

Monthly Briefing

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

Family Farmers Hit Capitol Hill

Meetings Include Face Time with Sec. Salazar

A group of Family Farm Alliance members spent much of the week of May 11 walking the halls of Congress and downtown Washington, D.C., meeting with Obama Administration appointees, Members of Congress, and Congressional staffers as part of the Alliance's 2009 Farmer Lobbyist trip. A highlight of this year's visit to DC was a brief meeting with Kenneth Salazar, appointed earlier this year by President Obama as the nation's new Secretary of the Interior.

The Alliance's annual Farmer Lobbyist trip is one of the organization's "cornerstone" programs which brings family farmers and water professionals to Washington, D.C. to meet with leg-



Interior Secretary Kenneth Salazar (right) responds to suggestions made to alleviate California's water crisis proposed by Central Valley farmer Chris Hurd (center). Hurd sits on the Family Farm Alliance board of directors and participated in the recent Alliance Farmer Lobbyist trip to Washington, D.C. Alliance President Pat O'Toole (WYOMING) looks on (left).

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islators and Administration policy leaders on critical water issues. The Alliance philosophy has long held that the most effective voice in Washington DC is the individual family farmer.

A group of diverse and effective Alliance members participated in this year's trip, including Alliance President Patrick O'Toole (WYOMING) and his wife Sharon, Director Chris Hurd (CALIFORNIA), Advisory Committee member David

Mansfield (CALIFORNIA), Solano Irrigation District Board President and Northern California farmer Bob Hanson and Alliance Executive Director Dan Keppen (OREGON). Advisory Committee member Chris Voigt (WASHINGTON) and several other members associated with the Washington State Potato Commission joined the group on May 14 for several meetings.

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2009 Farmer Lobbyist Update

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“Family Farm Alliance members should be proud of the performance of this year’s farmer lobbyists,” said Keppen. “They were knowledgeable, articulate and passionate spokespersons for Western irrigated agriculture.”

The group emphasized in all of its meetings that the Alliance is a solution-driven organization that shies away from litigation.

“We expressed our desires to work with the new Congress and the Obama Administration as partners to drive towards constructive solutions to our challenges,” said O’Toole.

Meeting Highlights

The Alliance delegation engaged in over a dozen meetings in two days. Highlights included:

Office of Representative Devin Nunes (R-CA) - The focus of the discussion with key staffers from Rep. Nunes’ office was on the San Joaquin Valley water crisis, which is impacting many of the Central Valley Congressman’s constituents. Rep.



California Republican Congressman Devin Nunes (official photograph).

Nunes – a strong and vocal advocate for Central Valley irrigators - had planned to meet with the group as well, but a floor vote prevented him from participating in this meeting.

Senators from Wyoming - Pat and Sharon O’Toole kicked off their week with face-to-face discussions with both of Wyoming’s senators, who are strong supporters of Western agriculture. Following that meeting, they were joined by the rest of the farmer lobbyist group and met with staffers from the offices of both Senators.



Awaiting the entrance of Secretary Salazar—Californians Chris Hurd, Bob Hanson and Dave Mansfield, Deputy BOR Commissioner Karl Wirkus, Joe Raeder (DC), Sharon and Patrick O’Toole (Wyoming) in the Interior Secretary’s conference room, May 13, 2009.

Department of Interior - This important meeting allowed Alliance participants direct face time with Secretary of the Interior Ken Salazar. Also in attendance were Deputy Assistant Secretary Deanna Archuleta and Deputy Commissioner of Reclamation Karl Wirkus. Pat O’Toole – who once served with Secretary Salazar on the Western Water Policy Review Advisory Commission - made a powerful statement to the Secretary, acknowledging that Interior appropriately appears to be focused on big-picture fixes for the

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Policy Makers, Ag Interests Monitor CWRA Developments

A May 20th markup of S. 787 (the Clean Water Restoration Act of 2009, or “CWRA”) by the Senate Environment and Public Works Committee was again postponed to an unnamed date after June 1. Earlier this year, Sen. Russ Feingold (D-WISCONSIN) introduced CWRA, which builds upon the last Congress’ attempt to redefine the Clean Water Act (CWA) term “Waters of the United States.”

