, senior officials from the White House and Interior traveled to the Lower Basin states to highlight the Administration's investments in drought resilience and collaboration with Colorado River Basin states, Tribes, water managers, farmers, irrigators, and other stakeholders.

The Administration announced new investments for water-saving projects and other conservation efforts in the Colorado River Basin that will "immediately yield hundreds of thou-

*Continued on Page 10*

# White House Advances Plans to Combat Climate Change

The United Nations (U.N.) and the White House continue to fan fears of dire global consequences resulting from climate change. President Biden is taking aggressive action to address climate challenges, one of the four pillars of his 2020 election platform.

The U.N. last month rolled out its “World Water Development Report 2023”, which found that 26 percent of the world’s population does not have access to safe drinking water, and 46 percent lacks access to basic sanitation. Continued climate change will cause seasonal shortages in countries that currently have enough water and will make other water-short regions even worse off, the report finds.

Without action to address the problem of water scarcity, “there definitely will be a global crisis,” said Richard Connor, the report’s lead author, at a news conference to launch the report.

At a fundraiser in Rancho Santa Fe (CALIFORNIA) last month, President Joe Biden warned his allies that future generations stand to suffer devastating consequences of climate change if global temperatures aren’t kept in check (*E&E News PM*).

“Our grandchildren and great grandchildren are either going to live lives that are decent and honorable and good, or they’re going to be in real trouble,” Biden said, according to a transcript released by the White House. “We’re at an inflection point in human history,” Biden said at the fundraiser.

The President backed up his words at last month’s White House Conservation in Action Summit, where his Office of Science and Technology Policy released a series of new resources for federal and local government agencies working to combat climate change and adapt to its impacts. The new tools include a report to help manage flood risk, a guide to help agencies adapt to climate change, and an “action plan” aimed at making it easier for communities to access climate information.

“Last year, on Earth Day, I signed an executive order to protect America’s forests and to harness the power of nature in the fight against climate change,” President Biden said at the event. “I’m here today to talk about the incredible progress that we’ve made.”

The announcement also included a new framework that’s intended to bolster communities’ resilience to issues such as natural disasters and aging infrastructure. The Administration

also released its first-ever Ocean Climate Action Plan, which is intended to find ocean-based solutions to climate change.

The White House also released the 2022 America the Beautiful Annual Report to update progress on achieving conservation of 30% of U.S. lands and waters by 2030. The report notes actions that impact the West, including:

- Launch of the “National Nature Assessment”;
- Establishment of Marine and Coastal Area-based Management Advisory Committee;
- Public comment period on development of the American Conservation and Stewardship Atlas;
- NOAA development of Fisheries Equity and Environmental Justice Strategy currently being revised and finalized;
- Inflation Reduction Act provision of \$2.6 billion to NOAA for increasing resilience to climate change, including through targeted research, conservation, restoration, and protection measures for coastal and marine habitats, fisheries, and marine mammals; and
- Launch of the America the Beautiful grant challenge, which resulted in \$91 million for 55 conservation projects.

Additionally, the White House Council on Environmental Quality released its Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors to “promote greater connectivity across terrestrial, marine, and freshwater habitats and across airspaces to sustain biodiversity and enable wildlife adaptation to environmental changes.”

This guidance has already generated concerns with farmers and ranchers and elected officials with recommendation that “connectivity and wildlife corridors” should be considered in areas including energy development planning and permitting and energy infrastructure management, ocean planning, port management and development, transportation planning and use management, and recreation and tourism management.

“Men and women on the ground - not bureaucrats in D.C. - know their land and water best, and should at the very least be closely consulted,” said House Committee on Natural Resources Chairman Bruce Westerman (R-Ark.). “I intend to request a full account from DOI on what went into these rushed and seemingly politically-motivated decisions.”

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## Supreme Court Hears Oral Arguments on Navajo Nation's Water Rights

The U.S. Supreme Court last month heard arguments in a case that could alter the battle over tribal water rights in the Western U.S. During the almost two-hour oral argument, it appeared a majority on the nine-justice court could allow the Navajo Nation's claim that the federal government has a duty to address the Native American tribe's water rights to move forward in a limited form, with much depending on the vote of conservative Justice Amy Coney Barrett.

