

Washington State Water Resources Association 2023 Conference

December 1, 2023



Dan Keppen
Executive Director

Gearing up for Reno



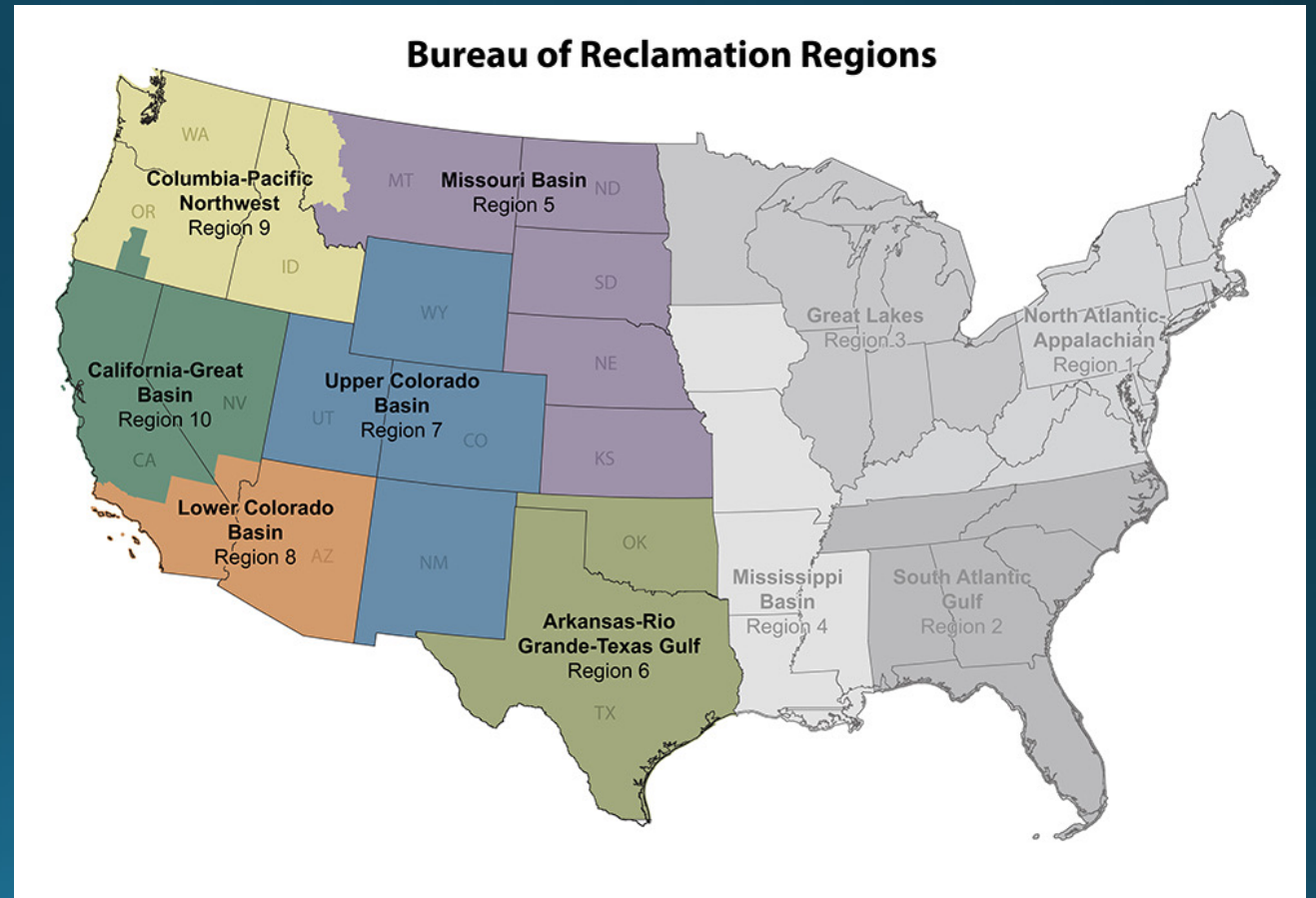


About the Alliance



Family Farm Alliance Membership

- The “Reclamation States”



Alliance Federal Engagement

- 98 appearances before Congressional committees since 2005
- Focus in the 117th / 118th Congress:
DROUGHT, INFRASTRUCTURE,
COLORADO RIVER & FOOD
INSECURITY



Washington: My second home in 2023



Fundraising Dinner in Moxee



Freshly picked apples in Roza

Strong Washington State Leadership



A high-speed photograph of a water droplet hitting a surface, creating a series of concentric ripples. The water is a deep blue color, and the droplet is captured mid-fall, creating a crown-like shape. The background is a solid, darker blue.

