

Monthly Briefing

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

ESA Bill Is OK'd By House

The House has approved the first comprehensive revisions to the Endangered Species Act (ESA) in 30 years, sending the legislation to the Senate where it faces an uncertain future.

The ESA measure (H.R. 3824), sponsored by Rep. Richard Pombo (R-CALIFORNIA), Chairman of the House Resources Committee, passed the House Sept. 29 on a vote of 229-193 after a competing ESA measure by Rep. George Miller (D-CALIFORNIA) and several moderate Republicans was narrowly defeated.

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Family Farm Alliance Executive Director Dan Keppen (left) joins Rep. Greg Walden (R-Oregon) at a rally in Klamath Falls (Oregon) announcing the introduction of an Endangered Species Act reform bill that in September passed the House Resources Committee and the full House.

Former Senator Will Speak At Annual Meeting

Retired Senator Malcolm Wallop, an outspoken conservative commentator, will be a featured speaker during the Family Farm Alliance's 18th Annual Meeting and Conference.

The session will take place March 2-3, 2006, at the Monte Carlo Resort and Casino in Las Vegas (NEVADA).

"Senator Wallop's presentation will be one segment of what is shaping up to be an outstanding and exciting Annual Meeting," said Alliance President Pat O'Toole (Wyoming).

Complete details will be distributed later this fall by mail and on the Alliance's website, www.familyfarmalliance.org.

Wallop, a Republican, represent-

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Alliance Will Help Tackle Montana Water Problem

The Alliance's Dan Keppen (center, back) tours Sherburne Dam with the St. Mary's Rehabilitation Working Group and Montana news media representatives.

The Family Farm Alliance is stepping forward to assist water users, tribes and government agencies seeking to craft a solution to an important Montana water project desperately in need of rehabilitation.

Dan Keppen, Alliance Executive Director, recently visited Cut Bank (MONTANA) where he met with Governor Brian Schweitzer and local water interests who have formed a working

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Hurricanes Cloud Plans In Congress

Hurricanes Katrina and Rita have complicated this year's remaining Congressional agenda.

The federal fiscal year began October 1 with only two of the 12 appropriations bills necessary to fund the government having been passed. All appropriations bills have passed the House but the Senate is lagging.

House and Senate leaders also remain committed to legislating cuts in programs through the budget "reconciliation" process that later this fall.

WESTERN WATER and natural resources legislation is moving forward on a number of fronts.

After months of concentrating on energy policy and ESA reform, Senate and House committees are taking up bills affecting Bureau of Reclamation projects and policies, including a rural water supply measure with a provision authorizing federal loan guarantees to cover extraordinary operations and maintenance costs paid by the users of Bureau projects.

In addition, House and Senate committees are considering legislation to exempt the application of aquatic herbicides and pesticides from Clean Water Act permits.

The Energy and Water Development Appropriations bill, which funds the Bureau of Reclamation and the Army Corps of Engineers. Each chamber passed its version of the bill months ago, but the Senate bill is \$1.4 billion richer than the House measure. In addition, House provisions mandating changes in the Corps contracting methods are opposed by many in the Senate.

COMPLICATING THE picture is funding for the Corps of Engineers rebuilding efforts on the Gulf Coast.

USBR Framing Storage Report For Congress

A quick but thorough U.S. Bureau of Reclamation report is being prepared on all authorized storage and flood control studies and projects in the West.

Congress included the report requirement in the Energy Act of 2005 that was enacted earlier this year.

Dan Keppen (OREGON), Family Farm Alliance Executive Director, said the review now under way is a very valuable exercise both for the Interior Department agency and the water users and regions that the Bureau of Reclamation serves throughout the West.

"The Alliance worked with Congressional staffers last April to develop this language," Keppen said. "The Bureau is finding that compiling this report is providing a great deal of beneficial information to Reclamation."

The report is to be finished and submitted to Congress in early November.

