

# Monthly Briefing

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

## Alliance Members Testify on Project Streamlining Bill

Rep. Dan Newhouse (R-WASHINGTON) in November reintroduced HR 875, *The Bureau of Reclamation Project Streamlining Act of 2017* (now HR 4419). Alliance President Patrick O'Toole (WYOMING) and Alliance member Urban Eberhart (WASHINGTON) testified at a House Water and Power Subcommittee hearing held at the end of the month in support of this legislation.

"Last February, we formally supported the original bill, which would streamline the Bureau of Reclamation's environmental planning and study process for new water projects," said Mr. O'Toole. "H.R. 4419 requires Reclamation to accelerate studies and provide more accountability in the agency's process to study the feasibility of new and or expanded surface water storage."

The legislation would provide the same streamlined water project development process for Reclamation surface water storage projects that the *"Water Resources Reform and Development Act of 2014"* gave to the U.S. Army Corps of Engineers. H.R. 4419 broadens the legislation to include additional surface water storage projects, water infrastruc-

ture projects, rural water projects, water recycling, and Title XVI water projects.

"The goal of the legislation is to reform the current cumbersome, lengthy process so that there is a mechanism to build new surface water storage projects in the West," said Mr. O'Toole.

This bill also authorizes several key water development projects across the West, including projects in California, Kansas, Montana, and Washington. For example, H.R. 4419 authorizes Phase III of the Yakima River Basin Integrated Water Resource Management Plan, an initiative to better accommodate the water needs of the agricultural community, conservationists, residents, and other stakeholders in the Yakima River Basin region.

"This legislation will provide the next major step to addressing our water crisis in

the West," Rep. Newhouse said to the subcommittee. "I certainly look forward to working with you to get this bill signed into law."

Urban Eberhart, Secretary/Manager of Kittitas Reclamation District (WASHINGTON) and a member of the Family

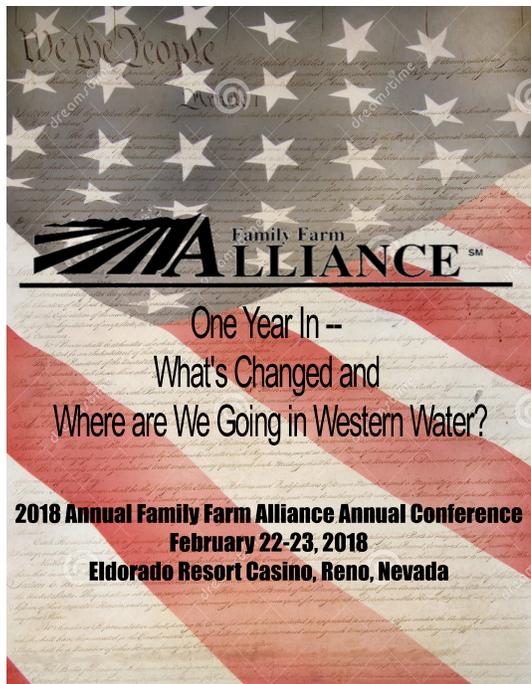


**Rep. Newhouse testifies at the Water, Power and Oceans Subcommittee hearing on H.R. 4419. Family Farm Alliance president Patrick O'Toole (right) and Alliance D.C. representative Mark Limbaugh (center) are also pictured in the audience. Photo source: House Committee on Natural Resources**

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The Alliance board of directors will meet at 8:00 a.m. on February 21 in the Eldorado conference room. The Advisory Committee will join the board for lunch, starting at noon that day.

Room Reservation Deadline: January 21, 2018 or until our block is filled.

Make your reservations directly with the Eldorado:

- **Online at**  
[www.familyfarmalliance.org](http://www.familyfarmalliance.org)
- **By phone: (800)-648-5966: (code IEFFA17)**

*A limited number of reduced rate rooms are available for the nights of Friday and Saturday, February 23 & 24.*

***Download the complete conference registration package at [www.familyfarmalliance.org](http://www.familyfarmalliance.org).***

The Family Farm Alliance will once again gather together its members and prominent Western water policy makers for insightful, outside-the-box presentations and discussions you've come to expect from the West's most effective grassroots irrigated agricultural organization.

