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## SISKIYOU WATER NEWS

As many of you know, the State Water Resources Control Board (SWRCB) is continuing to monitor the minimum stream flows mandated under its emergency regulations and potentially issue curtailments to achieve these flow demands. Through this process, SWRCB issued curtailments on March 15<sup>th</sup> of this year for certain junior water rights on the Shasta River. Included in this curtailment order was an order curtailing Big Springs Irrigation District (BSID), which supplies their members with irrigation water from three groundwater wells in the Shasta Valley.

On March 29<sup>th</sup>, BSID filed a lawsuit against SWRCB challenging the Board’s jurisdiction over their groundwater wells. BSID also asked the court for an immediate temporary restraining order to allow its members to irrigate while the matter is being litigated. The hearing on that temporary order was set for April 1st in Siskiyou County.

Close to a hundred Siskiyou County farmers and ranchers packed the courtroom and overflowed into the hallway at the new county courthouse as long-time supporter and friend of Siskiyou Farm Bureau, Darrin Mercier, argued for BSID at the April 1st hearing. The fact that so many members of the Siskiyou County agricultural community appeared on such short notice gave powerful evidence of the importance of this issue to our community.

At the hearing, the State Attorney General’s office arguing for the SWRCB attempted to stall the proceedings through a change of venue motion. Mercier successfully argued that such a venue change was inappropriate. Next, Judge Lawrence turned to the issue of a temporary order to allow BSID to turn on its pumps. The central issue for this hearing turned on whether the SWRCB could provide any evidence that BSID’s wells were interconnected with Shasta River stream flows. Despite having made many claims of evidence supporting interconnection, SWRCB was unable to provide any studies or other proof supporting this position. Judge Lawrence took a recess to allow SWRCB to enter its 90-page digest to the regulations into the record, but even this digest failed to

provide specific proof about the interconnection of BSID's wells with the Shasta River flow levels. As a result, Judge Lawrence continued the hearing until May 5<sup>th</sup> and issued an order allowing BSID to irrigate until that time. At the May 5<sup>th</sup> hearing, SWRCB will again have an opportunity to provide evidence that BSID's groundwater wells are interconnected with the Shasta River.

This temporary order was a great victory for BSID and will allow them to begin growing crops this year. However, we shouldn't lose sight of the fact that winning the right to irrigate for the month of April is now considered a major win for Siskiyou County agriculture. I don't think I'm overstating the point to say that we are at a critical juncture.

I can't help but think back to the early 1990's and the destruction of our local timber industry. In 1987, almost 300 million board feet of lumber was processed in this county. About that same time environmental groups began to take advantage of the spotted owl issue to stop logging. In 1994, the Northwest Forest Plan was adopted, and Siskiyou County produced less than 100 million board feet of lumber. In less than a decade, we lost an entire industry and economic base here in Siskiyou County.

Today, some of the same groups and even the same people that used the spotted owl to take the forests away from the timber industry are trying to use the salmon to take water away from agriculture. I have spent a lot of time lately considering what happened in the 1990's to the timber industry and how we can avoid the same future in Ag. I can't say there is any clear answer, but I am confident of two points. First, we can't just keep our head down and weather this storm. And second, we can't sue our way to victory.

For the last 25 years, we have been playing a game of defense, we fought the fish listings, we fought the ITP, we fought the TDML's, we fought the public trust doctrine, we fought the irrigated lands program, and we fought SGMA, then last year we fought the emergency drought regulations. We won some victories. We managed to avoid some of the worst aspects of those proposals. But the whole time, we were dying the death of a thousand cuts. Historic ranches sold out one after another. Our kids saw the constant fight and looked for jobs off the farm. The longer we spend reacting to every regulatory threat rather than driving the conversation, the weaker we become. We need to take control of the initiative to push for a long term solution.

That brings me to my second point. Despite what happened at the April 1st hearing, this long-term solution won't come in a courtroom. No judge is going to save us. Our solutions are going to come with bulldozers and excavators, not ink and paper.