2024 FAMILY FARM ALLIANCE ANNUAL CONFERENCE

RESILIENCE IN EVERY DROP
Safeguarding America's Food Security

Reno, NV | Feb 22-23 2024

Reclamation Roundtable



IIJA / IRA Implementation

Reclamation:

- NEPA / NHPA Red Tape
- Capacity / Resources
- Aging Infrastructure D&S



— BUREAU OF —
RECLAMATION

**PEC 05-03 Stakeholder
Outreach**

Colorado River Indian Tribes: Agriculture and Water- Past, Present and Future



Colorado River Initiative

Agricultural water users dependent upon the Colorado River must be included as partners as Reclamation develops future long-term operating provisions on the River.



The Demonization of Western Irrigated Agriculture & Alfalfa Production

The Colorado River's alfalfa problem

**Growing less hay is the only way to keep the river's water system
from collapsing**



The West has an alfalfa problem



Facing the Realities of Water Limitations in Western US for Forage Crops



Dan Keppen, P.E.
Executive Director



the Land Desk

Western lands and communities – in context

“And a lot of that talk irks the Family Farm Alliance’s Dan Keppen,
a noted alfalfaphile.”

August 11, 2023

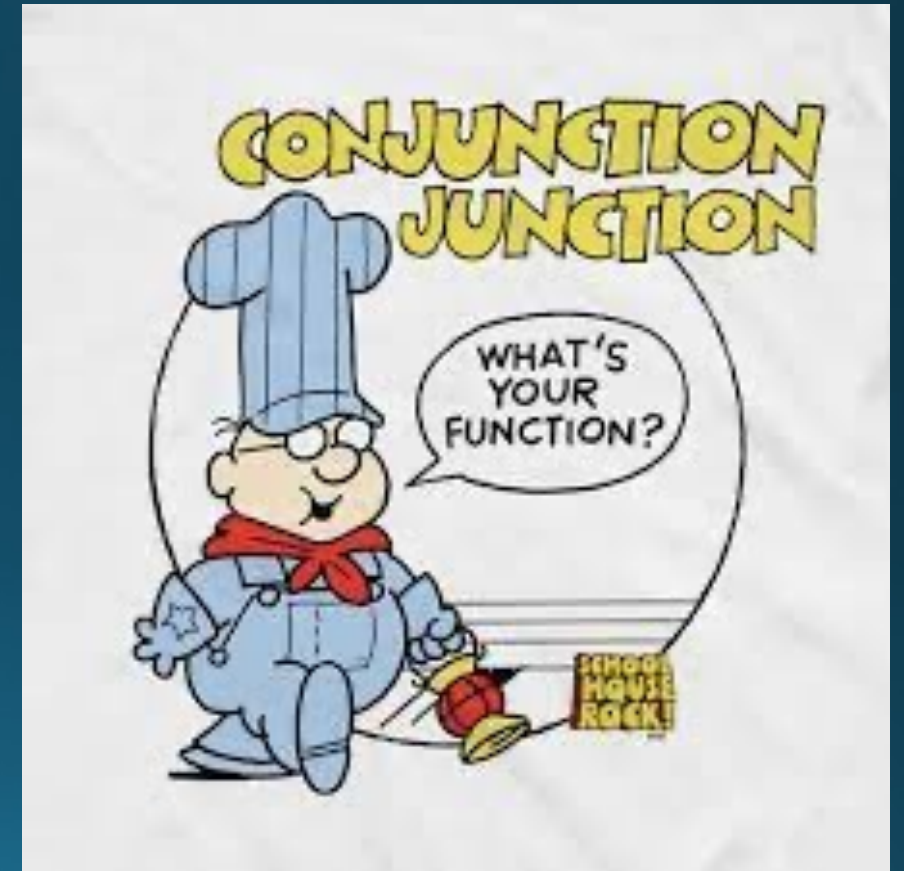
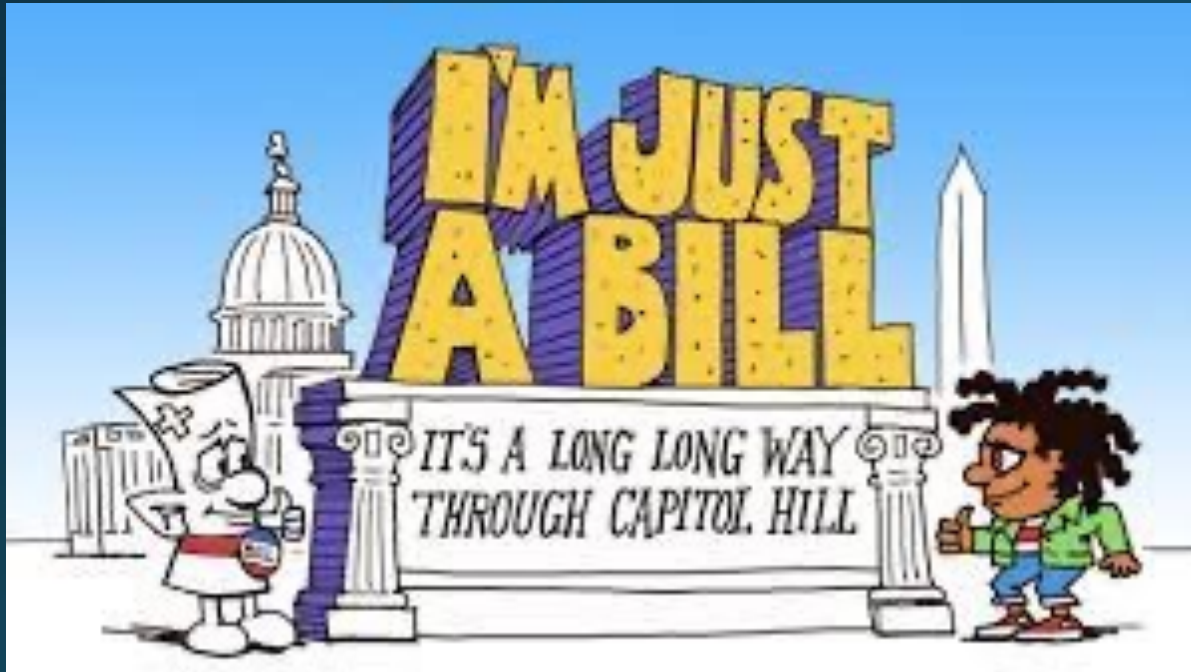
The “Land Desk” may be on to something.....



The View from Capitol Hill



The View from Capitol Hill



Dysfunction Junction



Shift in Power



Legislative Engagement

- S. 2160 - authorizes extraordinary operation and maintenance work for urban canals of concern (Senator Risch)
- S. 2169 - Watershed Results Act (Senator Wyden)
- S. 2247 - reauthorizes Reclamation to provide cost-shared funding to implement the endangered and threatened fish recovery programs for the Upper Colorado and San Juan River Basins (Senator Hickenlooper)
- S. 1118 - establishes the Open Access Evapotranspiration (OpenET) Data Program (Senator Cortez Masto)

Why you should be concerned about “OpenET”