**In 2018, we've moved the festivities to Reno, Nevada!**

One year into the Trump Administration, we are beginning to see the emergence of some very fundamental changes being made at the Departments of Agriculture and Interior. Things are changing on a big level, and there are many important developments quietly emerging. Reorganization at U.S. Fish and Wildlife Service is underway that will be as important as any ESA legislation that might come about. Significant legislative, administrative, and cultural changes are happening at FWS and elsewhere which suggests that we will soon be headed in a new, and hopefully, better direction. There are tremendous opportunities for Western irrigators to participate in how these things are implemented with this administration.

Still, many Western producers face significant regulatory and policy related challenges, brought on – in part – by federal agency implementation of environmental laws; destructive tactics employed by litigious, anti-farming activists; and a myriad of new rules and policies skewed toward environmental protection. On the ground, water infrastructure that was built early in the last century is aging, and once-reliable federal grants and loan programs are a thing of the past. Meanwhile, little progress has been made towards developing new and improved water infrastructure to keep up with the growing water demands of expanding cities, energy production, and environmental needs.

Fortunately, Western producers have led the way through proactive, flexible and strategic leadership and working with partners to find solutions to difficult issues.

Are “Year One” developments a sign that long-lasting changes are on the horizon for Western irrigated agriculture, or will partisan differences in Washington, D.C. keep things mired in the mud of the field? Come join us in the “Biggest Little City in the World” to learn for yourself!

# Alliance Testifies on Ocean Policy at Senate Oversight Hearing

Family Farm Alliance executive director Dan Keppen testified earlier this month before the Senate Committee on Commerce, Science and Transportation Subcommittee, which conducted a hearing on the state of the National Ocean Policy (NOP) and the program's interaction with existing laws and regulations for ocean management.

“Some of you may be wondering – why is an organization that represents family farmers and ranchers in the mostly inland West concerned with a policy that would appear to apply more to the ocean and coastal communities?”, Mr. Keppen said at the hearing.

“We have monitored this issue for some time and have formally raised concerns with how the Obama Administration’s ocean policy would be implemented.”

Mr. Keppen previously testified on this matter before the House Committee on Natural Resources in 2016. The Alliance believes the policy sets forth yet another level of federal management and oversight intended to improve the way inland, ocean and coastal activities are managed.

“Unfortunately, this has the potential to impose negative impacts – intended or not – on the Western interests we represent,” said Mr. Keppen.

The Alliance testimony describes concerns that the “federal regional planning bodies” proposed under the Ocean Policy framework could dramatically increase the role of federal agencies on inland areas. The NOP would also establish a framework for collaboration and a shared set of goals to promote “ecosystem-based management”. This would allow new Regional Planning Bodies to potentially impact activities that occur on lands that drain into the ocean.

“This objective involves vague and undefined goals and policies,” said Mr. Keppen. “We know from experience these can be used by critics of irrigated agriculture as the basis for actions to stop or delay Federally-permitted activities”.

Chairman Dan Sullivan (R-ALASKA) presided over the hearing, with Ranking Member Gary Peters (D-MI) and Richard Blumenthal (D-CT) joining Sullivan in the witness Q&A, with Senators Cory Gardner (R-COLORADO), Jim Inhofe (R-OKLAHOMA), and Maria Cantwell (D-WASHINGTON) also in attendance during portions of the hearing.

Also appearing before the Subcommittee were Bonnie Brady

(Executive Director, Long Island Commercial Fishing Association), Christopher Guith (Senior Vice President, Global Energy Institute, U.S. Chamber of Commerce), and Kathy Metcalf (President and CEO, Chamber of Shipping of America).