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**Upcoming Events!**

- April 10th.....SCFB Board Meeting
- April 21st.....Lincoln Dinner
- May 12th.....SCFB Board Meeting
- June 9th.....SCFB Board Meeting

**Siskiyou County Farm Bureau**

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**Cattle may move early due to feed prices, drought**

California ranchers are being squeezed by drought, high prices and, now, transportation issues. That is expected to result in an earlier, faster and more expensive move to get cattle to their summer grazing pastures. “Normally, the movement from winter grazing country to summer grazing is a six-to-eight-week-long process,” said Ned Coe, a Modoc County rancher and California Farm Bureau field representative. “That’s impacted by the location of the grazing and when that feed dries up, and also the location that the cattle producer is moving his cattle to for the summer.”

Lawsuits may be part of a larger solution. We might be able to leverage solutions through strategic litigation or gain some breathing space. But ultimately, litigation in this state is a dead-end for agriculture. The other side has too many judges, too many lawyers, and way more money.

So where does that leave us? We need to solve the water and fish problem in Siskiyou County. Nobody else is going to do it for us. We may not agree that the problem is low water in the rivers during August and September. We may know that our rivers produce plenty of fish and the real problem lies in the oceans. But the regulators and opponents of production agriculture will never agree with us. So, we have to find a way to get them what they want. We need to increase the supply of water and fish in our valleys using every tool available. That means rehabilitating the mountain lakes in the Marbles, it means ground water recharge in both valleys, and off stream storage, and coffer dams under the tailings. It means getting Klamath River Water into Lake Shastina and the Shasta Valley, and it means starting an eyed egg injection program. We need to look to big projects, and we need to start working now.

These projects won't get done if just one or two ranchers push for them. They won't get done unless we are unified in demanding them and working towards them – and not just Siskiyou Farm Bureau. We need to reach out to other partners that have an interest in solving Klamath problems. We need to build political power. We need to join forces with project irrigators and upper basin irrigators. We have to amplify our voice, and we need to reach out to people that haven't always been our friends. This state is flush with money for projects. We can't get that money by ourselves, but if Siskiyou County Farmers went to Sacramento together with the tribes and some of the more solution-oriented environmental groups asking for water storage projects to augment late summer environmental flows we would be amazed at how fast things can get done.

We are at a critical moment. This will be a hard summer, but it might also be the summer that provides the opportunity to achieve meaningful solutions in our valleys. We either do something now or start looking for an exit strategy. I will warn you now that Siskiyou County Farm Bureau will be making some big asks of our membership this year. We will all need to invest in a different future.

Sincerely,

Ryan Walker  
President, SCFB



## **Siskiyou County Producers May be Eligible for Emergency Conservation Program Assistance**

Wildfires and drought have caused severe damage from the Lava, Tennant, and Antelope Fires. If you've suffered severe damage, you may be eligible for assistance under the Emergency Conservation Program (ECP). For land to be eligible, the natural disaster must create new conservation problems that, if untreated, would: be so costly to rehabilitate that Federal assistance is or will be needed to return the land to productive agricultural use; is unusual and is not the type that would recur frequently in the same area; affect the productive capacity of the farmland; impair or endanger the land.

If you qualify for ECP assistance, you may receive cost-share levels not to exceed 75 percent of the eligible cost of restoration measures. Eligible socially disadvantaged and beginning farmers and ranchers can receive up to 90 percent of the eligible cost of restoration. No one is eligible for more than \$500,000 cost sharing per natural disaster occurrence.

To be eligible for assistance, practices must not be started until all the following are met: an application for cost-share assistance has been filed; the local FSA County Committee (COC) or its representative has conducted an onsite inspection of the damaged area; the Agency responsible for technical assistance, such as the Natural Resource Conservation Service (NRCS), has made a needs determination, which may include cubic yards of earthmoving, etc., required for rehabilitation.

If you've suffered a loss from a natural disaster, contact the local FSA County Office starting April 1st, through April 29th, 2022 to request assistance.