"The panel seemed pretty divided and Justice Barrett could well be the swing vote," said Family Farm Alliance General Counsel Norm Semanko, who listened to the argument. "If the Court rules for the Navajo Nation, I think they will try to trim back the ruling as much as possible to avoid creating a new, general duty to all tribes, or opening the floodgates to additional litigation."

For more than 20 years, the Navajo Nation has fought for access to water from the lower Colorado River, which flows directly alongside the reservation's northwestern border. Drought-restricted water deliveries from the river to the seven states under the Colorado River Compact of 1922 along with court decisions and a 1944 Treaty with Mexico (known as the "law of the river") have drained reservoirs to their lowest levels since they first filled due to the drought. The seven states have yet to find consensus on how to cut water use and allow the river to recover while averting disastrous conditions if reservoir levels were to fall below outlets for power production and even downstream flows.

But the Navajo Nation, where a third of their people are without access to clean drinking water, says it has not been able to fully represent its own interests in disputes over its claims to Colorado River water. Instead, they say they've been blocked in court by the federal government, which says it represents tribal interests in water disputes.

"How did we get here, in this country, in the twenty-first century?" attorneys for the Navajo Nation wrote in a brief to the high court docketed Feb. 1. "Broken promises."

While both the Nation and the U.S. government agree that Indian reservations, including the Navajo Nation, have a right to water, the Supreme Court now must decide how far the federal government's responsibilities go in reserving that right, including building infrastructure to deliver that water across 27,000 square miles of Southwestern desert.

"For a court to impose an enforceable duty where Congress has not 'expressly accept[ed]' one would thus undermine Congress's role in 'implement[ing] national policy respecting the Indian tribes,'" the Department of Interior wrote.

The basin states have also filed briefs opposing the Nation's claims, arguing that a decision in favor of the Navajo Nation would create even more burdens on the over-appropriated river and take water away from their populations and economies. Arizona objected to the Navajo Nation's assertion that they have an unquantified federal reserved water right to the Lower Colorado River.

"As long as any lower court has the potential to issue a ruling that directs the Secretary [of the Interior] to take an action that manages the [Colorado River] system differently than it currently is, under what we call the Law of the River, there is a risk that the vested water right holders with more than 60 years of rights are jeopardized," Arizona argued.

The Alliance board of directors in December 2022 moved to join an *amicus* ("friend of the court") brief with other Western water groups in support of plaintiffs in *Interior Department v. Navajo Nation*. The *amicus* brief argues that: 1) Reliable and secure water rights are crucial to the social, economic, and legal health of the West; 2) If the Navajo Nation's lawsuit is allowed to proceed, other users' water rights will necessarily be curtailed or at least thrown into doubt; and 3) Recognizing breach-of-trust claims like the Navajo Nation's could threaten the stability of water rights elsewhere in the West.

The Western water users' *amicus* brief was mentioned by Justice Kavanaugh during the questioning, as he pointed out how this case could impact the settled expectations around a water system that is already fully allocated.

## White House Makes Colorado River Announcement (Cont'd from Page 9)

sands of acre-feet of water savings".

"These water savings will grow rapidly in the years ahead as additional, longer-term water efficiency infrastructure and resilience strategies come online," the White House said in a statement.

These investments include:

- Up to \$36 million for water conservation in the Coachella Valley.
- \$20 million for four small surface water storage and groundwater storage projects in California and Utah, including one near the Salton Sea.
- Over \$54 million for repairs to aging infrastructure to improve water delivery, including \$8.3 million for the Imperial Dam.

- Expanded drought-focused outreach and technical assistance to communities in the Colorado River Basin.

Interior Deputy Secretary Tommy Bourdeau addressed the Administration's decision to provide up to \$233 million in water conservation funding for the Gila River Indian Community.