Senator Max Baucus (D-MONTANA) and others are attempting to craft amendments to CWRA. Like the Alliance, agricultural organizations, the National Homebuilders Association, and other resources development groups are petrified of the ramifications of CWRA. Senator Baucus is looking for ways to develop amendments that might bring in additional support in the Senate for the bill, even though 20 Senators have already stepped up to sponsor this proposal. In general, Senator Baucus and his staff are trying to find a way to move implementation of the Clean Water Act back prior to two important recent Supreme Court decisions regarding wetlands protections. In particular, they are looking for ways to provide assurances that agricultural exemptions to CWA provisions in place at that time are continued through this modified



*U.S. Senator Russ Feingold (D– Wisconsin), sponsor of CWRA.
Source: www.feingold.senate.gov*

legislation.

The bill would drop the words “navigable waters” and insert “waters of the United States” where they appear in the CWA. Provisions have been added to protect existing exemptions, including those related to agriculture return flows, and the ability to construct and maintain canals and ditches, and maintain drainage ditches, contained in the current Clean Water Act. Although there have been assurances offered that no new impacts on agriculture are intended, many agricultural interests believe the new bill would likely result in the assertion of regulatory authority over a wide range of currently non-regulated activities.

The Alliance / NWRA 2007 testimony on CWRA and an Alliance letter submitted to the Corp of Engineers three years ago provide rule-making suggestions regarding CWA exemptions for certain irrigation practices.

“We will continue to advocate for these types of exemptions,” said Alliance counsel Gary Sawyers (CALIFORNIA). “However, simply protecting existing exemptions will not preclude a possible expansion of federal regulatory authority extended by the bill to all wetlands, tributaries, intermittent streams, and other waters that may not currently be under the jurisdiction of the current Clean Water Act.”

The Alliance continues to work with congressional offices to provide feedback on this topic, but the board of directors is still on record as an opponent of this legislation.

“For the time being, we remain opposed to CWRA, with or without amendments,” said Alliance Executive Director Dan Keppen (OREGON).

Senate Environment and Public Works Chairwoman Barbara Boxer (D-CALIFORNIA) said earlier this month that she wants to move CWRA is hoping to work with her colleagues to reach a compromise. House

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CWRA: Parties Look to Clarify Clean Water Act

Obama Administration Weighs in With Letter (Con't from Page 3)

Transportation and Infrastructure Committee Chairman James Oberstar (D-MINNESOTA) is planning to reintroduce a companion bill in the House this session.

Opponents of the effort, including the committee's ranking member James Inhofe (OKLAHOMA), have serious concerns with S. 787, which they say proposes an extraordinary federal power grab. Rural Americans have been making numerous phone calls to Congress expressing their concern, which has put this bill on the front burner for many Western lawmakers.

Meanwhile, the Obama administration sent a letter earlier this month to Rep. Oberstar expressing support for efforts to “clarify” the Clean Water Act by broadening the definition of “Waters of the United States.” The letter - signed by the Chair of the Council on Environmental Quality, EPA Administrator, Acting Assistant Secretary of the Army and the Secretaries of

Agriculture and Interior – states that enactment of legislation amending the CWA “would go a long way toward addressing the substantial confusion and uncertainty arising from the recent Supreme Court decisions.”

The Administration letter directly addresses some of the concerns voiced by agricultural interests.

“Identification of waters covered by the Clean Water Act and the Food Security Act, and operational elements of implementing programs, should reflect consistent, predictable, and straight-forward decision guidelines,” the letter recommends.