Congress has sent billions in recovery aid to the region through special appropriations bills, but leaders have indicated that some of the Corps' Gulf Coast funding will be drawn from the regular FY '06 appropriations bill, perhaps at the expense of Corps and Bureau projects elsewhere.

Staff-level discussions to resolve the differences in the Energy and Water bill only got underway recently, and it's possible that the bill may not be finalized for weeks to come.

In the meantime, the Bureau, Corps and most other federal agencies are operating under a "continuing resolution" that Congress approved September 30.

Denn Joins Board



*Sandy
Denn*

Sandy Willard Denn, a Willows (CALIFORNIA) rancher, is the newest Family Farm Alliance board member.

She replaces long-time Director Judy Brown, a charter member of the Alliance, whose family is leaving the farming business.

MRS. DENN is a third generation farmer. Born in Willows, she farms rice at Snow Goose Farms with her husband, Wallace Denn.

The Denns have long believed that agriculture and the environment can coexist in harmony if common sense and sensitivity are applied to agricultural practices and environmental reforms. Snow Goose Farms, situated near the Sacramento National Wildlife Refuge, is a winter haven to migratory waterfowl.

Mrs. Denn has been politically active in local, state and federal arenas for many years. Since 1993 she has served as Vice President of the Glenn-Colusa Irrigation District board. For several years, she was president of the Central Valley Project Water Association.

In 1994 she initiated a movement in Glenn County to unite opposing entities in the matter of groundwater management to gain local control.

SHE HELPED PUT in motion the Northern Sacramento Valley Water Forum to promote interface and exchange of education on water issues between water agencies and local governments.

Mrs. Denn also serves on the California Department of Water Resources' Water Advisory Panel which screens and monitors grant applications for groundwater management and monitoring projects.

She has served in a variety of other water-related and civic positions and this year earned a law degree.

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ESA OVERHAUL

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It moved quickly—from September 19 introduction through Resources Committee approval to floor action in less than two weeks.

POMBO'S BILL now moves to the Senate, where opponents expect to have a stronger hand than in the House.

As passed, the bill would make a number of improvements, including elimination of a requirement for establishment of critical habitat. Past administrations have complained such designations are costly, ineffective and prone to litigation.

The measure also would:

- Require establishment of standards for the science used in listing decisions.
- Increase the roles of local and state authorities in ESA decision-making.
- Establish voluntary conservation incentives for landowners and codify the “no-surprises” policy for habitat conservation plans, exempting them from consultation requirements.
- Provide for the compensation of landowners who lose the use of their property because of ESA restrictions.

THE BILL PASSED by the House is a revised version of the Pombo bill approved by the House Resources Committee. The committee bill included a somewhat stricter definition of “jeopardy,” that many western water users believed would cause more problems than the current law. The disputed jeopardy definition was not in the version approved by the House.

An alternative ESA measure offered by Miller and Rep. Sherwood Boehlert (R-NEW YORK), Chairman of the House Science Committee, drew support from most Democrats and moderate Republicans. The closeness of the vote (216-206) defeating it has given opponents of the Pombo bill reason to be optimistic that the bill will be changed or killed in the Senate.

Anticipating the House would act on ESA reform this year, the Senate Environment and Public Works Committee has held hearings on ESA implementation in which criticism has been voiced on the Pombo bill.

WALLOP

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ted Wyoming in the Senate from 1977-95. He was the ranking Republican on the Energy and Natural Resources Committee from 1990-94.

He has embraced issues like tax reform, deregulation, energy, private property rights and national defense.



A big crowd in Klamath Falls (Oregon), where Reclamation water supplies were cut off in 2001 because of the Endangered Species Act's administration, attends a rally marking introduction of ESA reform legislation.

Alliance Representatives Highlight Ag Needs At Colorado River Parley

Family Farm Alliance President Patrick O'Toole of Savery (WYOMING) and Advisory Committee member John Sullivan of Phoenix (ARIZONA) spoke about agriculture's future in the Colorado River basin during a Colorado River Project Symposium September 28-30 in Santa Fe (NEW MEXICO).

