Biden Cabinet Begins to Take Shape

Vilsack Confirmed, Haaland Endures Tense Confirmation Hearing

Biden Cabinet nominees with important roles that impact Western farmers and ranchers are steadily being confirmed by the U.S. Senate. Importantly, the Senate last week voted to confirm former Iowa Gov. Tom Vilsack to Secretary of the U.S. Department of Agriculture (USDA). He was the Secretary of Agriculture during the Obama Administration.

“We’re going to be a USDA that represents and serves all Americans,” Mr. Vilsack said.

Other recently confirmed Cabinet members whose leadership will have bearing on Western irrigators include Energy Secretary Jennifer Granholm and Transportation Secretary Pete Buttigieg.

Various Senate committees held confirmation hearings for additional cabinet or cabinet-level positions in the Biden Administration, including Rep. Deb Haaland (D-NM) to be Secretary of the Interior, and Michael Regan to be Administrator of the environmental Protection Agency (EPA).

Several committees also held votes to advance the nomination of Neera Tanden to be Director of the Office of Management and Budget.

The Family Farm Alliance’s West-wide, primarily rural membership works closest with the Departments of Agriculture and Interior (which houses the Bureau of Reclamation, Fish and Wildlife Service, Bureau of Land Management, among other agencies) and the Environmental Protection Agency.

“Senior appointed officials in these departments play an important role in directing and implementing policies that have a real bearing on the well-being of Western farmers and ranchers,” said Family Farm Alliance Director Dan Keppen.

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Biden Cabinet Takes Shape (Cont’d from Pg. 1)

Senate Confirms Vilsack as Secretary of Agriculture

The Senate by a 92-7 vote on February 23 confirmed Tom Vilsack to lead USDA for the second time. He is the ninth member of President Biden’s Cabinet to be confirmed by the Senate. Mr. Vilsack previously served for eight years as head of USDA under former President Obama.

Mr. Vilsack, 70, earlier received bipartisan praise from the Senate Agriculture Committee and his nomination was unanimously advanced. Most agricultural organizations have been supportive of Mr. Vilack’s return to USDA.

“I want to Congratulate Secretary Vilsack on his confirmation to once again lead USDA after a resounding bipartisan vote in the Senate,” said Tom Stenzel, United Fresh President and CEO.

“Secretary Vilsack has long been a friend of the fresh produce industry. On issues ranging from food and nutrition security to labor challenges in agriculture, Secretary Vilsack has shown commitment to finding positive solutions.”

Secretary Vilsack during his February 2 confirmation hearing emphasized to the Senate Agriculture, Nutrition and Forestry Committee that he will work to stabilize trade policy, focus on climate change and work with Congress on efforts to achieve President Biden’s goal of “zero emission” agriculture. Secretary Vilsack believes this can be accomplished through more farmland conservation and encouraging carbon markets to give farmers a financial incentive.

“I think farmers are prepared for it. I think farmers are eager to do it,” Mr. Vilsack said.

USDA Role in Biden Climate Change Initiative

The Biden administration is evaluating options for using USDA’s Commodity Credit Corporation (CCC) to quickly launch its ambitious food and farm agenda without relying on appropriations from a closely divided Congress. The CCC – established in the Depression-era - is authorized to borrow $30 billion from the U.S. Treasury for the purpose of stabilizing the farm economy. Former President Donald Trump used the CCC as means of paying farmers for coronavirus relief and mitigating for trade impacts.

President Biden’s team is looking at their creative opportunities to apply the fund for a whole new agenda. One option could be using the agency to create a “carbon bank” that pays farmers and ranchers to sequester greenhouse gases in their farmland soil.

“Carbon is a commodity right now and the CCC was built to help think about how we stabilize that,” Robert Bonnie, a deputy chief of staff and senior climate advisor at USDA, told a virtual roundtable hosted by the Meridian Institute last month.

Role of Farmers and Ranchers in Climate Programs

Many Western producers are anxious about President Biden’s executive order to protect 30% of the country’s land and waters by 2030, the so-called “30x30” initiative. Senate Republicans have expressed concerns about how 30x30 will affect production agriculture and resource development, including on federal land.

Mr. Vilsack at his confirmation hearing pledged to “aggressively” seek advice from farmers about how best to involve agriculture in the new administration’s climate change policies.

One of those groups of farmers is Solutions from the Land (SFL), a nationwide network of agricultural leaders that seeks to mobilize public demand and support for solutions from the land. SFL last month released a report, “21st Century Agriculture Renaissance”, written by farmers, ranchers, foresters and other land stewards in partnership with climate, energy and conservation experts. It seeks to stimulate empathy and action towards the many roles that farmers must take on for them to be successful and for all to live and grow.

The report features a write-up and video by Family Farm Alliance President Pat O’Toole on sustainable water management on his family’s Ladder Ranch. Mr. O’Toole represents the Alliance on the SFL board of directors, and he shared the link to report with Mr. Vilsack, who responded in an encouraging way.

“I believe you will see a concerted effort at USDA to follow the challenge laid out in the report,” Mr. Vilsack replied. “I realize the importance of outreach and collaboration with farmers, ranchers and producers in order for this effort to be successful. I appreciate the voice of farmers, ranchers and producers and the need to have that voice in the conversation. I will do all I can to make sure that voice is heard and heeded.”

Rep. Haaland’s Confirmation Hearing for Secretary of the Interior

President Biden’s nominee for Secretary of the Interior, Rep. Deb Haaland (D-NEW MEXICO) endured a two-day confirmation hearing before the Senate Energy and Natural Resources (ENR) Committee last week. As an enrolled member of the Pueblo of Laguna in New Mexico, Rep. Haaland
Haaland Hearings End Without a Vote (Cont’d from Pg. 2)

would be the first Native American to be elevated to the office of Secretary at the Department of the Interior, if she is confirmed by the Senate.