The Administration letter also recommends that Congress consider including CWA exemptions that are now in effect only through regulations or guidance. For example, “a carefully crafted statutory exemption for “prior converted cropland” would be useful to both

farmers and Federal agencies”, the letter states.

The Family Farm Alliance and other resource production organizations worked to oppose this bill in many forums in the last Congress. The Alliance and National Water Resources Association (NWRA) submitted written testimony to appropriate Senate and House committees in opposition of this legislation. Alliance Advisory Committee Member Norm Semanko (IDAHO) testified before two congressional hearings on behalf of the Alliance and NWRA, opposing the legislation. The Alliance also worked with several other opposition efforts to the Oberstar bill, including The National Center for Public Policy Research, which culminated in a letter to Congress signed on by over 130 organizations, including the Alliance.

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Water Review
A Perspective on Western Water Issues Prepared by the Family Farm Alliance and its Members

COLORADO AND THE WEST
Getting Out in Front of Invasive Mussels

In the past year, water managers in the Western United States have encountered yet another challenge in their efforts to deliver reliable water supplies to agricultural and urban customers. This time – it's not climate change, drought or litigation that's hampering their efforts. Instead, a tiny invertebrate called the quagga mussel – and its cousin, the zebra mussel – have suddenly appeared and spread rapidly in Western water bodies, particularly in the Colorado River Basin. Water agencies are scrambling to find ways to control the rapid expansion of the exotic critters, which are clogging waterways and infrastructure, and robbing native aquatic species of essential food supply. This edition of the Family Farm "Water Review" addresses this growing problem, and highlights the efforts of one ranch water agency – the Mancos Water Conservation District (Colorado) – to get in front of the threat.

The editors of the Family Farm Water Review are prepared with assistance and input provided by Mancos Water Conservation District and South-West Hydro-Logic, the consulting firm hired to assess the potential for introduction of quagga and zebra mussels to Jackson Childs Reservoir, the primary source of water to the District.

A Primer on Zebra and Quagga Mussels

While zebra and quagga mussels are native to Eastern Europe, they were likely introduced to the Great Lakes in the late 1980's as the ballast water of transoceanic tankers. The mass die-offs of these animals in the Great Lakes region and within the major rivers of the Central United States. However, in the last two years, quagga have been discovered at several key locations within the Colorado River system, and zebra mussels have been found in Colorado's Pueblo Reservoir (see Figure 1). The mussels can attach themselves to almost any surface – including the hulls of boats – and can survive out of water for up to two weeks. This explains why the mussels have spread through the West so fast and so easily.

Quagga here

Colorado on the Edge

Figure 1: Mussel Distribution in United States
Source: USGS

Tell your story!

The “Water Review” focuses on Alliance members and the issues and actions they are involved with.

If you would like to have a local project or issue featured, send a request to: dankeppen@charter.net

In next month's issue.....

A California judge rules that the U.S. Fish and Wildlife Service must consider the impacts of Endangered Species Act decisions on the human environment.

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Farmer Lobbyists Deliver Alliance's Message to Washington, D.C. Aging Infrastructure, Climate Change, CWA Are All Hot Issues

This year's farmer lobbyists focused on the issues critical to our membership and their message conformed to the following:

Aging Water Infrastructure: This is a critical problem. The Bureau of Reclamation estimates that \$3 billion in near-term repairs are required of its facilities, yet only \$130 million of the proposed BOR stimulus package addresses this need. We appreciate the short-term actions and attention being placed on this issue, but a much more serious, long-term commitment and solution is needed to address this challenge. Water purveyors cannot continue to supply reliable service unless long-term, assured solutions are provided. The Alliance wants to work with Congress and the Administration to solve this problem. The stakes are high.

Climate Change: As Congress hammers out legislation on climate and energy policies, it needs to be mindful of the needs of irrigated agriculture and rural communities. This is a pri-

ority for our members, and the Alliance has been working with House and Senate to find meaningful solutions to mitigate for the impacts of climate change on water resources and communities.