"Through the Bipartisan Infrastructure Law and Inflation Reduction Act, we have historic, once-in-a-generation investments to expand access to clean drinking water for families, farmers and Tribes," said Deputy Secretary Beaudreau. "In the wake of record drought throughout the West, safeguarding Tribal access to water resources could not be more critical. These types of agreements will support Tribal communities through essential water infrastructure projects and support water conservation in the Colorado River System."

## Court Stays Biden Rule in Two Western States (Cont'd from Page 8)

the court is not convinced that the Act's text supports unrestrained federal jurisdiction over all interstate waters," Judge Brown ruled.

Two separate lawsuits in the U.S. District Court for the Southern District of Texas had argued that the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers should have to wait for the upcoming *Sackett v. EPA* decision before implementing the new regulation. One was brought by state officials and one by industry members. However, the judge denied the industry associations' plea to stop the rule nationwide.

In other litigation news, a federal court found that the State of Kentucky and business groups had not met the high bar for an injunction stopping the rule while litigation against it proceeds. The WOTUS regulation is now in effect across

the country, except for Texas and Idaho.

The Supreme Court's upcoming *Sackett* decision could potentially limit the reach of the Clean Water Act, in conflict with the Biden WOTUS rule. That decision is expected by early this summer.

EPA is signaling it plans to vigorously defend the measure.

The rule "is informed by the text of the relevant provisions of the Clean Water Act and the statute as a whole, as well as the scientific record, relevant Supreme Court case law, input from public comment, and the agencies' experience and technical expertise after more than 45 years of implementing the longstanding pre-2015 regulations defining waters of the United States, is the best interpretation of the Clean Water Act," the agency said in a response to a request for comment by *Inside EPA*.

## Water Managers Prep for Spring Floods (Cont'd from Page 2)

Churchill County, city of Fallon, and Truckee-Carson Irrigation District to implement proactive measures to help mitigate flooding this spring.

"Public safety is our number one focus when making operational decisions," said Jack Worsley, Reclamation's Lahontan Basin Area Manager. "We are in regular communication with our local partners as well as the state of Nevada to ensure our actions are aligned in managing the unprecedented amount of snowmelt anticipated this year."

A precautionary emergency declaration was made in early March by both Churchill County and the city of Fallon to establish the Emergency Operations Center in preparation for flood mitigation efforts due to elevated snowpack. Snow water equivalent in the Carson Basin is at 294% of median as of April 4.

### **Blizzards Hammer Rocky Mountains, Great Plains**

In the Northern Plains, blizzard-like conditions brought heavy snowfall to eastern Wyoming, northwestern Nebraska, and the Dakotas. Widespread improvements were made on the U.S. Drought Monitor map including areas of California, Nevada, Oregon, Idaho, Utah, Montana, Wyoming, and New Mexico in response to excellent snowpack conditions across many of the drainage basins in the region.

In Nevada and Utah, current snow-water equivalent percentages are well over 200% of median for several basins, including the Central Lahontan, Central Nevada Desert Basins, Great Salt Lake, Lower Green, Upper Colorado-Dolores, and Upper Colorado-Dirty Devil, according to the NRCS SNOTEL network.

In Arizona and New Mexico, snowpack levels are above normal, especially in the ranges of northern and central Arizona. In Arizona, the total reservoir system for the Salt and Verde River system is currently 100% full as compared to 72% full at the same time last year, according to the Salt River Project.

For the Colorado River system, the U.S. Bureau of Reclamation is reporting (April 4) Lake Mead at 28% full and Lake Powell at 23% full.

Agricultural operations in Idaho, the Dakotas and Wyoming have also been significantly impacted by recent snowstorms. Over 26 inches of snow fell on April 3<sup>rd</sup> in Casper (WYOMING), an all-time daily snowfall record for any day of the year, dating back to 1937.

Family Farm Alliance President Patrick O'Toole, whose family operates a large sheep and cattle ranch straddling the Colorado-Wyoming border, has spent much of the past month struggling to care for his animals, and is searching literally for greener pastures, as the snow has increased reliance on dwindling hay and forage supplies.

