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Protecting Water for Western Irrigated Agriculture (541)-892-6244 www.familyfarmalliance.org

July 13, 2021

The Honorable Raul Grijalva, Chairman
The Honorable Bruce Westerman, Ranking Member
Committee on Natural Resources
U.S. House of Representatives
1329 Longworth House Office Building
Washington, D.C. 20515

Re: *Ocean-Based Climate Solutions Act* (H.R. 3764)

Dear Chairman Grijalva and Ranking Member Westerman:

As your committee prepares to mark up the *Ocean-Based Climate Solutions Act* (H.R. 3764) later this week, on behalf of the Family Farm Alliance (Alliance), I reiterate the concerns we expressed at your legislative hearing conducted on this bill on June 22. Mauricio Guardado testified remotely at this hearing, representing the Alliance and United Water Conservation District.

The Family Farm Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. The Alliance is also committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons – many of which are often overlooked in the context of other national policy decisions. The Western family farmers and ranchers who we represent are confronted with many critical issues today. At the top of the list is the daunting number of administrative policy and regulatory initiatives that our Western agricultural producers face daily.

H.R. 3764 is well-intended legislation that directs the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of the ocean and coastal habitats, biodiversity, and marine mammal and fish populations, among other purposes. In November 2020, the Alliance developed written testimony for this committee on an earlier version of this legislation. Several concerns were raised in that testimony, and we were pleased to see that some of these issues were addressed in H.R. 3764. However, there are several areas of the new legislation that continue to cause concerns for our membership due to potential far-ranging and uncertain impacts to water management and agriculture in the West.

The Committee may wonder why organizations like ours that serve family farmers and ranchers in the inland West are concerned with legislation that would appear to apply more to the ocean and coastal communities? We are concerned that this wide-ranging bill could have a significant impact on the development of critically needed new inland water infrastructure. We also have questions about whether the potential impacts to the economy, federal budget, and existing statutes and regulatory processes have been assessed. Many of the Alliance's farmers, ranchers, and water managers have been impacted by implementation of federal environmental laws intended to protect ecosystems far-removed from their operations, so we believe our concerns with this legislation are well placed and important to our membership.

This ambitious legislation, among other things, directs that NOAA create a national map which identifies all watershed structures or "pollution" sources which could adversely impact "blue carbon" sequestration. This requirement has no limits on how far upstream the map goes. This is concerning, since Western watersheds draining to the Pacific Ocean and the Gulf of Mexico from the lower 48 states touch virtually every state in our membership.

We are certain that his bill will result in more bureaucratic red tape for our membership in the future. H.R. 3764 would implement consultation requirements for all federal agencies in which a proposed action has the potential to cause an adverse impact to "blue carbon areas of significance," "essential fish habitat," or "marine mammal climate impact management plans." These requirements will create yet another layer of environmental bureaucracy that NOAA can use to block federal actions important to our members. Mr. Guardado provided some hard-learned, real-life observations in his testimony that should clearly demonstrate why our members have these concerns.

If passed and signed into law as written, we fear this bill, among other things, would lay a foundation for restricting inland and upland activities deemed to have an effect on newly designated ocean and coastal protected areas. We believe Congress should be focusing instead on finding ways to provide federal agencies with more flexibility under environmental laws and water management regulations to respond to drought conditions, like the unprecedented drought disaster we are now confronting across the Western U.S. And where such flexibility currently exists, Congress should demand that agencies use it promptly and with a minimum of bureaucratic process.

For these reasons identified herein and in our June 22, 2021 [written testimony](#), our concerns remain that this bill could dramatically increase the role of federal agencies on inland rivers and adjacent lands, as further outlined in our testimony.

Unfortunately, at this time we have no choice but to oppose this legislation as introduced but would be happy to sit down with you to address our concerns. Please do not hesitate to contact me at dan@familyfarmalliance.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Keppen". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dan Keppen, Executive Director