The U.S. Capitol Building, May 14, 2009.

Regulatory streamlining: The slow pace of the federal regulatory process is likely to be a major obstacle to implementation of projects and actions that could spur job creation associated with modernizing Western water supply infrastructure. Congress can play a role in encouraging agencies to streamline the process into one that is efficient, fair and effective.

California's water crisis: We are disappointed that the Interior Department's economic stimulus plan doesn't provide more funds for projects and actions that would make more water available to farms and communities in dire need. It is not too late, however, to provide administrative and regulatory relief to keep people working in the San Joaquin Valley.

Feingold-Oberstar Clean Water Act Amendments: Many agricultural interests are opposed to proposed revisions to the Clean Water Act that would broaden the reach of the Act to include all water bodies everywhere and all actions affecting them. At a minimum, this is an invitation for gross over-reaching by federal agencies. We are still monitoring ongoing developments on this matter, but for now remain opposed to the Feingold-Oberstar legislation (S. 787).

Documents further outlining all of these matters were handed out at each meeting.

Farmer Lobbyists Meet with Secretary Continued from Page 2

water supply challenges presented by population growth, environmental demands and climate change. However, he underscored his concern that the future of the West will look much like the situation in California’s Central Valley today, where the people suffering the most are on farms and in rural communities.

“Our folks on the ground are not seeing how agriculture fits into the Department’s planning for this big picture,” said O’Toole. “So far, there appears to be no long-term aggressive response to help our communities, which are already suffering the most.”

O’Toole told the Secretary that the situation in California wasn’t created by this Administration, but the rural West is watching closely to see how this Administration responds. “They will see their future in the Administration’s response to the California crisis,” he said.

O’Toole called for a proactive plan that avoids the inevitable scenario where inaction leads to crisis and hasty, reactive and ineffective solutions. He explained the growing concern within the Alliance membership about the motives and “solutions” proposed by others, and the fears of another “War on the West”, where other, well-funded interests are looking to find ways to move water away from agriculture towards growing urban and environmental demands.

“Agriculture cannot be the reservoir to meet these new needs,” O’Toole Pat told the Secretary. “New water supply enhancement projects keep everyone whole, and are supported by the public, as evidenced by a recent Colorado State University study.” (See March 2009 “Monthly Briefing” for more on the CSU study).

The Secretary noted his appreciation of O’Toole’s commitment and reputation for constructive problem solving. Commenting on the California crisis, he said that his department will focus on a watershed-wide approach to solving

problems, one that focuses on all of the complex stressors that impact fish in the Bay-Delta ecosystem.

Citing urgent business in the Senate, the Secretary prepared to leave, but not before Chris Hurd stood up, took him by the arm, and asked that the Secretary focus on some specific short-term fixes that could help Central Valley irrigators. After the Secretary left for the Senate, the group spent nearly 90 minutes walking through issues with Ms. Archuleta, a former water attorney from New Mexico. Dave Mansfield and Bob Hanson explained the need for a long-term solution to address aging water infrastructure, and that finding one should be a priority for the Administration and Congress. Pat O’Toole also explained that regulatory streamlining needs to be part of the solution, and that the Alliance wants to work with the Department and the Congress on this issue.



Senator Dianne Feinstein (D-California).

Source: <http://feinstein.senate.gov>

Office of Senator Dianne Feinstein (D-CA) – The Alliance farmer lobbyists met with Leah Russin, who earlier this year replaced John Watts as Environmental Counsel for Senator Feinstein. The discussion focused on recent developments regarding the Clean Water Restoration Act

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Farmers Meet With Water Committee Staff, OMB Continued from Page 6

(CWRA).

Senate Committee on Energy and Natural Resources – Majority and minority staff representatives assessed the upcoming agenda for this important subcommittee. It appears that, in the immediate foreseeable future, the focus of the committee will be on energy, although the energy-water nexus will a topic of interest. Much of this meeting focused on discussion of Mike Connor’s looming confirmation as the new Commissioner of Reclamation (see related story, page 9).