**The 20 Farming Families Who Use More Water
From the Colorado River Than Some Western States**



November 9, 2023

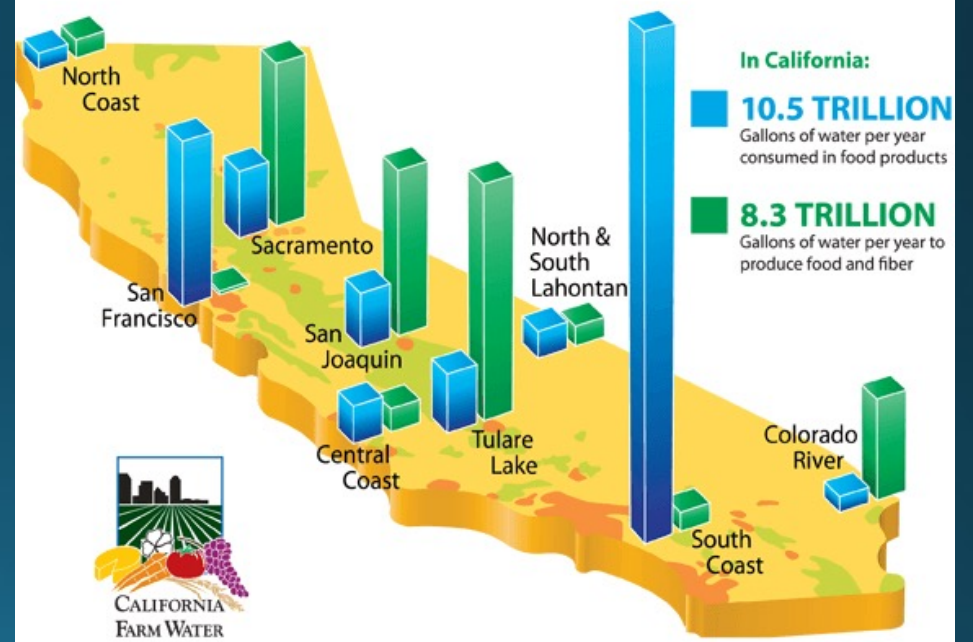
The Rest of the Story



WHERE does farm water go?

Water that grows farm products doesn't stay on the farm

It becomes part of the food we eat and clothing we wear. The green bars below represent the amount of water used to irrigate California's 9.6 million acres of farmland. The blue bars represent the water consumed as food by the people in each region.



FOOD GROWS WHERE WATER FLOWS

farmwater.org
916-391-5030

DATA SOURCES:

Agricultural water numbers are based on depletion, or the amount of water used that is no longer available for other uses. Population figures based on California Water Plan Regional Reports. Water use is 10 year average (2001-2010). <http://www.waterplan.water.ca.gov>

Per capita water demands for food supply is from the Food and Agriculture Organization of the United Nations http://www.fao.org/nr/water/docs/WRM_FPS_waterfood.pdf

Demonization of Irrigated Agriculture



“....a nonprofit newsroom that investigates abuses of power.”

IS GROWING FOOD NOW
CONSIDERED TO BE
“AN ABUSE OF POWER”?

Demonization of Irrigated Agriculture



Uh-Oh, the World's Biggest Climate Conference Just Became a Platform for Big Meat and Dairy

Influential meat and dairy industries prepare for a prominent role at the COP28 climate summit, according to recent documents.

by VegNews Editors
November 29, 2023

Fire on the Mountain: Post-Wildfire Impacts on Water Delivery Systems

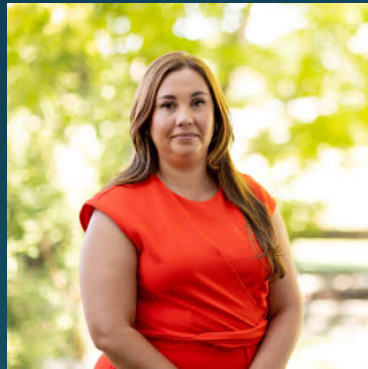


Watershed Management: PL-566



*Astrid Martinez - USDA NRCS
Conservation Planning and Technical
Assistance Division Director*

“Healthy Watersheds, Healthy Communities Act of 2023”



2023 Farm Bill Priorities for Family Farm Alliance

- PL-566 – Oversubscribed, underfunded.
- *Emphasize “multiple benefits”*
- Streamlined implementation of Conservation Title Programs
- Payment for Ecosystem Services
- “Climate Smart” Practices



University Partnerships with Western Irrigated Agriculture



**WATER RESOURCES
RESEARCH CENTER**

CSU

**The California
State University**



Food Systems

WASHINGTON STATE UNIVERSITY



Sharon B. Megdal

Director

Water Resources Research Center

Lower Snake River Dams

GOP lawmakers ramp up pushback on Snake River dam deal still in the making

Nov. 30, 2023 at 6:00 am Updated Nov. 30, 2023 at 6:00 am

"....the single greatest threat to the vitality of the region's hydropower system we have ever faced."

