



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY BOARD
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: JUNE 3, 2024

This memo is intended to keep you apprised as to what is happening regarding policy issues the Family Farm Alliance (Alliance) is engaged in. In the past month, much of our efforts have focused on reviewing the recently released House farm bill, engaging with Congress on the farm bill and new legislation, preparing to testify at a House legislative hearing on Western water and power, public outreach, and organizational administrative matters. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION

1. Administration Ramps Up Environmental Rulemaking

The Biden administration in recent months has taken aggressive action to advance environmental rules to avoid facing possible nullification if Republicans win control of Congress and the White House next year. The *Federal Register* has published numerous proposed agency regulations this spring – particularly from the Environmental Protection Agency (EPA) - , a necessary step for the measures to take effect and to start the review period on Capitol Hill under the Congressional Review Act (CRA). EPA has begun formal publication of a slew of newly completed rules governing power plant pollution, chemical uses, “forever chemical” cleanups and other issues. The Alliance every year engages in agency rulemaking efforts, primarily those associated with implementation of federal environmental laws like the Clean Water Act (CWA), Endangered Species Act (ESA), and National Environmental Policy Act (NEPA). The Biden Administration recently finalized NEPA and ESA regulations that are concerning to the Alliance and other producers in the American West.

a. The Congressional Review Act

The CRA allows Congress to review "major" rules issued by federal agencies before the rules take effect. It provides the House with 60 legislative days and the Senate with 60 session days to introduce a joint resolution of disapproval to overturn the rule. To overturn a rule, both houses of Congress must pass a joint resolution of disapproval, and it must be signed by the President. These procedures have special importance for federal agencies in an election year. If a rule is submitted to Congress within 60 days before adjournment, the CRA's "lookback provision" allows the 60-day timeline to introduce a CRA resolution to start over in the next session of Congress. Experts have said final rules this year need to be published in the *Register* by around mid-May to avoid being subject to CRA attacks next year -- under a potential Republican-led Congress with a new Republican president that would sign such measures (InsideEPA.com).

b. White House CEQ Finalizes NEPA Rule

As previously reported, the White House Council on Environmental Quality (CEQ) is finalizing the Bipartisan Permitting Reform Implementation Rule, intended to simplify and modernize the federal environmental review process while implementing the new efficiencies Congress passed last year in the *Fiscal Responsibility Act* (FRA). CEQ on May 1 issued the [Final Rule](#) implementing Phase 2 of significant revisions to NEPA regulations. CEQ describes these changes as enhancing the efficiency and effectiveness of environmental reviews while striving for regulatory certainty. The Final Rule implements the significant changes that require agencies to identify an environmentally preferable alternative and undertake additional consideration of climate change and environmental justice in environmental analyses. CEQ officials have retained elements of [the 2020 Trump-era overhaul](#), though it appears that most of the retained provisions were required by the FRA. These include page- and time-limits for Environmental Assessments (EAs) and Environmental Impact Statements (EISs), language to strengthen the role of lead agencies, and language allowing agencies to adopt other agencies' categorical exclusions (CE). Given the history of NEPA litigation, and the significant changes in the Final Rule, it is likely that these changes will open new pathways for litigation and require courts to interpret the changes before providing regulatory certainty.

c. Congress Reacts to New NEPA Rule

Currently, President Biden's efforts to streamline the federal environmental permitting process through changes to NEPA have been met with bipartisan opposition in Congress. Last year's FRA contained a number of provisions from Trump-era NEPA regulations that legislatively compelled CEQ to include in their regulations. Prominent House Republicans believe CEQ ignored the statute and reinterpreted other provisions away from congressional intent. One of the most powerful Democrats in the Senate is also unhappy with the new NEPA rule. Senator Joe Manchin (D-WV) along with Rep. Garret Graves (R-LA), and Sen. Dan Sullivan (R-AK), recently announced plans to use a CRA resolution to overturn the NEPA revisions, arguing that the changes would slow down the permitting process rather than expedite it. The CRA resolution, requiring a simple

majority in both chambers and presidential approval, is unlikely to be enacted due to the expected veto from President Biden.

d. Western Ag Groups Raise Concerns with NEPA Rule

Western agriculture groups argue that instead of reducing regulatory burdens as intended, the rule makes the NEPA process more burdensome for producers. The Alliance last September submitted significant, detailed comments to CEQ outlining its concerns with its revised draft NEPA rule. While we respect that the Biden Administration might move in a different direction from the Trump Administration on issues like environmental regulations, climate change, and environmental justice, we cannot support a wholesale revision of the NEPA regulations that will thwart efforts to improve the law's efficiency and effectiveness. Many more hours may be needed to continue this important work and work to educate key policymakers on the importance of the current rules and regulations to Western water managers.