Executive Office of the President- Office of Management and Budget (OMB)

A smaller group of farmer lobbyists met with Matthew Siegel (Program Examiner, Water and Power Branch) and Nora Stein, an OMB credit specialist, to discuss the loan guarantee program included in the Rural Water Supply Act. The Alliance has long advocated that this program provides one tool to address the aging water infrastructure challenge. OMB appears to be agreeable to working with the Alliance, NWRA and others to begin a constructive dialogue developing meaningful, long-term fixes to aging infrastructure.

Office of Senator Max Baucus (D-MT) - For nearly 45 minutes, the group met with

Catharine Ransom, Legislative Assistant for Senator Baucus and Charly Moore, from the office of Senator Amy Klobuchar (D-MN). Ms. Ransom has been tasked with the unenviable task of crafting amendments to Senator Feingold’s Clean Water Restoration Act (CWRA). Like the Alliance, agricultural organizations, the National Homebuilders Association, and other resources development groups are petrified of the ramifications of CWRA. In general, Senator Baucus and his staff are trying to find a way to move implementation of the Clean Water Act (CWA) back to the pre-SWANCC, pre-Rapanos court decisions. In particular, they are looking for ways to provide assurances that agricultural exemptions to CWA provisions in place at that time are continued through modified legislation. The group left the staffers with copies of Alliance Advisory Committee Member Norm Semanko’s 2007 testimony on CWRA and a letter the Alliance provided to the Corp of Engineers 3 years ago on rule-making suggestions regarding CWA exemptions for certain irrigation practices.

House Water and Power Subcommittee – the Alliance group was joined by Chris Voigt and the growers from Washington for

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Montana’s senior U.S. Senator, Max Baucus (L) meets with Bureau of Reclamation Commissioner nominee Mike Connor. See related story on page 9. Photo by Carolyn Bunce.

2009 Farmer Lobbyist Trip Highlights

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Regulatory Streamlining of Stimulus Projects Discussed at CEQ

a meeting with Majority and Minority subcommittee staff directors. It appears that one of the subcommittee’s key priorities in this Congress will be looking for ways to constructively address the produced water challenges associated with coal bed methane and other petroleum extraction operations, an issue of great interest to Alliance members from the Rocky Mountains.

Office of Representative Jim Costa (D-CA) – a meeting was originally scheduled to meet with Rep. Costa directly, but a floor vote detained him. Instead, the large group moved to the Longworth House Office Building cafeteria and met with Jacyln Murray, Mr. Costa’s Legislative Assistant. The discussion focused almost exclusively on California water issues.

Executive Office of the President – Council on Environmental Quality (CEQ)- The purpose of this meeting was to discuss National Environmental Policy Act (NEPA) streamlining efforts underway at CEQ to ensure that economic stimulus projects actually get completed before the recession ends and not get bogged down by countless regulatory red-tape. The Alliance contingent met with Ted Boling, CEQ General



*U.S. Congressman Jim Costa (D-California)
Source: www.costa.house.gov*

Counsel and Amelia Salzman, Associate Director for Policy Outreach. The farmer lobbyists explained that the White House needs to make regulatory reform a priority – not just with stimulus projects, but with

“Our goal is to eliminate archaic procedures without compromising environmental protections so that sound water supply enhancement, management and conservation projects can move forward in a timely manner.”
**Patrick O’Toole, President
Family Farm Alliance**

other long-term projects that are vital to the future of Western rural America. Alliance spokespersons acknowledged that “regulatory reform” is considered by some to be code for weakening or eliminating environmental protections.

“But that is not our agenda,” said O’Toole. “Our goal is to eliminate archaic procedures without compromising environmental protections so that sound water supply enhancement, management and conservation projects can move forward in a timely manner.”