### **Apply for Livestock Forage Losses**

Producers in Siskiyou County are eligible to apply for 2022 Livestock Forage Disaster Program (LFP) benefits on native pasture. LFP provides compensation if you suffer grazing losses for covered livestock due to drought on privately owned or cash leased land or fire on federally managed land. You must complete a CCC-853 and the required supporting documentation no later than January 30<sup>th</sup>, 2023, for 2022 losses.

### **USDA to Provide Payments to Livestock Producers Impacted by Drought or Wildfire**

The U.S Department of Agriculture (USDA) announced that ranchers who have approved applications through the 2021 Livestock Forage Disaster Program (LFP) for forage losses due to severe drought or wildfire in 2021 will soon begin receiving emergency relief payments for increases in supplemental feed costs in 2021 through the new [Emergency Livestock Relief Program \(ELRP\)](#).

### **ELRP Eligibility – Phase One**

To be eligible for an ELRP payment under phase one, livestock producers must have suffered grazing losses in a county rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level of drought intensity during the 2021 calendar year, and have applied and been approved for 2021 LFP. Additionally, producers whose permitted grazing on federally managed lands was disallowed due to wildfire are also eligible for ELRP payments, if they applied and were approved for 2021 LFP. Producers are not required to submit an application for payment; however, they must have the following forms on file with FSA within a subsequently announced deadline as determined by the Deputy Administrator for Farm Programs:

CCC-853, *Livestock Forage Disaster Program Application*; Form AD-2047, *Customer Data Worksheet*; Form CCC-902, *Farm Operating Plan* for an individual or legal entity; Form CCC-901, *Member Information for Legal Entities* (if applicable); Form FSA-510, *Request for an Exception to the \$125,000 Payment Limitation for Certain Programs* (if applicable); Form CCC-860, *Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification*, if applicable, for the 2021 program year; A highly erodible land conservation (sometimes referred to as HELC) and wetland conservation certification (Form AD-1026 *Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification*) for the ELRP producer and applicable affiliates.

To further expedite payments to eligible livestock producers, determine eligibility, and calculate an ELRP phase one payment, FSA will utilize livestock inventories and drought-affected forage acreage or restricted animal units and grazing days due to wildfire already reported by the producer when they submitted a 2021 CCC-853, *Livestock Forage Disaster Program Application* form. Phase one ELRP payments will be equal to the eligible livestock producer's gross 2021 LFP calculated payment multiplied by a payment percentage, to reach a reasonable approximation of increased supplemental feed costs for eligible livestock producers in 2021. The ELRP payment percentage will be 90% for historically underserved producers, including beginning, limited resource, and veteran farmers and ranchers, and 75% for all other producers. These payments will be subject to a payment limitation. To qualify for the higher payment percentage, eligible producers must have a CCC-860, *Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification*, form on file with FSA for the 2021 program year. Payments to eligible producers through phase one of ELRP are estimated to total more than \$577 million.

## **ELRP - Phase Two**

Today's announcement is only Phase One of relief for livestock producers. FSA continues to evaluate and identify impacts of 2021 drought and wildfire on livestock producers to ensure equitable and inclusive distribution of much-needed emergency relief program benefits.

## **Emergency Relief Program (ERP) Assistance for Crop Producers**

FSA is developing a two-phased process to provide assistance to diversified, row crop and specialty crop operations that were impacted by an eligible natural disaster event in calendar years 2020 or 2021. This program will provide assistance to crop producers and will follow a two-phased process similar to that of the livestock assistance with implementation of the first phase in the coming weeks. Phase one of the crop assistance program delivery will leverage existing [Federal Crop Insurance](#) or [Noninsured Crop Disaster Assistance Program](#) data as the basis for calculating initial payments. Making the initial payments using existing safety net and risk management data will both speed implementation and further encourage participation in these permanent programs, including the Pasture, Rangeland, Forage Rainfall Index Crop Insurance Program, as Congress intended. The second phase of the crop program will be intended to fill additional assistance gaps and cover eligible producers who did not participate in existing risk management programs.