Scott Simms
CEO and executive director
Public Power Council

Lower Snake River Dams



Regulatory Malfeasance

THE CASE OF THE PHANTOM FISH



United Waters HQ

GM Mauricio Guardado



November 23 0:17 / 32:20

2023-11-16 08:49:24

Keynote Speakers



Jessica Fox
Electrical Power
Research Institute



Interior Principal Deputy
ASWS Michael Brain



Assistant Administrator,
Office of Water, EPA
Radhika Fox

CWA Exemption for Ditches and Drains



JUL 30 2015

Mr. Dan Keppen
Executive Director
Family Farm Alliance
P.O. Box 216
Klamath Falls, Oregon 97601

Dear Mr. Keppen:

Thank you for your July 1, 2015, letter to the Environmental Protection Agency Administrator Gina McCarthy and Department of the Army Assistant Secretary Jo-Ellen Darcy regarding implementation of the agencies' Clean Water Rule. Your letter, on behalf of the Family Farm Alliance, requests that the agencies continue to rely on Regulatory Guidance Letter (RGL) 07-02, which provides guidance on application of permitting exemptions for irrigation ditches under Clean Water Act Section 404(f).

We want to begin by expressing our appreciation to you and the Alliance for your constructive and helpful participation during the development of the Clean Water Rule. Changes in the final rule reflect comments you and others made and we believe the final rule will help farmers, ranchers, and foresters nationwide to better understand the application of the rule. The Alliance was also very effective in promoting the clarifications included in RGL 07-02 which, as your letter recognizes, has provided irrigated farms and ranches in the West with improved certainty regarding use of the section 404(f) exemptions. We look forward to continuing our work with you and the Alliance to make implementation of the Clean Water Rule more consistent and effective for the agriculture community nationwide.

We share your conclusions regarding the effectiveness of RGL 07-02 and emphasize our intent to interpret and apply all existing Clean Water Act exemptions as they have been implemented since they were enacted in 1977. An effort is underway to review Regulatory Guidance Letters and update them as appropriate to ensure that they are consistent with the final rule. At this time, no changes to RGL 07-02 are necessary. RGL 07-02 therefore remains in effect. So there is no confusion regarding use of the exemptions for construction and maintenance of irrigation ditches we will communicate this important point in writing to our respective field offices.



JOINT MEMORANDUM TO THE FIELD BETWEEN THE U.S. DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY CONCERNING EXEMPT CONSTRUCTION OR MAINTENANCE OF IRRIGATION DITCHES AND EXEMPT MAINTENANCE OF DRAINAGE DITCHES UNDER SECTION 404 OF THE CLEAN WATER ACT

I. INTRODUCTION

The U.S. Army Corps of Engineers ("Corps") and the U.S. Environmental Protection Agency ("EPA") (together, "the agencies"), implement Section 404 of the Clean Water Act ("CWA").¹ Section 404 of the CWA regulates the discharge of dredged or fill material into the navigable waters, which the CWA defines as "waters of the United States, including the territorial seas." 33 U.S.C. 1344 and 1362. The agencies are signing this memorandum to provide a clear, consistent approach regarding the application of the exemptions from regulation under Section 404(f)(1)(C) of the CWA for the construction or maintenance of irrigation ditches and for the maintenance of drainage ditches ("ditch exemptions").

This memorandum supersedes previous Corps Regulatory Guidance Letter ("RGL") 07-02, which superseded RGL 87-07. In an effort to provide greater clarity, this memorandum defines the following terms for purposes of implementing the ditch exemptions: "irrigation ditch," "drainage ditch," "construction," and "maintenance."² This memorandum also provides a framework for determining the applicability of the ditch exemptions and the "recapture provision" in CWA Section 404(f)(2).