CEQ is currently developing a massive catalog that describes every instance where NEPA is required as part of stimulus-funded projects. This effort builds upon previous work completed under the Bush Administration.

Chris Voigt articulated the concerns of Northwest farmers who are hearing that environmental activists are pushing the Obama Administration to scrap the Columbia / Snake River Biological Opinion efforts to date and start from scratch.

Mr. Boling and Ms. Salzman both said they would welcome the Alliance’s “candid” involvement with CEQ on NEPA and other environmental matters.

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Connor Confirmed as New Reclamation Commissioner Interior Secretary, Alliance President Laud Senate Confirmation

Secretary of the Interior Ken Salazar on May 22 lauded the U.S. Senate's confirmation of Michael L. Connor as Commissioner of the U.S. Bureau of Reclamation.

"Mike Connor's extensive experience with water management issues in Congress and the Department of the Interior (DOI) will be invaluable as we work on climate impacts, water efficiency and conservation and drought mitigation," Secretary Salazar said. Connor has more than 15 years of experience in the public sector, including having served as Counsel to the U.S. Senate Energy and Natural Re-

sources Committee since May 2001.

"Mike Connor has always kept an open ear and has sought to ground-truth policy decisions made on Capitol Hill with those who are most affected by those decisions," said Family Farm Alliance President Patrick O'Toole. "We offer our congratulations to Mike and look forward to more of the same in his new position."

From 1993 to 2001, Connor served in DOI. Before that, he was employed with the Interior Solicitor's Office in Washing-

ton, D.C. and in Albuquerque, New Mexico. He began his Interior career in the Solicitor's Honors Program in 1993.

Connor received his JD from the University of Colorado School of Law, and is admitted to the bars of Colorado and New Mexico. He previously received a Bachelor of Science degree in Chemical Engineering from New Mexico State University and worked for General Electric. *This article prepared with information provided by DOI.*

2009 Farmer Lobbyist Trip Highlights

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Other Meetings – the farmer lobbyist group also met with staff from the offices of Senator Barbara Boxer (D-CA) and Rep. George Miller (D-CA). The group was fortunate to meet directly with Rep. Cynthia Lummis, a first-term Republican Congresswoman from Wyoming, who actually took the time to step out of a House Agriculture Committee hearing to meet the Alliance delegation in the conference room behind the dais of the hearing room.

In Retrospect...

Because of the diverse nature of the meetings, it was not easy for this year's DC delegation to find

common threads from which to create a blanketing set of conclusions. However, it is clear that climate change will be factored into virtually every resource policy driven by the new administration, including water resources matters.

"Climate change is huge with this administration and with many congressional leaders," said Keppen.

Also, supporters of the recently re-enacted Clean Water Restoration Act (CWRA) appear intent on pushing this bill forward in the Senate, with or without possible amendments that may provide clarity regarding agricultural exemptions (see

related story, page 3).

Overall, the trip was seen by participants as an eye-opening and constructive experience. Praises were distributed liberally to The Ferguson Group, which represents the Alliance in Washington, D.C.

"Joe Raeder, Mark Limbaugh and Tina Dykstra of The Ferguson Group deserve major kudos for the incredible itinerary they developed and professional approach they employed in setting up this year's trip," said Keppen.

"We are very fortunate to have The Ferguson Group as our Washington, D.C. representative," added O'Toole.

Thank You to Our New and Supporting Members!

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MAY 2009

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Your contributions matter. Whether you support the Alliance's advocacy, outreach or education efforts, you can rest assured that your investment will promote the protection of Western irrigated agriculture and the strong rural communities that it supports.

Make your tax-deductible gift to the Alliance today! Grassroots membership is vital to our organization. Thank you in advance for your loyal support. If you would like further info, please contact Dan Keppen at his NEW e-mail address: dankeppen@charter.net, or visit our website: www.familyfarmalliance.org.