## **Additional Livestock Drought Assistance**

Due to the persistent drought conditions in the Great Plains and West, FSA will be offering additional relief through the [Emergency Assistance for Livestock, Honeybees and Farm-raised Fish Program \(ELAP\)](#) to help ranchers cover above normal costs of hauling livestock to forage. This policy enhancement complements previously announced ELAP compensation for hauling feed to livestock. Soon after FSA announced the assistance for hauling feed to livestock, stakeholders were quick to point out that producers also were hauling the livestock to the feed source as well and encouraged this additional flexibility. It is important to note that, unlike ELRP emergency relief benefits which are only applicable for eligible losses incurred in the 2021 calendar year, this ELAP livestock and feed hauling compensation will not only be retroactive for 2021 but will also be available for losses in 2022 and subsequent years.

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## **Siskiyou County Producers Can Now Book Appointments with FSA Online**

If you farm or ranch in Siskiyou County, you now have the option to conveniently schedule appointments online or from a mobile device. You can schedule appointments for a variety of services with office staff. The web-based system will automatically send you a confirmation email along with reminder emails for upcoming appointments. USDA's [Farm Service Agency](#) (FSA) is piloting Microsoft Bookings software in select Service Centers, including Siskiyou County, on a trial basis in order to modernize the appointment scheduling process. You can still choose to schedule appointments by calling the FSA office at your local USDA Service Center.

For more information, contact the Siskiyou County FSA office at 1(530) 842-6123 x2.





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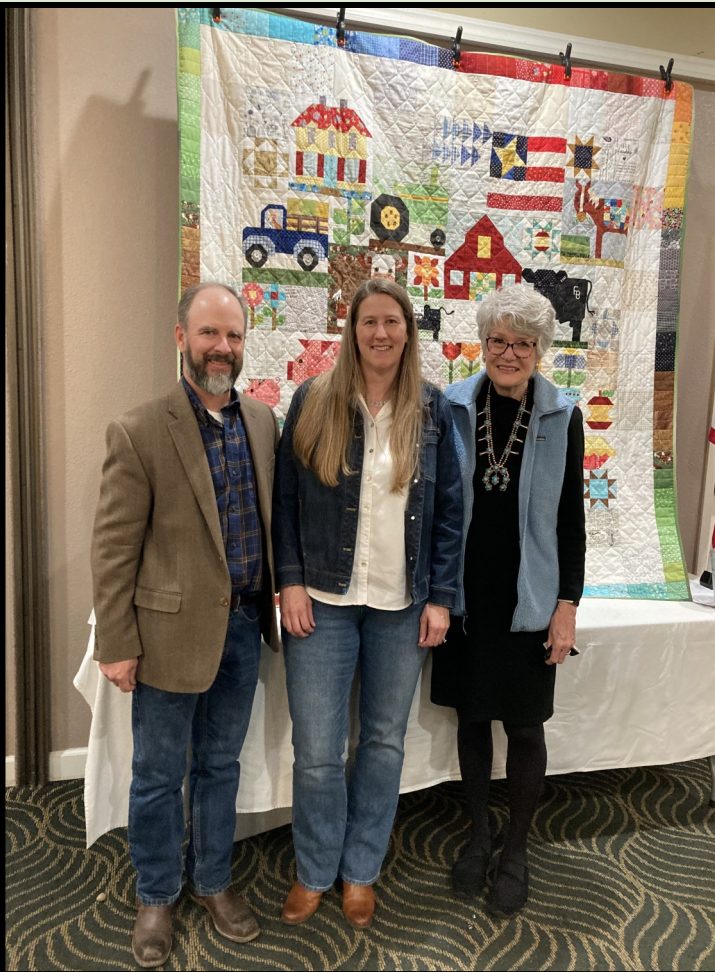
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We would like to thank Siskiyou County Farm Bureau President Ryan Walker and his wife Jennifer for purchasing the beautiful quilt made by the talented Carolyn Pimentel.

Below you will see a copy of the quilt label which details information about the making and care of the quilt.