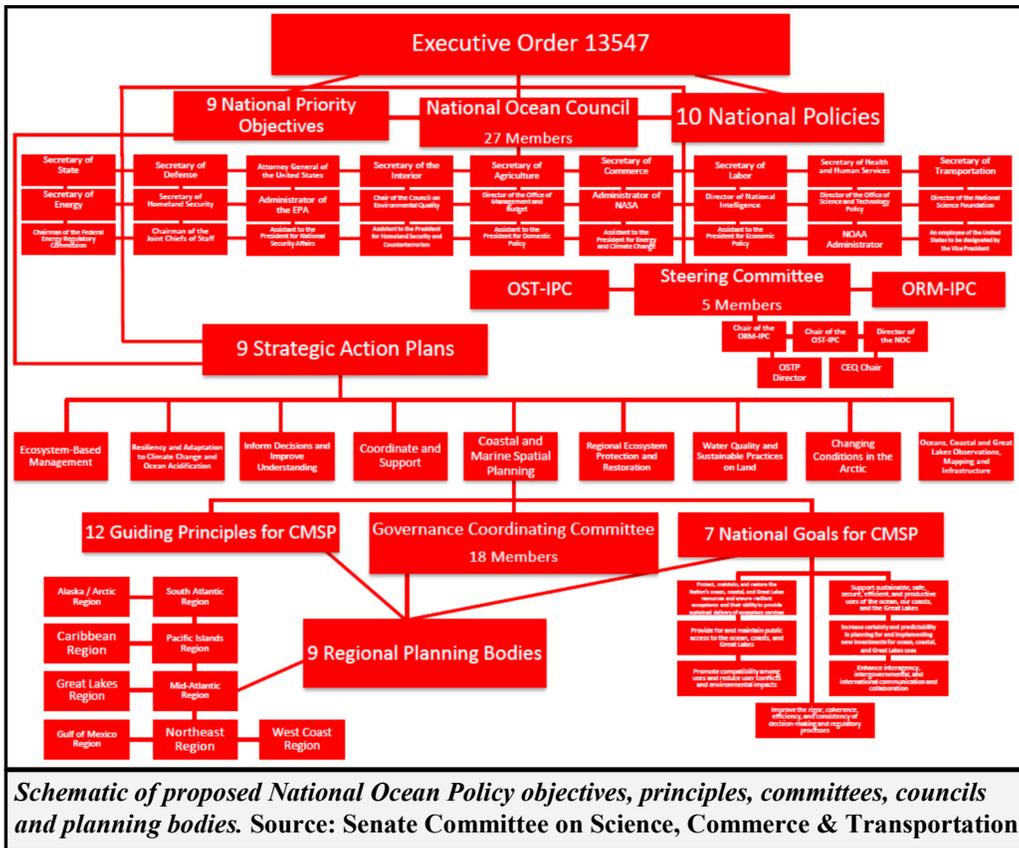
The Alliance earlier this joined 80 other national business and industry groups on a letter to President Trump, asking that he vacate this program, a call that was repeated at the hearing

by Mr. Keppen, Mr. Guith and Ms. Brady. These majority witnesses highlighted NOP concerns related to litigation risks, deficiencies in data and a lack of science, non-government funding of NOP activities, lack of transparency, and the fact that negative impacts have already resulted.

“We desperately need your help to ensure that commercial fishermen are no longer saddled with additional uncertainty or new regulatory hurdles,” said Ms. Brady.

Chairman Sullivan joined in the criticism, saying the National Ocean Policy features “unwieldy regulations” and a “top-down management structure”, using a poster chart to highlight the various bodies and councils that were established under the Executive Order (*see figure*).

Ranking Member Peters expressed regret that the Subcommittee would not hear from state and federal agency witnesses about the successes and lessons learned following the 2010 Executive Order.



**Schematic of proposed National Ocean Policy objectives, principles, committees, councils and planning bodies. Source: Senate Committee on Science, Commerce & Transportation**

# Additional Trump nominees confirmed by Senate

Following several months of relative inactivity on confirming President Trump’s nominated appointees at Interior and other departments important to Western producers, the U.S. Senate -goaded by Western Republicans – has made encouraging progress in recent weeks.

## Interior Department Appointments

Since November 16, three Trump appointees have been confirmed by the Senate for key positions at the Department of Interior, including Brenda Burman as Commissioner of Reclamation (Reclamation), Joseph Balash as Assistant Secretary for Land and Minerals Management, and Dr. Timothy Petty as Assistant Secretary for Water and Science.

Four other Interior nominees have cleared committee and await action by the full Senate.