The theme of the conference – hosted by the Water Education Foundation – was “Sharing the Risks: Shortage, Surplus and Beyond.” O'Toole and Sullivan spoke to water managers, power managers, lawyers, educators and others interested in issues surrounding the Colorado River and its role in providing water to the West.

O'TOOLE SAID the Alliance is concerned by a growing trend toward transfer of agricultural water to municipal and industrial uses. He emphasized the need for additional water storage and described the data base developed by the Alliance to identify potential Western projects. “The drought has accelerated by 20 years the need for action on problems brought about by increased demands on the river,” said O'Toole. He said dewatering of agriculture does not benefit wetlands and fisheries. “It puts houses on farmland,” he said.

O'Toole noted that farmers had largely been referred to in the abstract throughout the course of the Santa Fe conference. “We are real people doing real things with real land and water,” he told the group. He cautioned that farmland and irrigation water needs to be protected from the demands of unrestrained growth.

SULLIVAN said the Salt River Project (SRP), of which he is Associate General Manager, is the “poster child” for transfers of agricultural water to urban areas. He expressed concern that in a few years, the SRP would cease to provide water to agriculture in order to meet new demands exerted by development.

Mark Limbaugh, former Alliance President and current Assistant Interior Secretary for Water and Science, was the featured dinner speaker at the meeting.

ALLIANCE WILL HELP MONTANA WITH REHABILITATION WOES

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group. The group toured an aging federal water project that supplies water to farmers, ranchers and municipalities in the Milk River Basin, on the U.S.-Canada border.

Officials of the National Water Resources Association (NWRA) also met with the St. Mary Facilities Working Group to join with the Alliance to provide federal affairs assistance for rehabilitation of this aging water system.

THE FAMILY Farm Alliance is interested in the St. Mary project of the Milk River Project because it epitomizes what is becoming a growing concern in the Western United States.

“The fact is that many Bureau of Reclamation facilities are approaching the end of, or are past the design life of the facilities, said Keppen. “The St. Mary Facilities are facing catastrophic failure after operating for over 85 years with only minor repairs and improvements since their original construction,” Keppen said.

The St. Mary facilities, located on the Blackfoot Reservation in Glacier County, consist of a storage dam, diversion dam, headgate, 29 miles of canal, two sets of steel siphons, and five concrete drop structures.

Keppen said he was astounded by the amount of deterioration to the diversion's facilities and noted that since the facilities are remote, rehabilitation will be even more costly. The latest cost estimate for the repairs is about \$120 million.

“When you go out and look at these drop structures, they look like Roman ruins,” Keppen said. “They are big, concrete structures that are crumbling and have exposed rebar.”

“Loss of the St. Mary Facilities would have a disastrous economic impact on the Milk River Basin and the state of Montana in general,” said Keppen.

Failure of one concrete drop structure in 2002 resulted in the canal being turned off for approximately two months during the irrigation system.



Montana Governor Brian Schweitzer (left) speaks during the session in Cut Bank (Montana). Listening are Mike Ryan (center), U.S. Bureau of Reclamation Great Plains Regional Director, and Alliance Executive Director Dan Keppen.

“**IT IS IMPERATIVE** that we find creative ways to provide for the operation, maintenance, and modernization of existing water supply infrastructure,” said Keppen. “Many of these facilities also need to be replaced with modern designs that provide for greater water management efficiency. Sound business practices dictate that this existing infrastructure, and the water supply provided by these facilities, be protected and preserved.”

The system keeps the Milk River flowing year-round by augmenting its

flow with water from the St. Mary River. That makes possible irrigation of more than 100,000 acres of farmland throughout the basin and provides drinking water for Havre and other communities.

“I’d like to see some exposure West-wide on this. People need to understand what’s happening up there. There are a lot of different things we can do.”

Keppen said he was pleased with the working group. “I’m impressed that the Governor is so engaged,” he said. “That’s going to be very important.”

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