"This has been unprecedented," said Mr. O'Toole. "The impact on our animals and wildlife has been horrific, which will become apparent once the snow starts to melt."

The U.S. Department of Agriculture (USDA) has technical and financial assistance available to help farmers and livestock producers recover from these adverse weather events.

"These recent winter storms have taken their toll on livestock producers in Idaho, Minnesota, North Dakota, South Dakota and Wyoming leaving producers with snow removal costs as well as increased feed expenses," said Robert Bonnie, Under Secretary for Farm Production and Conservation at USDA. "We stand with our producers who have worked tirelessly in these severe conditions to keep livestock fed and to protect crops from Mother Nature's wrath. We know these storms have left damage in their wake, and I'm glad that USDA offers a strong portfolio of disaster assistance programs available to help."

Impacted producers should contact their local USDA Service Center to report losses and learn more about program options available to assist in their recovery from crop, land, infrastructure, and livestock losses and damages.

## Lawsuit Filed to Withhold Water from Farms in the Klamath Basin

The Yurok Tribe, Pacific Coast Federation of Fishermen's Associations, and Institute for Fisheries Resources have filed a motion for a preliminary injunction to stop any agricultural water deliveries from the Klamath River until all Endangered Species Act (ESA) requirements are met for listed salmon, whales, and sucker fish. The legal action is part of a 2019 lawsuit against the federal Bureau of Reclamation (Reclamation) and NOAA Fisheries.

Reclamation operates the Klamath Project, which provides irrigation water to about 200,000 acres of farmland in southern Oregon and Northern California as well as water to two National Wildlife Refuges. But the operations cannot threaten the survival of endangered species.

The agency must consider sometimes competing water needs for threatened coho salmon in the Klamath River (important to the Yurok and other tribes in the lower basin), and two species of endangered sucker fish in Upper Klamath Lake (important to the Klamath Tribe in the upper basin).

"The lawsuit appears to be based on anger about a modest, short-term reduction in Klamath River flows that was merely prudent water management," said Paul Simmons, the executive director of the Klamath Water Users Association (KWUA), which represents farmers, ranchers and irrigation districts in the Klamath Basin. "The plaintiffs effectively are asking the court to write a new biological opinion for the Klamath Project and to micromanage the Klamath River to plaintiffs' exact specifications."

NOAA Fisheries further claim that Southern resident or-

cas are also affected because they depend on Klamath River salmon for prey. Three consecutive years of drought have prompted Reclamation to adopt a more flexible management strategy for the Klamath Project, but this year has so far provided over 150% of average snowpack and normal precipitation that feeds water supply the lake and river system.

Klamath Project irrigators are anxiously awaiting their annual water allocation and hoping the large snowpack will equate to a more normal supply despite the lawsuit. But during the last several years, Project irrigation and refuge deliveries were drastically cut due to dry conditions and competing ESA requirements.

"KWUA has the unavoidable perception that Project management is being driven by a search for the least politically objectionable decision among parties focused on instream water uses," KWUA President Ben Duval wrote in a letter earlier this year to Reclamation Regional Director Ernest Conant.

Local water users were afforded an opportunity to

air their concerns directly with the Secretary of the Interior, Deb Haaland and Senator Jeff Merkley (D-OREGON) when she visited the Klamath Basin last month. Family Farm Alliance Executive Director Dan Keppen participated in a meeting hosted by KWUA and a brief tour of the A Canal headgates and fish screen in Klamath Falls.

"I think everyone appreciated the opportunity to speak with the Secretary, but the intent was to focus on the message of the producers, who have had their supplies severely restricted to meet ESA fishery needs in the last three years," said Mr. Keppen. "We'll find out soon if their concerns were addressed."



*Interior Secretary Deb Haaland and Senator Jeff Merkley (D-OR) - pictured here (center) at the Klamath Project A Canal headgates, met with local water users and elected officials last month. Photo courtesy of the U.S. Department of Interior, Office of the Secretary.*



Contributions can also be mailed directly to:  
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