e. Republicans File CRA Resolutions to Restore Trump-Era ESA Reforms

Senate and House Republicans have introduced resolutions to reverse recent Fish and Wildlife Service (FWS) and NOAA Fisheries rulemaking that restored ESA protections eliminated during the Trump Administration. The three resolutions, sponsored by Senate Western Caucus Chair Cynthia Lummis (R-WYOMING), Vice Chair Dan Sullivan (R-AK), and Sen. Pete Ricketts (R-NEBRASKA), seek to reinstate Trump-era revisions that they argue improved public participation and the ESA's efficiency. In 2019, The Trump Administration finalized key changes to the ESA that added more flexibility for affected stakeholders while also ensuring species' recovery plans take a tailored and targeted approach. In March 2024, the Biden Administration overturned these revisions, including the "blanket rule" that automatically gave threatened species the strictest ESA protections. The resolutions have 12 Republican co-sponsors. Despite the likelihood of a presidential veto, these resolutions reflect ongoing Republican efforts to reform the ESA, celebrating its 50th anniversary last year. Reps. Dan Newhouse (WASHINGTON), Harriet Hageman (WYOMING) and John Duarte (CALIFORNIA) introduced CRA resolutions to remove three ESA Rules in the House of Representatives.

f. *State of Iowa, et al v. CEQ, et al.*

A coalition of 20 Republican-led states is suing the White House CEQ over its new "Phase 2" NEPA implementing rule. The lawsuit, *State of Iowa, et al. v. CEQ, et al.*, was filed in the U.S. District Court for the District of North Dakota and is led by the attorneys general of Iowa and North Dakota. The coalition argues that the rule imposes unworkable regulations that hinder development projects and retroactively apply to ongoing NEPA reviews. The lawsuit claims that the rule transforms NEPA from a procedural statute into a set of substantive requirements aimed at achieving broad policy goals, such as environmental justice and climate change considerations. Critics argue that the rule introduces arbitrary mandates, creates new mitigation obligations, and removes clarity for public involvement, resulting in regulatory uncertainty and litigation. The

states seek to vacate the rule, replace it with the Trump Administration's version finalized in 2020, and ensure NEPA retains its procedural role. They argue that the rule violates NEPA, the Administrative Procedure Act, and the "major questions" doctrine, lacking clear congressional authorization and imposing significant economic and political implications.

2. Administration Spreads Spending Across the West

Senior leaders in the Biden Administration in the past month continued their tour of key blue and swing states in the Western U.S., promoting their initiatives – and funding – in this important election year, touting efforts to revitalize aging water infrastructure, strengthen drought resilience, and reduce wildfire risk. One seven-day stretch last month was dubbed “Infrastructure Week” by the Biden Administration, with high-level White House officials touring the U.S. to promote the massive investments the Administration has made in infrastructure. Their message aims to showcase the significant funding provided by the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) directed towards roads, clean energy, water, and broadband. However, according to recent polls, the public remains largely unaware of the impact of the overall investments provided by these two statutes and two other stimulus laws passed during the pandemic, totaling \$1.6 trillion. And with only a fraction of the congressionally allocated funds spent mostly due to federal bureaucratic processes involved in disbursing such substantial amounts of funding, actual on-the-ground results have been a bit underwhelming considering the Administration’s massive checkbook.

a. POLITICO Analysis Shows Less Than 17% of Funds Have Been Spent

According to a POLITICO analysis of public data, only a small portion of that money has been spent. POLITICO’s assessment found:

- Less than 17 percent of the \$1.1 trillion those laws provided for direct investments on climate, energy and infrastructure has been spent as of April, nearly two years after President Biden signed the last of the statutes.
- Out of \$145 billion in direct spending on energy and climate programs in the IRA, the administration has announced roughly \$60 billion in tentative funding decisions as of April 11.
- And only \$125 billion has been spent from the \$884 billion provided by the IIJA and the pandemic law, both of which the president signed in 2021. Roughly \$300 billion of that won’t be legally available to spend until the next two fiscal years.