“As the first Native American cabinet secretary in the history of the United States, she will be a true steward of our national parks, our natural resources, and all of our lands,” President Biden said last December.

In her opening statement at her confirmation hearing on February 23rd, Rep. Haaland noted that fossil energy does and will continue to play a major role in America for years to come. ENR Committee Chairman Joe Manchin asked if she believed that it was in the country’s best interest to maintain its energy independence.

“What role do you see fossil energy playing in that?” Chairman Manchin asked.

“We absolutely need energy independence and I believe President Biden agrees with that statement as well,” Rep. Haaland replied. “I know that we want to move forward with clean energy, we want to get to net-zero. We want to move forward with innovation and all of this for our energy needs. That’s not going to happen overnight and, so, we will absolutely rely on the fossil energy that you and Ranking Member Barrasso spoke about in your opening statements. But at the same time, I think we can move forward with technology and innovation as well,” Representative Haaland said.

“I think you know my position on that. I’m totally committed to innovation, not elimination, because I believe we can do it in a practical, responsible way,” replied Chairman Manchin.

Committee Ranking Member John Barrasso (R-WYOMING) and other Senate Republicans during the course of the two-day hearing raised concerns over Rep. Haaland’s early endorsement of the Green New Deal, her participation in protests against the Dakota Access pipeline, and her position on other issues surrounding oil and gas development and banning the practice of fracking on federal lands. They did not appear to be fully satisfied with Rep. Haaland’s responses at the hearing.

“I think she’s failed to answer so many questions that members have,” Senator Barrasso told E&E News. "Most of the members on my side of the aisle have additional questions, and the ones I’ve talked to said she’s failed to answer their questions adequately."

Senator Steve Daines (R-MONTANA) in the weeks leading up to the hearing threatened to stall the nomination by placing a hold preventing her from advancing through a procedural vote and instead forcing a more time-consuming cloture vote.

“I’m not convinced the Congresswoman can divorce her radical views and represent what’s best for Montana and all stakeholders in the West,” Senator Daines said earlier in the month. “Unless my concerns are addressed, I will block her confirmation.”

However, Rep. Haaland has garnered the support of progressives, Native American, and major environmental groups, as well as House Natural Resource Committee Chairman Raul Grijalva (D-AZ). Chairman Grijalva’s committee is charged with oversight of many Interior Department matters.

"She will raise the profile of this committee," he said of Ms. Haaland in an interview last month with E&E News. "The whole general area around environment, public lands, Native Americans, our oceans, our waters — all of a sudden you have a secretary who is going to raise it, and raise the support for those issues, and that's important for the work we do."

If Senate Republicans are united in their opposition to Rep. Haaland, it will only take one Senate Democrat’s opposition to prevent the confirmation. All eyes prior to the hearing were on Chairman Manchin, who hails from a carbon energy production state. The hearing wrapped up with out a vote.

Afterward, Senator Manchin announced that he would vote in favor of confirming Rep. Haaland to lead the Interior Department.

“While we do not agree on every issue, she reaffirmed her strong commitment to bipartisanship, addressing the diverse needs of our country and maintaining our nation’s energy independence,” Senator Manchin said in a statement.

Tanden Confirmation in Jeopardy

Rep. Haaland appeared to have escaped the plight of Ms. Neera Tanden, President Biden’s choice to lead the White House Office of Management and Budget (OMB). Ms. Tanden’s confirmation is now in jeopardy after Sen. Manchin and Sen. Susan Collins (R-ME) said they would not support her. Ms. Tanden has been one of President Biden’s most controversial nominees, in part because of her scathing Tweets against political opponents, regardless of their political affiliation, including Senators Bernie Sanders (I-VT) and Mitch McConnell (R-KY).

Senator Collins criticized Mr. Tanden for deleting tweets in the days before her nomination was announced and said that it raises concerns about her commitment to transparency.”

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House Moves Quickly on COVID-19 Relief Package

With the second impeachment trial of former President Donald Trump behind them, House Democrats moved fast to enact a new COVID-19 relief package in recent weeks. Democrats employed the little-used budget reconciliation process to quickly pass a massive COVID relief package recommended by nine House committees before an earlier round of unemployment insurance benefits runs out on March 14.

On February 22, President Biden issued a proclamation remembering the 500,000 Americans lost to COVID–19.

“On this solemn occasion, we reflect on their loss and on their loved ones left behind,” the proclamation reads. “We, as a Nation, must remember them so we can begin to heal, to unite, and find purpose as one Nation to defeat this pandemic.”

Congressional activity towards that end accelerated after the Senate last month voted to acquit former President Donald Trump on the House’s charge of inciting the Jan. 6 insurrection at the Capitol. The 57-43 vote marks the first time since 1868 that a majority of the Senate voted to convict a president on an impeachment charge. But it still fell short of the two-thirds majority needed to secure a conviction.

Mr. Trump’s attorneys argued that it was unconstitutional to try a former president for impeachment and said the House managers did not meet the standard for an incitement charge.

House Passes COVID Stimulus Package

The House passed the massive COVID stimulus package last Friday, setting the stage for a Senate vote on a package that will likely look much different.

Senate Democratic leaders are working on the changes to the package that will be needed to get all 50 Senate Democrats and Independents on board. Budget reconciliation only requires a simple majority vote in the Senate - overriding the 60-vote requirement for most bills to be considered in the Senate.

The House will need to vote again on an amended Senate passed bill.