President Trump has yet to announce seven other confirmable nominees at Interior, including Inspector General, Assistant Secretary for Fish and Wildlife and Parks, and directors for the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and U.G. Geological Survey (USGS).

In his new role, Dr. Petty will oversee Reclamation and USGS, two agencies important to Western producers. The Family Farm Alliance formally endorsed Dr. Petty’s confirmation in a letter prepared for the Senate Energy and Natural Resources Committee last month.

“The relationship we have with the Department of the Interior – and particularly, with Reclamation – is our closest,” said Family Farm Alliance executive director Dan Keppen. “Thus, this appointed position is critically important to our organization and our Western membership.”

In the West, many rural agricultural producers live in states where the federal government is the majority landowner and plays a significant role in the management of land and water that can impact their operations.

“We believe Dr. Petty is a strong leader; a well-respected professional and a person with vision, common sense and high ethical standards,” said Alliance President Patrick O’Toole. “We have worked with Dr. Petty in the past on several Western water issues and believe he understands the unique challenges faced by our members.”



**Dr. Timothy Petty, the new Assistant Secretary for Water and Science at the U.S. Department of the Interior.**

**Photo source: Association of American State Geologists.**

## Confirmation of Other Department Appointees

Some halting, but encouraging process is being made relative to Senate confirmations in other agencies, as well.

At the Department of Agriculture, four nominees – including Secretary Sonny Perdue – have been confirmed by the Senate, and two nominees await action by the full Senate.

Just before Congress recessed for the holidays, the Senate approved Susan Bodine’s nomination by voice vote to be the Assistant Administrator at the Environmental Protection Agency (EPA), where she will run the Office of Enforcement and Compliance Assurance. Ms. Bodine was most recently a special adviser on enforcement issues to EPA Administrator Scott Pruitt. During the President George W. Bush administration, she was an Assistant Administrator at the Office of Solid Waste and Emergency Response at the EPA. Two other EPA nominees received Senate floor votes earlier this month: Matthew Leopold was confirmed by the Senate as EPA general counsel and David Ross was confirmed to be EPA’s assistant administrator for water.

The Senate Environment and Public Works Committee recently approved the nomination of Rickey Dale “R.D.” James to be Assistance Secretary of the Army for Civil Works, a position that oversees the water resources programs of the Army Corps of Engineers. Committee members of both parties expressed strong support for Mr. James’s nomination and approved it on a voice vote.

Meanwhile, *Politico* reports that top Senate EPW Democrat Tom Carper recently announced he will force the administration to resubmit the nomination of Kathleen Hartnett White to run the Council on Environmental Quality next year

“Unqualified or controversial nominees will not simply be rubber-stamped by the Senate,” Senator Carper said in a statement.

According to *Politico*, Senators typically allow nominees not confirmed by the end of the first year of a congressional term to remain pending without forcing them to be re-nominated.

## Engagement by Republican Senators

Senate Republicans – especially those representing Western states – are ratcheting up pressure and drawing attention to the slow rate of confirmation. Sixteen Republican members of the Senate Western Caucus before Thanksgiving urged the chamber's leadership to prioritize the confirmation of additional Interior nominees important to their states. Earlier this month, the Senate Committee on Rules and Administration held a full committee hearing entitled “Improving procedures for the consideration of nominations in the Senate.” The hearing centered on resolution S. Res. 355, sponsored by Senator James Lankford (R-OKLAHOMA), that aims to improve procedures for the consideration of nominations in the Senate.

Senator Lankford encouraged that the time for this issue to get resolved will never be right, that it must be resolved now, or “it will never get done.”

## New House Bill to Increase Funding for Partners Program

Former Congressional Sportsmen’s Caucus Chairman Rep. Mike Thompson (D-CALIFORNIA) and Natural Resources Committee Ranking Member Raúl M. Grijalva (D-ARIZONA) on November 30<sup>th</sup> introduced H.R. 4489, the “*Authorizing Critical Conservation for Sportsmen and Sports-women (ACCESS) Act*”. The ACCESS Act, among other things, includes a permanent reauthorization of the Land and Water Conservation Fund and the Federal Land Transaction Facilitation Act, key programs for sportsmen’s access to public lands that have broad bipartisan backing.