The bottom line: even an agency’s announcement that it has tentatively awarded millions of dollars to a project doesn’t mean the recipient will necessarily get it quickly — or at all. For much of this money, POLITICO found that the government does not provide a centralized, easily accessible way for the public to see how much has been formally awarded or spent.

b. IIJA and IRA Funding for Western Water

Both the IIJA and IRA laws collectively provided a “once in a generation” level of federal funding to support water infrastructure and drought needs in the West. The Alliance was part of a five-organization steering committee that led over 220 water and agriculture organizations that played a critical role in securing the IIJA and IRA funding for Western water infrastructure and drought mitigation efforts. Through the IIJA, the Bureau of Reclamation (Reclamation) is investing a total of \$8.3 billion over five years for water infrastructure projects, including rural water, water storage, conservation and conveyance, nature-based solutions, dam safety, water purification and reuse, and desalination. Since the IIJA was signed into law in November 2021, Reclamation has announced almost \$3 billion for 440 projects. Additional promising funding announcements and obligations in other parts of the West continue.

c. \$242 Million to Expand Storage and Conveyance

Reclamation last week announced a \$242 million investment that will bring clean, reliable drinking water to communities across the West through five water storage and conveyance projects. The projects in California, Colorado and Washington are expected to add at least 1.6 million acre-feet of additional water storage capacity, enough water to support 6.4 million people for a year. The funding will also invest in a feasibility study in Arizona that is designed to advance water storage capacity once completed. Last week’s announcement builds on [\\$152 million announced](#) for these projects last year and \$210 million for these and other storage and conveyance projects announced in 2022. The projects receiving funding in California include \$75 million for your B.F. Sisk Dam Raise and Reservoir Expansion Project and \$67.5 million for Sites Reservoir.

d. \$520 Million for Water Infrastructure and Drought Resilience

Acting Deputy Secretary of the Interior Laura Daniel-Davis last month in Albuquerque (NEW MEXICO) announced more than \$520 million to support 57 projects across all six regions served by Reclamation to improve water conveyance and storage, increase safety, improve hydropower generation, and provide water treatment. Acting Deputy Secretary Daniel-Davis made the announcement while visiting the Middle Rio Grande in New Mexico. Five projects in New Mexico are receiving a total of \$14.7 million in funding for aging infrastructure. More than \$10 million of the funding is for a realignment project of the Rio Grande channel to improve water conveyance, critical habitat and sedimentation control in an area south of Albuquerque near the Bosque del Apache Wildlife Refuge. To date, the Department has announced \$318.8 million from the IIJA and \$69.5 million from the IRA for projects in New Mexico. Ms. Daniel-Davis’s visit followed Department of Interior (DOI) Secretary Deb Haaland’s announcement one week earlier of a \$60 million investment from the IRA for water conservation and drought resilience in the Rio Grande Basin. These resources are intended to ensure greater climate resiliency and water security for communities below Elephant Butte Reservoir and into West Texas. The water savings from the proposed projects are anticipated to be in the tens of thousands of acre-feet per year.

e. \$147 Million for Drought Resiliency and Water Supply Reliability

DOI last month in Durango (COLORADO) announced a \$147.6 million investment to help communities prepare and respond to water reliability challenges due to drought and other water scarcity concerns. The funding will support 42 projects in ten states. Reclamation Commissioner Camille Calimlim Touton, joined by Senator Michael Bennet (D-COLORADO), made the announcement during a visit with the Southern Ute Tribe in southwestern Colorado. The Tribe was awarded a \$2.3 million grant to upgrade their water system to provide reliable water levels during various water flow periods. This will allow the Southern Ute Tribe to divert its full allocation of water during times of lower flows. The funding announced today comes from the IJA, IRA and annual appropriations. Awards will support projects that build new infrastructure or upgrade existing infrastructure, recharge aquifers, advance water recycling and treatment, and strengthen innovative technologies to address water scarcity challenges for water users. For a portion of the projects, Reclamation is using funding from the IRA to help reduce the cost-share for domestic water supplies projects that support disadvantaged communities.

f. \$250M to Reduce Wildfire Risk to Communities

Deputy USDA Secretary Xochitl Torres Small last month in Tacoma (WASHINGTON) announced \$250 million to help at-risk communities protect their homes, businesses and infrastructure from catastrophic wildfire, made worse by the climate crisis. Made possible by the IJA, the announcement through the Community Wildfire Defense Grant program will fund 158 projects to help communities in 31 States, two Territories and 11 Tribes develop community wildfire protection plans and remove overgrown vegetation that can fuel fires that threaten lives, livelihoods, and resources. Now in its second year, the Community Wildfire Defense Grant program helps communities in the wildland-urban interface maintain resilient landscapes, create fire-adapted communities, and ensure safe, effective wildfire response. Drought and wildfire in the U.S. West grassland-forest ecology are challenges that ranchers have had to cope with and manage over centuries. Wildfire smoke covered as much as 70 percent of California in recent years — wreaking havoc not only on land, but also in the state’s vast freshwater ecosystems, according to a study published last month in *Communications: Earth & Environment*. Many of the announced projects are located in the West.