Included in budget reconciliation recommendations approved by the House committees are mandatory funding, program changes, and tax policies aimed primarily at mitigating the continuing effects of the Covid-19 pandemic.

The package includes $350 billion to states, localities, tribes and territories in flexible funding to “replace revenue that was lost, delayed, or decreased” as a result of the COVID-19 pandemic (as of January 27, 2020), as well as other costs related to responding to or mitigating the impacts of the pandemic and addressing negative economic impacts. Notably, the package provides $1,400 in direct payments to certain individuals and dependents and additional transportation and agricultural funding, including $1 billion for racial justice provisions for farmers.

Also of import, the Senate parliamentarian ruled Thursday that Democrats would be deemed out of order if they include a $15 minimum wage hike in their coronavirus relief package, a major blow to Senate Budget Committee Chair Bernie Sanders (I-Vt.) and progressives. House Democrats still included the minimum wage provisions on their version of the COVID-19 bill on Friday. However, according to POLITICO, the Senate decision means Democrats need to find another route to increasing the minimum wage.

GOP Concerns

The Republican Study Committee (RSC) – the largest conservative caucus in the House - authored a three-page memo to conservatives to outline "all the left-wing items Democrats are hoping the public won’t find about." Fox News first obtained a copy of the fact sheet that was widely circulated last week.

“Democrats have been hoping the public’s attention has been occupied watching a made for TV show trial of the former president in the Senate, because they’ve been trying to quietly load up a $1.9 trillion budget reconciliation bill with special interest pork and other liberal goodnies,” wrote RSC Chairman Jim Banks (R-IN). “The RSC isn’t letting them get away with this.”

Among the provisions generating angst among the GOP are $1,400 stimulus checks going to mixed-status families with undocumented immigrants; allowing Planned Parenthood to receive Paycheck Protection Program funds designed to keep small businesses afloat; and nearly $600 million for additional emergency paid family leave for federal employees and U.S. Postal Service workers, according to the RSC memo.

Alliance Supports Special Districts Assistance Legislation

The National Special Districts Coalition (NSDC) – comprised of state special districts associations in California, Colorado, Florida, Oregon and Utah – along with 126 national, state, nonprofit and private business organizations – including the Family Farm Alliance – last month formally expressed support of the Special Districts Provide Essential Services Act (S.91/H.R.535).

In a letter to House and Senate leadership, these organizations, who are the voice of more than 30,000 special districts across the country, urged Congress to include the needs of special districts in future COVID-19 relief aid legislation. Special districts – like irrigation and water districts - are independent local governments that provide critical infrastructure and essential services.

“The Special Districts Provide Essential Services Act is vital for the continued operations of services for millions of Americans,” the letter stated.

S.91 / H.R. 535 would provide these districts certain access to future Coronavirus relief funding. Even as the anticipated fiscal impact of the pandemic on special districts tops $30.5 billion nationwide, many districts have not been able to access federal assistance to help their communities respond to and recover from the spread of the virus. The legislation would allocate critically needed financial relief to special districts that have experienced unforeseen expenditures, decreases in revenue, or both, as a result of the COVID-19 health crisis.
Congress Gears Up to Move Infrastructure Package

Democrat leaders in Congress have responded to President Joe Biden’s plea last month for Congress to move quickly on a large infrastructure improvement plan. President Biden leveraged his observations from an earlier two-hour call with Chinese President Xi Jinping.

“If we don’t get moving, they’re going to eat our lunch,” he told reporters. China plans to invest billions of dollars in rail projects, automobile manufacturing and environmental improvements.

Committees in both house of the Democrat-led Congress last week initiated hearings that were seen by many as the official start of the legislative process required to pass a massive infrastructure stimulus package by July Fourth.

Top House Democrats are also preparing to tee up an overhaul version of congressional earmarks, a legislative tool that was banned in 2011 due to claims that it led to wasteful spending. The work could start quickly, with infrastructure and spending bills as prime vehicles.

*Bloomberg News* reports that House Appropriations Committee Chair Rosa DeLauro (D-Conn.) will be releasing details of what the next generation of earmarks will look like “in coming weeks”. Sen. Patrick Leahy (D-Vt.), chair of the Senate appropriations panel, is also preparing for a return to earmarks.

Earmarks are seen by some as a way that contributes to bipartisan compromise. For President Joe Biden, getting member buy-in through earmarked funds could smooth the ability to pass a massive infrastructure package, *Bloomberg* opines.

The Freedom Caucus and the Republican Study Committee both recently released statements in opposition to a revived use of earmarks.

**House T&I Subcommittee Debates Price Tag**

The House Transportation and Infrastructure (T&I) Subcommittee on Water Resources and Environment held a hearing last week to study the need for water infrastructure upgrades, from wastewater and drinking water facilities to pipes and other equipment. The Subcommittee probed both legislative and funding solutions, including the use of existing tools within federal agencies, in dealing with the current state of clean water systems, the backlog of water infrastructure major maintenance and replacement needs, and the challenges many cash-strapped communities are facing when paying for such upgrades.

The infrastructure package price tag was a point of contention between committee Democrats and Republicans.

"I'm going to push for a very ambitious number, and then we're going to find ways to pay for it," said T&I Chairman Peter DeFazio (D-OREGON). "We're not going to be puny and say, 'Gee, sorry, we can't help you.'"

But Rep. David Rouzer (NC), the subcommittee's top Republican, said funding alone won't solve the problem.

"With talk of a major infrastructure package, today we need to ask the not-so-simple questions: What funding level is both appropriate and realistic? And how are we going to pay for it?” Rep. Rouzer said in opening comments.