The Senate last summer by unanimous consent passed a related bill, the “*Wildlife Innovation and Longevity Driver (WILD) Act*”, (S. 826), introduced by Environment and Public Works (EPW) Committee Chairman John Barrasso (R-WYOMING). Importantly, both the House and Senate bills emphasize increased funding for the U.S. Fish and Wildlife Service (FWS) “Partners for Conservation” program, which encourages collaborative conservation efforts, as opposed to the more heavy-handed, regulatory approach employed by the

FWS Environmental Services section.

“We worked with Senator Barrasso’s office as this bill moved through the Senate,” said Alliance President Patrick O’Toole. “We are now working to set up a meeting with Rep. Thompson to further discuss his legislation.”

Mr. O’Toole and other Alliance leaders attended meetings last month in Washington, D.C. with representatives of Partners for Conservation, a grassroots movement of private land-owners working with agencies, non-profit organizations, and policymakers to collaborate on conservation projects to sustain working landscapes. The Alliance also co-signed a letter with Partners that was sent to Deputy Interior Secretary David Bernhardt, stressing the economic and environmental importance of irrigated agriculture to the Western U.S.

“Irrigated agriculture provides a \$172 billion annual boost to our economy, and its open spaces are treasured by citizens throughout the West,” the letter said. “Flood-irrigated systems also recharge groundwater systems and provide important habitat for Pacific Flyway waterfowl and other wildlife.”

## House Storage Streamlining Bill (Cont’d from Pg. 1)

Farm Alliance Advisory Committee, testified at the hearing on behalf of The Yakima Basin Working Group in support of the legislation.

“We are tremendously grateful to Representative Dan Newhouse and Representative Dave Reichert for their tireless work in supporting the Yakima Basin Integrated Plan and for introducing this legislation,” said Mr. Eberhart. “They understand how important the Integrated Plan is to the Yakima River Basin, the State of Washington, and the Yakama Nation, and have been looking for ways to move the authorization for the Integrated Plan forward through the House and Senate, then on to the President’s desk.”

California Democratic Rep. Jared Huffman was more critical, and accused Subcommittee Republicans of playing games by including the language to fast-track the Yakima program (something Mr. Huffman supports), in a bill to streamline environmental permitting (something he opposes).

### Administration Efforts to Streamline Permitting Processes

There is growing recognition among policy makers that water supply enhancement projects must be included in the tool box used to tackle Western water challenges. In addition to the water project bills that are moving in this Congress, states like California and Wyoming are dedicating millions of dollars to the development of new water storage projects.

Trump Administration agencies are also promising to find ways to speed up the environmental review processes associated with energy and infrastructure projects. While much of the national media focus in 2017 has been on Russian conspiracy, North Korean nuclear threats and Capitol Hill battles over Obamacare, federal agencies have been busy advancing President Trump’s promise to alleviate “unnecessary burdens placed on the American people.”

The U.S. Fish and Wildlife Service and the NOAA Fisheries are actively working to engage conservation partners and the public in the search for improved and innovative ways to conserve and protect imperiled species, even before they are listed under the Endangered Species Act (ESA).

Another area receiving attention is the streamlining of reviews under the National Environmental Policy Act (NEPA). James Cason, Interior associate deputy secretary, at a Senate hearing earlier this month testified that the last two environmental impact statements he looked at were 5,000 and 10,000 pages long.

“Broadly in the administration, we recognize that the NEPA process is taking way too long,” said Mr. Cason.

Interior earlier this year ordered Environmental Impact Statements developed under NEPA to be limited to 150 or 300 pages in length, depending on the complexity of the project.

The Trump Administration earlier this month also released its latest “Unified Agenda of Regulatory and Deregulatory Actions”, which includes all of the regulatory and deregulatory actions that federal agencies intend to pursue in the coming months and beyond. The Alliance in 2017 prepared formal recommendation for five federal agencies, each providing background on the significant regulatory and policy related challenges faced by Western producers. These challenges are brought on - in part - by federal agency implementation of environmental laws like NEPA and the ESA; destructive tactics employed by litigious, anti-farming activists; and a myriad of new rules and policies promulgated in the last decade.