Ryan & Jennifer are planning to display the quilt in the conference room at our SCFB office. Everyone is invited to stop in and see this beautiful heirloom quilt on any Wednesday.

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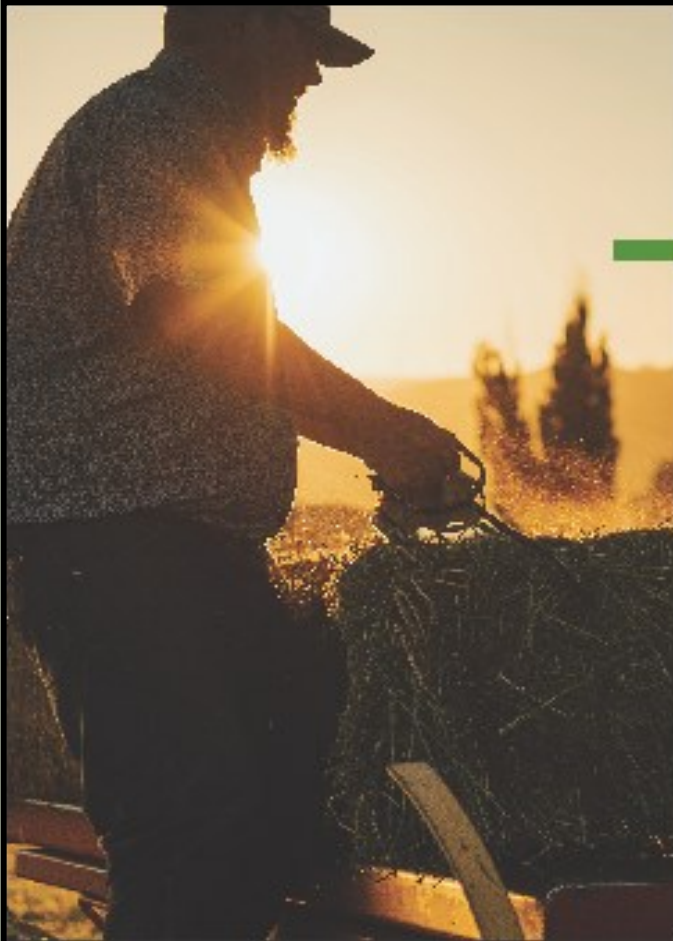


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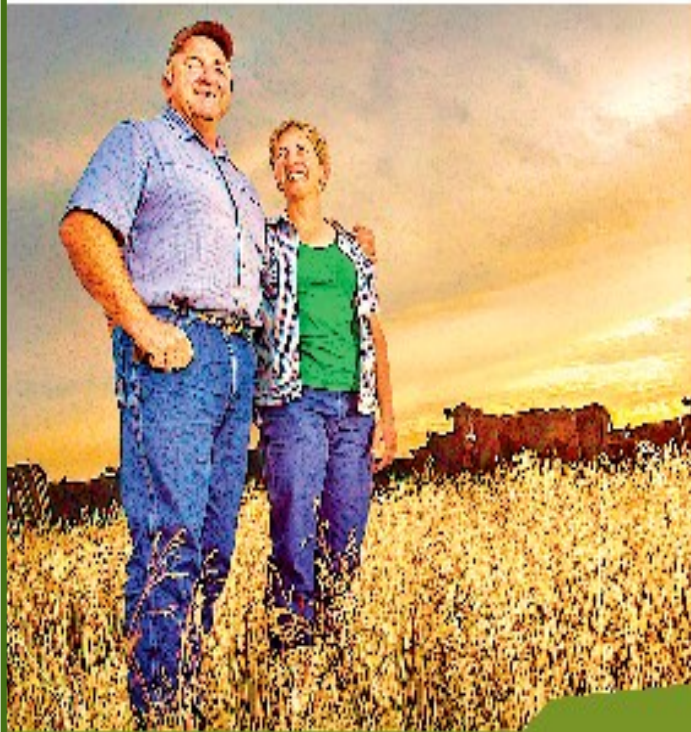
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