Much of the discussion centered on provisions in last Congress’ H.R. 2, the *Moving Forward Act*. That $1.5 trillion bill from Chairman Peter DeFazio passed the House last year but stalled in the Republican-led Senate. Included in that overarching infrastructure bill were provisions from H.R. 1497, the *Water Quality Protection and Job Creation Act of 2019*, which Rep. Napolitano co-sponsored with more than 50 House members, including Chairman DeFazio.

**Senate Committee Hearing on “Build Back Better”**

The Senate Environment and Public Works (EPW) Committee last week held a hearing on the “Build Back Better” COVID recovery initiative, President Biden's broad outline for infrastructure, clean energy, COVID recovery and economic stimulus. Republican and Democrat Senators said during the hearing they're hoping to craft a bipartisan bill that invests in aging transportation infrastructure and expands the nation's electric vehicle infrastructure.

"What's going to be challenging is the size and how it's paid for, or whether it's all paid for," Sen. Ben Cardin (D-Md.), a senior member of the panel, told E&E News after the hearing.

EPW Committee Chair Tom Carper (D-Del.) earlier in the month said he plans to pass two major infrastructure bills out of his committee by Memorial Day.

"Our expectation is that we will be gathering input from Democrat and Republican senators on what the priorities should be in that surface transportation reauthorization," Sen. Carper said. "We’re going to try to report this bill out this year in the month of May."

On the surface transportation bill specifically, Carper said his goal is to "beat the record" for moving it through committee. In addition, Senator Carper said the committee would focus on water infrastructure legislation and intends to advance a

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version of the Water Resources Development Act by the end of May.

Any transportation infrastructure bill that comes out of these efforts may turn into a legislative vehicle to move a broader infrastructure package and could attract bipartisan support in the current highly partisan political atmosphere in Washington.

Senator Carper, EPW Committee Ranking Member Shelley Moore Capito (R-WV) and President Biden have advocated a bipartisan approach. However, others, including Vermont Democrat Senator Bernie Sanders has advocated that infrastructure and climate policies could be folded into a second budget reconciliation bill, which would allow Democrats to bypass filibusters by Senate Republicans with a simple majority vote.

“The strong bipartisan support that exists for the surface transportation reauthorization bill and other infrastructure legislation should not extend to a multitrillion-dollar package that is stocked full with other ideologically driven, one-size-fits-all policies that ties the hands of our states and our communities,” Senator Capito said.

Chairman Tom Carper (D-Del.) has similarly downplayed talk of moving infrastructure through reconciliation.

Valadao Introduces WIIN Act Extension Legislation

Representative David G. Valadao (R-CALIFORNIA) last month introduced the Responsible, No-Cost Extension of Western Water Infrastructure Improvements, or RENEW WIIN, Act, a clean extension of operations and storage provisions of the WIIN Act (P.L. 114-322).

The RENEW WIIN Act would extend the general and operations provisions of Subtitle J of the WIIN Act and extend the provision requiring consultation on coordinated operations of the Central Valley Project and State Water Project in California. The legislation would also extend the authorization of appropriations for water storage projects that the Secretary of the Interior finds feasible.

“I promised my constituents that I would fight to bring more water to the Valley,” said Rep. Valadao. “Today, I introduced legislation to extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016, providing access to safe, clean, and reliable water for our communities.”

The RENEW WIIN Act is supported by the entire Republican delegation of California, and some of California’s largest water organizations, including the Fresno Irrigation District, Friant Water Authority, Westlands Water District, and San Luis & Delta-Mendota Water Authority.

“The San Joaquin River Exchange Contractors Water Authority fully supports the RENEW WIIN Act,” said Chris White, Executive Director of the Exchange Contractors.

“Significant progress has been made since the passage of the WIIN Act in 2016 with the advancement of needed drought resiliency storage projects, while providing for science-based flexibility in the operation of our water delivery system for the Central Valley. These actions need to continue in order to support the economic viability of our communities.”

Family Farm Alliance Efforts

As reported in the January 2021 “Monthly Briefing”, over 200 urban and rural water districts urged President-elect Joe Biden and congressional leadership last month to address aging Western water infrastructure in any potential infrastructure or economic recovery package. The effort was spearheaded by the Family Farm Alliance, ACWA, California Farm Bureau, National Water Resources Association and Western Growers Association.

In separate letters to President-elect Biden and congressional leaders, the coalition said existing Western water infrastructure is in desperate need of rehabilitation and improvement. Most of the federal water projects in the West were built more than 50 years ago and were not designed with the present and future population demands and climate conditions in mind.

“Without immediate attention, the Western water system will quickly prove inadequate to meet the needs of urban and rural users and the environment,” said Alliance Executive Director Dan Keppen.

The coalition is working with stakeholders from several Western states and Western Congressional offices to encouraged federal investment in a diversified water management portfolio that enhances water supply and quality for urban and environmental uses while keeping water flowing to Western farms.
House Democrats Fast-Track Public Lands Package

House Democrats with support from President Biden last week quickly passed legislation along partisan lines that would permanently protect public lands and waters in Colorado, California, and Washington by designating approximately 1.5 million acres of wilderness and incorporating more than 1,000 river miles into the National Wild and Scenic Rivers System.

H.R. 803, the Protecting America’s Wilderness and Public Lands Act also contains provisions to create and maintain additional recreational access by authorizing new trails, services, and facilities.

“The Administration calls for restoring balance to the management of our public lands and waters, creating jobs, confronting the ongoing decline of nature, and aligning the management of America’s public lands and waters with our nation’s climate, conservation, and clean energy goals,” the White House said in a public statement. “Because this legislation furthers those goals, the Administration strongly supports House passage of H.R. 803.”