3. OMB: New Maui Groundwater Permitting Guidance

The Biden Administration is advancing new permitting guidance to address groundwater pollution following a landmark 2020 Supreme Court ruling in *County of Maui v. Hawaii Wildlife Fund*. This decision mandates that wastewater treatment plants and industrial facilities obtain federal permits if their groundwater pollution significantly impacts major bodies of water determined to be “waters of the U.S.” (WOTUS) under the federal CWA. The ruling, which defined conditions under which groundwater pollution must be regulated, left many details unresolved. The Trump Administration issued its interpretation in January 2021, which was rescinded eight months later by the Biden Administration’s EPA for being inconsistent with EPA’s CWA authority to limit pollution.

The Biden Administration's new guidance, currently under review by the White House Office of Management and Budget (OMB), proposes a case-by-case application of the ruling. It outlines factors to determine if groundwater pollution affects surface waters and encourages permit holders to assess their indirect pollution impacts. The new approach rejects the previous Administration's consideration of the discharger's "intent" and includes the use of "indicator pollutants" to identify groundwater contamination. While industry groups have criticized this approach, environmental organizations have welcomed it. The Alliance last December submitted brief, focused comments raising concerns with the draft guidance released last year by EPA.

DEVELOPMENTS IN CONGRESS

4. 2024 Farm Bill

The GOP-led House Agriculture Committee just before the holiday weekend conducted a marathon markup on its 2024 farm bill that started at 11:00 a.m. on May 23 and didn't wrap up until after midnight, May 24. By the time the dust settled, the bill passed the committee by a 33-21 vote, with four Democrats – Reps. Bishop (GA), Caraveo (COLORADO), Davis (KANSAS) and Sorensen (IL) - joining all of the committee Republicans to advance the bill to a House floor vote. The House's \$1.5 trillion Farm Bill spans 677 pages and covers various programs, including nutrition assistance and conservation efforts. The Senate's farm bill framework, still being finalized, will require bipartisan support to move in the Senate and ensure the bill's passage before the deadline this fall. Senate Ag Committee Ranking Member John Boozman (R-AR) commended the members of the House Ag Committee that voted in support of advancing legislation.

a. Key Contentious Issues

Most of the contentious debate occurred during the discussion of the nutrition title and changes to the Supplemental Nutrition Assistance Program, or SNAP. There are wide disagreements between the Congressional Budget Office and House leadership over how much money the proposed changes to SNAP in the House bill would actually save. The GOP proposes making SNAP cost-neutral, which Democrats argue could effectively cut \$30 billion in benefits over a decade. The bill also limits updates to the Thrifty Food Plan based on the cost of living. Republicans also rejected a Democrat-led effort to preserve conservation programs' focus on farming practices that reduce greenhouse gas emissions (*E&E Daily*). Democrats want to maintain climate-focused restrictions. Republicans aim to rescind conservation funding from the IRA and redirect it to locally led conservation efforts. The use of Commodity Credit Corporation (CCC) Program is also a divisive issue. The House bill limits discretionary spending by the CCC to operations authorized by Congress, reallocating savings to commodity and crop insurance programs. Senate Democrats are proposing a 15-day notice for CCC spending and extending its authority to support conservation programs.

b. Alliance Farm Bill Priorities

The Alliance for the past three farm bills has worked with its partners in the Western Agriculture and Conservation Coalition (WACC) to advocate primarily on the conservation programs authorized in Title 2 of the Farm Bill, like the Regional Conservation Partnership Program (RCPP) and the Watershed Protection and Flood Prevention Program (P.L.566). The Alliance and its agricultural partners have also advocated for removal of income limitations to participate in Title 2 programs and for provisions that encourage more active management of the West's drying and dying forests. Two important contracting and procurement provisions are included in the House bill: 1) USDA must streamline RCPP partnership agreements and set various timelines for administrative actions and decisions; and 2) Allow for up to 10% of the funds for an RCPP partnership agreement to reimburse the partner for administrative expenses related to the project. The new language would put things more in line with traditional federal funding.