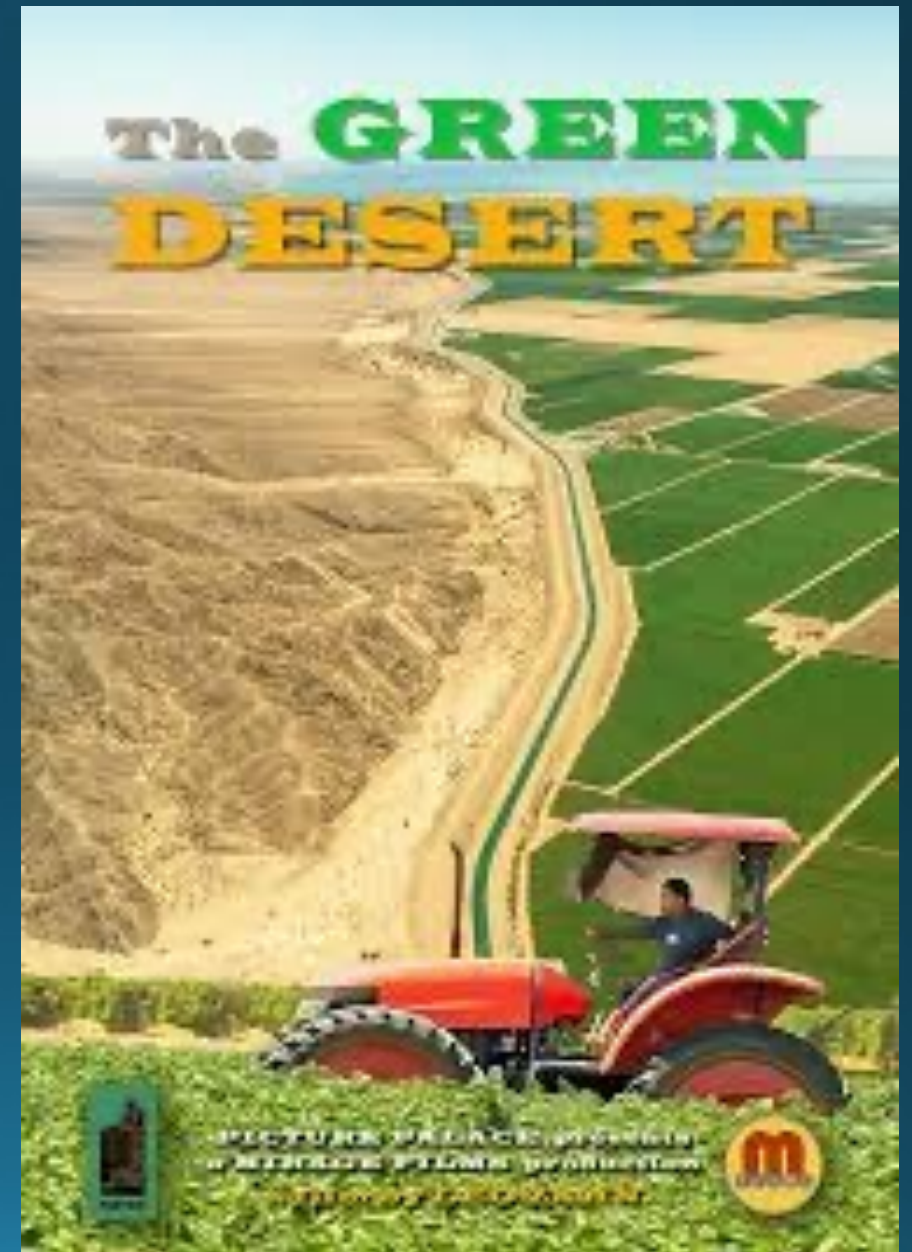
The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

II. BACKGROUND

a. Under Section 404(f)(1)(C) of the CWA (*see also* 33 CFR 323.4(a)(3) and 40 CFR 232.3(c)(3)), discharges of dredged or fill material for the purpose of construction or maintenance of jurisdictional irrigation ditches, or the maintenance (but not construction) of jurisdictional drainage ditches, are not prohibited by or otherwise subject to regulation under Section 404 of the CWA (*i.e.*, these activities are exempt from the need to obtain a Section 404 permit).

¹ In a 1979 opinion, the U.S. Attorney General Benjamin R. Civiletti determined that EPA has the ultimate responsibility for interpreting the CWA Section 404(f) exemptions. *See* 43 Op. Att'y Gen. 197 (Sept. 5, 1979), <https://www.epa.gov/cwa-404/1979-civiletti-memorandum-under-cwa-section-404f>. Attorney General Civiletti stated that it is the EPA Administrator who has general responsibility under the Act (33 U.S.C. 1251(d)), and who has general authority to prescribe regulations (33 U.S.C. 1361(a)).

Friday Afternoon “Tour”



THANK YOU!

Contact Info

Questions?

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(541)-892-6244