House Republicans strenuously protested the bill and the process used to advance it. They claim that if H.R. 803 had gone through regular order, it would have come before the Committee on Natural Resources for hearings and a markup. House Democrats, they say, bypassed this procedure and sent the legislation straight to the Committee on Rules.

“The Protecting America’s Wilderness and Public Lands Act is an unbalanced, partisan package of eight public lands bills that has not gone through regular order and lacks the consensus needed for legislation of this magnitude,” said Bruce Westerman (R-Ark). “Despite the fact that this bill has huge implications for four western states, this bill has not gone through regular order. In fact, this bill was put on the floor calendar before the Natural Resources Committee had even organized.”

During a hearing before the Rules Committee last week, House Democrats struck down every Republican outdoor recreation and wildfire amendment, including one offered by Rep. Russ Fulcher (R-IDAHO) and others that would have prevented agency secretaries from superseding water law or water rights that individual states have already established.

The western states are governed by a senior water rights doctrine usually determined by a state water engineer or board.

“This doctrine has been in place for over a century and a half in both Democrat and Republican administrations, yet this bill circumvents state water rights primacy in some cases,” said Rep. Westerman.


“I oppose this legislation, and if my colleagues in Congress care about rural America, they will oppose it too,” he said in his floor speech.

The House on Friday passed H.R. 803 largely along party lines, 227-200.

Wild and Scenic and Conservation Corps Legislation

Several bills aimed at protecting Western land and waters have also been introduced in the Senate, including a bill authored by Oregon Democrats Ron Wyden and Jeff Merkley that would add nearly 4,700 miles of rivers and streams in Oregon to the national Wild and Scenic Rivers system — the largest Wild and Scenic Rivers effort in the nation's history.

Sen. Wyden and Rep. Joe Neguse (D-CO) have also reintroduced the "21st Century Civilian Conservation Corps Act," modeled after the initiative of the same name in the Roosevelt Administration’s “New Deal” era that provided employment and job training to 3 million out-of-work Americans between 1933 and 1942.

“Rural communities are facing two big challenges: struggling economies and continued wildfire threats,” said Sen. Wyden. “By investing in a 21st century workforce, this bill will put people to work to tackle the climate emergency, restore our public lands and reduce wildfire risks. The bottom line, creating new jobs and supporting our public lands go hand in hand.”

The companion bills would establish a $9 billion account to hire and train individuals for jobs in the outdoors planting trees, constructing trails, controlling invasive species, restoring wetlands, and building parks. The bills authors have said these new jobs are needed for rural and tribal areas to fully recover from the COVID pandemic while supporting the restoration of public lands and forests across the country.

Along the same lines, President Biden recently signed an executive order that called for the Interior and Agriculture Departments to develop the logistics for the creation of a "climate conservation corps" with objectives that also match up with the newly reintroduced legislation.
Idaho Republican Proposes Breaching Snake River Dams

Rep. Mike Simpson (R-ID) has proposed a sweeping $33.5 billion plan to save the Pacific Northwest’s salmon that includes breaching four Army Corps of Engineers’ dams on the Lower Snake River in Eastern Washington State. The proposal also offers a framework that would remake the region’s energy system and replace power production and barging lost from the breached dams.

Rep. Simpson plans to draft legislation to include in President Biden’s infrastructure stimulus package planned for later this year.

The regions’ stakeholders, and even the Congressman, say the entire proposal will be a heavy lift politically.

“One of the reasons I believe this concept is worthy of review is because I am making it very clear that agriculture matters,” Rep. Simpson wrote in a February 11 Capital Press commentary. “So I am asking the Northwest delegation, governors, tribes and stakeholders if we can roll up our sleeves and come together to find a solution to save our salmon, protect our stakeholders and reset our energy system for the next 50-plus years on our terms?”

The Idaho Grain Producers and Idaho Farm Bureau Federation (IFBF) have already expressed full-throated opposition.

“Despite what supporters of the plan claim, make no mistake, this is a drastic measure that would forever alter our way of life in the Pacific Northwest, and not for good,” said IFBF President Bryan Searle.

“Idaho Farm Bureau members are adamantly opposed to this proposal.”

Much of the media coverage to date has implied widespread support for the proposal, particularly from tribes, fishing and environmental groups, and some Northwest governors.

“Washington welcomes Rep. (Mike) Simpson’s willingness to think boldly about how to recover Columbia and Snake River salmon in a way that works for the entire region and invests — at a potentially transformative level — in clean energy, transportation and agriculture,” Washington Governor Jay Inslee said in a statement.

However, the story on the ground may be a different one.

“After spending a lot of time over the past week in Idaho and Washington discussing this - not just with water users but also farm groups, public power customers, ports, etc. - I am hearing virtually no support for the Simpson proposal outside of the conservation groups who basically wrote it,” according to an anonymous source close to the process.

Four of Pacific Northwest Republican House members introduced a resolution to reaffirm the country’s support for hydropower. Rep. Cathy McMorris Rodgers opposes removing the dams. And she was joined last month in a resolution of support for existing and new hydropower by Republican Reps. Dan Newhouse and Jaime Herrera Beutler in Washington state and Russ Fulcher in Idaho.

“Proposals that include breaching the Lower Snake River Dams in the name of protecting salmon populations are flawed and fail to account for the sweeping impacts that would be felt across the region,” said Rep. McMorris Rodgers. “With greater than 95 percent passage, these dams are not the greatest threat to fish survival. Our oceans are, coupled with predation and habitat loss. We need to focus on solutions that will get results, like cleaning up Puget Sound and restoring salmon runs there.”

Northwest RiverPartners (NWRP), a not-for-profit, member-driven organization representing community utilities, farmers, ports, and businesses across the region, issued a balanced but firm public statement on Rep. Simpson’s proposal.