“It’s refreshing to have an opportunity to start trimming chapters, rather than adding new ones to a regulatory playbook that is already much too big, top-down, and daunting,” said Alliance Executive Director Dan Keppen. “Efforts are underway to review the recently released unified agenda and to determine what follow-up actions to our earlier efforts will be

Stay Informed with  WATERREUSE® Webcasts

National Advocacy Opportunities for Water Reuse:  
An Insider Guide to the 2nd Session of the 115th Conference

**January 10, 2018**  
**2:00 p.m. – 3:00 p.m. Eastern**  
**11:00 a.m. – 12:00 p.m. Pacific**  
**PDHs: 1**

As the 115th Congress convenes its second session in January, several pieces of legislation with potentially large consequences for water reuse await action including reauthorization of the Water Resources Development Act and Farm Bill, possible action on the Administration’s infrastructure initiative, as well as action on FY19 budget and spending bills. Top Washington water sector lobbyists will discuss the status of key legislation and advise on opportunities to advance a water reuse policy agenda.

**Learn more and register:** <https://watereuse.org/event/national-advocacy-opportunities-for-water-reuse-an-insider-guide-to-the-2nd-session-of-the-115th-congress/>

Building Community Confidence in Potable Reuse Through Stronger Risk Analysis

**January 25, 2018**  
**2:00 p.m. – 3:00 p.m. Eastern**  
**11:00 a.m. – 12:00 p.m. Pacific**  
**PDHs: 1**

While potable reuse systems have been shown to be protective of public health, important question remain to gain wider public acceptance such as: How much treatment is necessary? How often do systems fail? What is the potential health impact of “off-spec” water? This webcast presents the results of a Water Environment & Reuse Foundation study focused on developing stronger risk analysis. The presenters will walk through the key steps for developing a risk assessment for potable reuse treatment trains that will help build community confidence.

**Learn more and register:** <https://watereuse.org/event/direct-potable-reuse-confidence-through-risk-analysis/>

Upcoming film to highlight Colorado River ranching family

Josh Duplechain and Russ Schnitzer have worked with American Rivers and Trout Unlimited on a short film titled, “A River’s Reckoning”, which takes a close look at Colorado River water practices and the effects on a local hardworking ranching family. The film will be premiered at an upcoming California film festival in mid-January.

While the Family Farm Alliance was not involved with the production of the film and is in no way connected to the film festival, the documentary does a nice job of highlighting the well-spoken Paul Bruchez, a 5th generation rancher in the

headwaters of the Colorado River, where he also runs a fly-fishing guide service. In 2002, severe drought devastated the Colorado River and the Brouchez ranching operations, while a simultaneous cancer diagnosis in the family challenged Paul and his younger brother Doug to grab the reins of the family business.

For more information on this film and a schedule of upcoming showings, please contact Russ Schnitzer at [russ@schnitzerphoto.com](mailto:russ@schnitzerphoto.com).

## Trump Infrastructure Plan to be Unveiled in the New Year

Earlier this month, it was reported that President Trump will finally unveil his long-awaited infrastructure proposal in early January 2018, according to a White House official. President Trump will release a “detailed infrastructure principles document,” delivering on a longstanding promise to invest in America’s infrastructure.

The plan is expected to emphasize a greater role for states and localities in funding for their infrastructure needs (with or without private sector involvement) and to promote that through four pots of money supplied by the federal government. Over the past several months, the White House has been working behind the scenes to craft a detailed, 70-page infrastructure memo, and this document, which will be submitted to Congress next month, will likely serve as the building block for lawmakers to write actual legislation.

The Trump Administration has long said it wants to use \$200 billion in federal seed money, along with significant permit reform and other incentives, to leverage \$1 trillion worth of overall infrastructure investment.

Lawmakers have been anxiously awaiting the Trump Administration’s plan, especially in light of the tax reform legislation that was signed into law earlier this month. When asked about the White House’s focus on incentivizing spending at the state and local levels, House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) said that he needs to “see exactly what they mean by it.”

“Some of it sounds a little bit like devolution, and I’ve not talked to a single governor that wants the federal government not to have a role,” said Rep. Shuster.