“We are encouraged that the scale of the plan’s budget reflects the tremendous value that the lower Snake River dams bring to the region,” NWRP stated. “That long-debated topic is effectively put to rest by the proposal’s significant price tag.”

NWRP also believes the case for breaching to save salmon lacks scientific rigor.

“Given the Pacific Coast-wide declines in salmon survival in both dammed and undammed rivers, it is hard to make the case that breaching dams with advanced fish passage technology will reverse this disturbing trend,” NWRP said.

In addition, they point to a growing body of science suggesting warming, acidifying oceans are the driving factor behind worldwide declines in marine fish populations, including salmon.

“Breaching the lower Snake River dams does nothing to address this issue,” NWRP said.

NWRP does believe Rep. Simpson’s plan has the best of intentions and deserves to be vetted among Northwest stakeholder groups.

“However, considering the extremely high stakes involved, we cannot afford to ignore the need for a much more thorough analysis of what the plan can actually deliver and the deep impact it may have on our diverse Northwest communities,” the NWRP statement concludes.
Poor Hydrology Contributes to Initial Grim CVP Allocation

The Bureau of Reclamation last month announced an initially low 2021 water supply allocation for California’s Central Valley Project (CVP) contractors amounting to just 5% for agricultural water service contractors north and south of the Sacramento-San Joaquin River Delta.

“Although we had a couple of precipitation-packed storms in January and early February, we are still well below normal for precipitation and snowfall this year,” said Reclamation Regional Director Ernest Conant. “We will monitor the hydrology as the water year progresses and continue to look for opportunities for operational flexibility.”

Impacts to Central Valley Communities

Westlands Water District is one of the South-of-Delta contractors that received the grim news. Over the last 10 years, Westlands and other South-of-Delta agricultural repayment and water service contractors have received a 100% allocation of water only once and have received a 0% allocation two times.

Tom Birmingham, general manager of Westlands Water District said the announcement came as no surprise given current hydrologic conditions and regulations that restrict operations of the CVP. But, he noted it is devastating nonetheless for farmers and communities across the region that rely on water from the CVP and jobs created by irrigated agriculture.

Recent studies have shown that reductions in surface water availability in the Central Valley can cause approximately 194,000 acres of land to be taken out of production, more than $1.3 billion in lost crop revenue and thousands of job losses. Lack of surface water also increases reliance on groundwater and can have negative impacts on drinking water availability and quality, particularly in disadvantaged communities.

“It’s also yet another reminder of the urgency behind our continued work with policymakers, regulators and the farming community to maximize water use efficiency, improve climate resilience, and ensure greater water supply reliability now and in the future,” said Mr. Birmingham.

Reclamation’s allocations are based on an estimate of water available for delivery to CVP water users and reflects current reservoir storages, precipitation, and snowpack in the Central Valley and Sierra Nevada. This year’s low allocation is an indicator of the dry winter California is experiencing after the dry water year of 2020. Shasta Reservoir’s 4.5 million acre-feet capacity represents the majority of CVP water storage. Currently, reservoir storage is below the historic average for this time of the year and runoff forecasts predict that overall storage might be limited if typical spring precipitation does not materialize.

Reclamation announced the other following initial allocations:

- Eastside water service contractors (Central San Joaquin Water Conservation District and Stockton East Water District) were allocated 100% of their contract total.
- Sacramento River Settlement Contractors, San Joaquin River Exchange Contractors and San Joaquin Settlement Contractors were allocated 75% of their contract supply.
- CVP municipal and industrial water service contractors were allocated the greater of 55% of their historic use or public health and safety needs, whichever is greater.
- For Friant Division contractors’ water supply, the first 800,000 acre-feet of available water supply is considered Class 1; Class 2 is considered the next amount of available water supply up to 1.4 million acre-feet. Given the current hydrologic conditions, Friant Class 1 initial allocation will be 20% and Class 2 will be 0%.

“This year’s low initial allocation further reinforces the need to increase investments in water infrastructure, including additional water storage and increased conveyance capacity, to improve near term and longer-term water supplies,” said Federico Barrajas, Executive Director of the San Luis & Delta-Mendota Water Authority. “Authority staff will continue to work with Reclamation and its member agencies to analyze hydrologic conditions in hopes the allocation can be increased as early as is practicable.”

Almost all of California is in a drought as the state continues to see a drier than average wet season. Right now, 99% of the state is currently considered to be at the abnormally dry level on the U.S. Drought Monitor’s map. Areas considered to be abnormally dry suffer from dry soil and a lack of snowpack in the mountains.

“California and particularly the San Joaquin Valley really relies upon five to seven good storms to put us into a good situation,” Ryan Jacobsen, CEO of the Fresno County Farm Bureau, recently told Fox 26 News. “We haven’t seen that this year.”

California holds almost of the nation’s top ten agricultural counties, with the San Joaquin Valley leading the pack. Photo courtesy of USGS.

Continued on Page 10
Grim California and Western Water Conditions (Cont’d from Pg 5)

Dry, Cold Conditions in Much of the West

The arctic freeze that gripped the central U.S. and led to massive power outages in Texas was the biggest Western weather story of the past month. Bloomberg News reported wind power generators were among the victims of the severe conditions, with turbine blades rendered inoperable due to ice—a phenomenon that reduces efficiency and can ultimately stop them from spinning. Texas estimated that more than half of its wind power capacity had come offline. At times, parts of Texas were colder than Alaska, according to the National Weather Service.

With the exception of parts of the Pacific Northwest, much of the rest of the Western U.S. is dealing with high levels of dryness. In New Mexico, more than half of the state is locked in the worst category — exceptional drought. The light precipitation in New Mexico and eastern Arizona was not enough to offset spotty summer rains. Flagstaff, Arizona marked its second consecutive driest monsoon season on record in 2020.

“The scary part about it is the fact that we count on monsoon season to kind of help out, especially with agriculture, farming and ranching and that sort of thing,” Kerry Jones, chief meteorologist with the National Weather Service in Albuquerque, told the Associated Press. “We’ve come to rely on it because we’re not getting the water supply with our snowpack and if we don’t get a good monsoon season, it puts you that much deeper in the hole.”

According to the U.S. Drought Monitor, after several weeks of light to moderate snow events in the Central Plains, drier weather returned to the region. Farther north, even though precipitation is normally low during the fall and winter seasons, it has been extremely dry during the past 3-4 months, leading to a lack of any snow cover in parts of Montana and the Dakotas. In contrast, additional precipitation along parts of the Wyoming-Colorado border boosted mountain snow water equivalent as of Feb. 23 at or closer to normal.

In the Pacific Northwest, La Nina conditions continue to drive an active Pacific storm track that benefits Washington, Oregon, and northern California, along with most northern and central mountains in the West. An atmospheric river event known as the "Pineapple Express" is forecast to bring a prolonged period of wet weather and the potential for avalanches to Washington and Oregon this week.

Biden Cabinet Begins to Take Shape (Cont’d from Pg 3)

“The OMB needs steady, experienced, responsive leadership,” Senator Collins said in a statement. “I will vote against confirming Ms. Tanden.” Ms. Tanden apologized for the tweets in two recent hearings, and her defenders have pointed to her deep policy expertise and experience.

She cannot afford to lose any Democratic support with a 50-50 Senate.

Committee Advances EPA Administrator Nominee

On February 9, the Senate Environment and Public Works (EPW) Committee voted 14-9 to advance Michael Regan’s nomination to be Administrator of the EPA, clearing the way for full Senate consideration of his confirmation. His written testimony suggests he will employ a centrist, consensus-driven approach in his new position, if confirmed by the full Senate.

“Throughout my career, I’ve learned that if you want to address complex challenges, you must first be able to see them from all sides and you must be willing to put yourself in other people’s shoes,” he said in his written testimony. “The best way to do that is by convening stakeholders where they live, work and serve, fostering an open dialogue rooted in a respect for science, a clear understanding of the law, and a commitment to building consensus around pragmatic solutions.”

Mr. Regan started his career at the EPA, serving in the Clinton and Bush Administrations until 2008. Regan then spent eight years at the Environmental Defense Fund, where he ultimately became the associate vice president for clean energy and a Southeast regional director. He has served as Secretary of the North Carolina Department of Environmental Quality since 2017.

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the CWA, EPA has implemented pollution control programs such as setting wastewater standards for industry. EPA has also developed national water quality criteria recommendations for pollutants in surface waters.

Many Midwestern and Western farmers and ranchers opposed the Obama Administration’s CWA Waters of the United States (WOTUS) rule, which was rescinded and replaced with a new rule by the Trump Administration. Republicans at Mr. Regan’s confirmation hearing echoed those concerns.

Joni Ernst (R-IOWA) told Mr. Regan she was concerned about the rule’s effects on her state’s farmers.

“I would look at what our options are with the lingering concerns,” Mr. Regan replied on the WOTUS question. “We want to provide certainty to the farming community, particularly small farmers. I would consult with the EPA’s general counsel to understand where we are and what the options we have. How do we protect water quality while not overburdening our small farmers? I don’t want litigation to stifle what we can accomplish as stakeholders.”

As this edition of the “Monthly Briefing” was being finalized, Mr. Regan’s confirmation by the full Senate was imminent.
Missed the conference or want to go back and review? Here’s a handy guide with time stamps next to each segment.

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First, a big thank you!

By every metric, our first virtual conference was a resounding success. Over the course of the two day conference spanning 8 total hours, we were able to hear from 34 speakers that included two U.S Senators, two U.S. Representatives, one California state legislator, two new Biden Administration officials, a former Trump Administration official, irrigation district representatives, prominent authors, and policy experts from national and regional agricultural and water non-governmental organizations. Tremendous value was shared from all of them. We were fortunate to have the support of our sponsors: Elephant Butte Irrigation District, SRP, Western Heritage, Trout Unlimited, Middle Rio Grande Conservancy District, Rubicon, Provost & Pritchard, Culp & Kelly, Kogovsek & Associates, FCA, Oregon Water Resources Congress, and Deschutes Basin Board of Control.

Lastly, we are grateful for all those who attended the conference. Under better circumstances, we would have enjoyed being with you in person. We hope the conference was beneficial to you and as always, we are open to your feedback on ways we can improve.

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Day 1 Highlights

Pat O’Toole, President of Family Farm Alliance

“The Family Farm Alliance has always worked with an eye to the future. Our reputation is that of problem solvers. The need for those skills will never be in more demand. We have established a wide range of relationships that span our productive capacity and our interactions with others that share the most important of resources—water.”

“The Family Farm Alliance has always worked with an eye to the future. Our reputation is that of problem solvers. The need for those skills will never be in more demand. We have established a wide range of relationships that span our productive capacity and our interactions with others that share the most important of resources—water.”
U.S. Senator Michael Bennet

“Climate changes threaten our Western economy and our way of life, and if we’re going to tackle it in a serious way, farmers and ranchers have to be a major part of the solution.

We have to start treating America’s natural landscape and our forest watersheds as essential infrastructure. Congress needs to appreciate that in Colorado and across the West our forest is essential to the economy as the Lincoln Tunnel or the George Washington Bridge is to New York.