### Key Components of Plan

According to sources, the funds provided under the plan would be divided into four general areas.

**State and local grants**— Fully half of the \$200 billion is expected to take the form of grants to state and local governments for projects across many modes of infrastructure (highways and transit, rail, navigable waterways, drinking water and sewer projects). These “incentive” grants will be able to cover no more than 20 percent of eligible project costs, and applicants will be judged primarily on the ability to commit long-term non-federal revenues for the project. The incentive grants will also be paired with additional streamlining of federal project delivery and permitting processes.

“A key unanswered question is whether the incentive grant money be combined with funding from other federal programs like the highway program to give a total federal share higher than 20 percent,” said Mark Limbaugh, the Family Farm Alliance’s representative in Washington.

**Rural infrastructure assistance** - About one-quarter of the \$200 billion is expected to fund a new program for infrastructure assistance in rural areas. The money would be distributed to states via formula, and distribution within each state would be left up to the governor. It remains to be seen what the federal cost share of projects funded by these grants will be.

**“Transformative” projects**— The bulk of the remainder of the \$200 billion, after the incentive grants and the rural grants, will go towards what the Administration calls “transformative” projects – pricey, big-ticket showcases that transform the way infrastructure currently works. Grant recipients will be selected on a competitive basis by the Administration (probably centralized in the Commerce Department). The federal cost share of these grants is expected to be significantly higher than the 20 percent match level in the incentive grants. At this time, it is unclear whether there will be a maximum grant size.

**Funding for Existing Credit Programs**— The Administration plan is also expected to provide additional funding for existing federal credit programs that provide aid to infrastructure.

“It will be interesting to see if the Administration plan will also make reforms to these credit programs, so they can spend their money more easily,” said Mr. Limbaugh.

### Importance of Western Water Infrastructure

Many communities of the semi-arid and arid West – as well as the farms and ranches they are intertwined with – owe their existence, in large part, to the certainty provided by water stored and delivered by the Bureau of Reclamation and other state and local water storage projects. The federal government has an enduring role in water supply infrastructure development and management, consistent with state water laws. This includes working with local water managers on a policy level and, in partnership with them, providing available federal funding and federal cost-share opportunities in support of their efforts to secure a stable and sustainable water supply.

Last March, the Senate Energy and Natural Resources Committee held a hearing on national infrastructure needs, where Chris Treese (Colorado River District) represented the Family Farm Alliance.

“We believe that infrastructure legislation must apply to the remediation of aging infrastructure as well as to the development of new infrastructure,” Mr. Treese testified at the time. “Moreover, meaningful infrastructure legislation should encourage integrated water planning, from watershed to wastewater discharge. Investments in forest health and watershed management can have as high or greater returns as traditional brick-and-mortar capital investments.”

It remains to be seen how the Administration’s strategy will place priority on Western water infrastructure.

### Potentially Complicating Recent Developments

The biggest, overarching question is whether, and how, to pay for the \$200 billion in infrastructure funding, with no guidance from the President’s FY 2018 budget in this regard. Hurricane/wildfire supplemental appropriations, the recently signed Tax Cuts and Jobs Act, and other issues will likely be factors.

“The Alliance, working with Mr. Limbaugh and his team at The Ferguson Group, will prepare an analysis for its members on infrastructure principles document after it is released in January,” said Alliance executive director Dan Keppen.



**HAPPY NEW YEAR**

...FROM THE FAMILY FARM ALLIANCE!



## Introducing our newly designed website....

Check out [www.familyfarmalliance.org](http://www.familyfarmalliance.org) to see how the Family Farm Alliance advocates to protect and enhance water supplies for farmers and ranchers in the 17 Western states. Our new website includes links to breaking water policy news, comprehensive policy reports and case studies, insightful commentary, agency correspondence, and recent written testimony from some of our 60 appearances before Congress since 2005.



## DONOR SUPPORT

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 [dankeppen@charter.net](mailto:dankeppen@charter.net), or visit our website: [www.familyfarmalliance.org](http://www.familyfarmalliance.org).



Contributions can also be mailed directly to:  
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Riverdale, CA 93656.