These issues are not understood back in Washington, D.C. and it’s our responsibility to do everything we can over the next few months to make sure to make our case and ensure these issues finally receive the national attention and investment they deserve.

You guys have an essential role to play.”

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Camille Touton, Exercising the Designated Authority of the Commissioner

“Our relationship is not new and it’s one that I value. Together, we have helped to enact every major piece of Western water law legislation for the last 15 years. Be that small conduit hydropower or title transfer legislation, we did that together.

I look forward to working with you to add to our successes.”
The Hon. Dan Newhouse, U.S. Congressman from Washington

“I joined Family Farm Alliance for their annual virtual conference to discuss one of the most important challenges facing our region: Water infrastructure.

Congress recently made progress to modernize and update the water infrastructure Central Washington relies on, including the inclusion of my bill in the end-of-year spending package last December. However, we all agree that there is much more to be done. Infrastructure improvements – from roads, bridges, and highways to water infrastructure like dams and irrigation canals – are desperately needed throughout our communities.

I am committed to working with my colleagues to ensure we continue to strengthen water infrastructure in the West and across the country.”

The Hon. Jim Costa, U.S. Congressman from California

“I think there are some opportunities here with the administration’s efforts to focus on climate change in a major infrastructure package and provide funding not only for transportation but for water and for schools, and I’m interested in your thoughts on where you think infrastructure needs would be in the area of the water. Bipartisan support for this will be the key to our success.

Family Farm Alliance provides an important role in providing us input and I always look forward to seeing you come back to testify.”

Matt Muirragui – Majority Staff Director, House Natural Resources Committee – Water, Oceans and Wildlife Subcommittee)

“We’ll look to partner and work with Family Farm Alliance. You guys were very much involved with the water package negotiations and it was a constructive effort on that front. So, regardless of the things we’ll be pursuing, we’ll be looking at Family Farm Alliance as a resource to partner on these things.”
Kiel Weaver ( Minority Senior Policy Advisor and Water, Oceans, and Wildlife Subcommittee Staff Director)

“With water infrastructure, funding is just one part of the equation. Sometimes we need to ask ourselves, why are projects so expensive? I would like to look into that, as well. The less we have to spend on overhead and those sort of things, means the more we can spend on projects on the ground.”

The Hon. Brenda Burman, Commissioner of Reclamation
2017-2021

“You have built an incredible organization. I remember some of the early meetings I attended, in Las Vegas, and then Reno. You bring in the whole community. Really, Family Farm Alliance is about the whole water community. You’re building smart, focused, committed solutions. That’s what Family Farm Alliance does. It’s always been about bringing solutions to the table, and really deeply thinking about them first.”

Day 2 Highlights

Andrew Walmsley, American Farm Bureau Federation

“We saw an opportunity in the last Congress to work with other ag producer organizations to create the Farmers for a Sustainable Future to start having conversations with the Hill to answer questions like ‘what is ag’s footprint?’ ...In two generations, ag is producing 287% more while our inputs have remained relatively flat. We’ve seen the loss of about 30 million acres of cropland in the last 30 years yet we’ve produced 50% more per acre...These realities led us to begin working with EDF and the other co-chairs of FACA to broaden our advocacy on areas of common ground.”
Callie Eideberg, Environmental Defense Fund

“We’ve found that talking face-to-face, as much as you can on a Zoom call, we had time to really dig into these issues. And this past November, we were able to roll out more than 40 policy recommendations that really move the needle on tackling this crisis.”

The Hon. Brian Dahle, California State Senator

“The land tells the story. If you take [other legislators] to the forest where we thin and where we didn’t thin, and where a fire came through, you don’t need to say any more.”

“The biggest output of carbon is fire. It’s undisputed. The problem is we talk a lot about transportation and other things but thinning is the solution.”

John MacLean, Author of *Fire on the Mountain*

“How can you manage a forest when people are screaming at you for cutting a tree, when you aren’t getting the money for it? The way to do it is piecemeal, persistence, and prayer.”

Dr. Dave Daley, Administrator of the Paul L. Byrne Memorial University Farm

“The way we have mismanaged fuel loads in the West has led us to where we are, and it’s unbelievable. I grew up in the forest in the mountains of the Sierra-Nevada hearing from my grandfather and father how the Native Americans managed the forest. That ended when Smokey the Bear became popular.”

“This is not only about rural towns burning, this is about water.”

The Hon. John Barrasso (R-WY), U.S. Senator

“Water policy is not for the faint of heart. Water policy differences are frequently not partisan, they are typically more geographic and regional. It’s critical we get it right. That’s why I depend on Western farmers, ranchers, and landowners and everyone here today to show Washington how to preserve and protect this most critical of our natural resources.”
“There’s no question that pressure from the lower basin states is going to continue to grow as the population grows. It’s gonna take continued engagement from folks like you to find the solutions to protect the water today, tomorrow, and well into the future.”

Tanya Trujillo, Principal Deputy Assistant Secretary, Water and Science, U.S. Department of Interior

“We will have to think creatively and make compromises. We no doubt have to work through several unresolved issues early in each of the States that we will be working with. In many cases there are exacerbated situations that we see from day to day. It will take time but we have a great group ready to roll up our sleeves and hit the ground running.”

Pat O’Toole - Closing Remarks

“More than ever, the participation of the Family Farm Alliance members is critically important. We have a list of priorities that we will be sending out that address establishing relationships with the new Administration, climate change, water supply, and storage in the face of warmer cycles.”

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Every panelist offered valuable insight, but for brevity’s sake we highlighted the words above. We encourage you to go back and listen to anything you may have missed. You won’t be disappointed!

Many thanks to all who participated in this year’s conference!