The PL-566 provisions in the conservation title raise concerns, since they appear to prioritize flood control dam rehabilitation projects over watershed activities that address drought and water conservation. However, the House Farm Bill would provide \$150 million more per year for the program. The House farm bill eliminates the Adjusted Gross Income (AGI) limitation for all conservation programs in Title 1 and Title 2. Current AGI limitations preclude many family-owned operations from participating in voluntary conservation programs and compromise producers' ability to avail themselves of much-needed disaster programs. The bill removes the AGI limitations (which is currently \$900,000) for program participants that earn 75% or more of their income from agriculture. This represents a win for the WACC, and for many American producers who want to do more conservation work. The forestry title in the House bill would authorize expanded use of CEs for certain forest health treatments up to 10,000 acres for insect and disease, wildfire resilience, and fuel breaks. Among other things, it also reauthorizes and improves the Water Source Protection Program, which a diverse coalition that included the Alliance asked for earlier this year.

5. Senate EPW Committee Advances WRDA 2024

Last month, the Senate Environment and Public Works (EPW) Committee approved their version of the Water Resources Development Act of 2024 (WRDA 2024) on a 19-0 vote. This biennial legislation authorizes flood control, navigation, and ecosystem restoration projects for the U.S. Army Corps of Engineers (Corps), impacting all 50 states with 81 feasibility studies and eight new or modified construction projects. According to the [EPW Committee](#), WRDA 2024 would advance project implementation, enhance transparency, and strengthen the Corps' ability to address diverse water resource needs. Bill cosponsors EPW Chairman Thomas Carper (D-DE), Ranking Member Shelley Moore Capito (R-WV), Senator Mark Kelly (D-ARIZONA), and Senator Kevin Cramer (R-NORTH DAKOTA) highlighted the bipartisan effort to improve water infrastructure, enhance flood risk management, and create jobs for many communities and tribal nations and urged swift passage of the bill. The House version of WRDA 2024 has yet to be revealed by the Transportation and Infrastructure (T&I) Committee although we expect its release soon.

6. House WWF Subcommittee Legislative Hearing

An Alliance representative from Central Oregon last month testified on a recently introduced Western hydropower bill at a House of Representatives committee legislative hearing in Washington, D.C. Craig Horrell, managing director of Central Oregon Irrigation District, represented the Alliance and the Deschutes Basin Board of Control (DBBC) at the May 22 House Water, Wildlife and Fisheries (WWF) Subcommittee hearing, chaired by Rep. Cliff Bentz (R-OREGON). Mr. Horrell was invited to testify on H.R. 8263, sponsored by Rep. Lauren Boebert (R-COLORADO). This bill expands the concept of legislation the Alliance helped advance in the 113th Congress. The current bill is intended to encourage non-Federal hydropower development with respect to Reclamation projects. The Alliance over ten years ago helped drive the passage of legislation similar to a bill that was on the hearing docket. That earlier bill – the *Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act* – was signed into law by then-President Obama in 2013. H.R. 8263 would also streamline burdensome and unnecessary federal regulations and rules encountered by many irrigation water districts and electric utilities that seek to develop hydropower on Reclamation infrastructure.

Mr. Horrell currently serves as President of the DBBC and is a member of the Alliance Advisory Committee, along with over fifty other district managers, association executives, attorneys and engineers from across the West. DBBC members are aggressively pursuing modernization of their irrigation facilities. In addition to conserving water, these projects will add renewable hydropower and reduce on-farm energy use by delivering pressurized water. The Alliance is still receiving feedback on the introduced version of this legislation and intends to work further with the Subcommittee to address technical components of the bill. We also have ongoing concerns about how compliance with environmental and historic preservation laws, and other federal requirements have resulted in a lengthy, complicated and expensive approval process. Mr. Horrell's appearance before the Subcommittee was the 99th time since 2005 that Alliance representatives have testified before Congress.

The WWF Subcommittee at its legislative hearing reviewed three other bills aimed at improving the operations of Western water and hydropower infrastructure. H.R. 7776, the *Help Hoover Dam Act* from Rep. Susie Lee (D-NEVADA) would allocate \$45 million from an unused account to support operations at Hoover Dam. The account was originally intended for post-retirement benefits of Western Area Power Administration (WAPA) and Reclamation employees but has remained unused for over two decades. H.R. 7872, the *"Colorado River Salinity Control Fix Act"*, introduced by Rep. John Curtis (R-UTAH) would amend a 1974 law to increase non-reimbursable federal funding for programs aimed at reducing salinity in the Colorado River, which affects infrastructure and agricultural productivity. H.R. 7938, the *"Klamath Basin Water Agreement Support Act of 2024"* was introduced by Chairman Bentz earlier this spring. Among other provisions, this bill seeks to protect farmers on the Klamath Irrigation Project from costs associated with the removal of four dams on the Lower Klamath River, part of an effort to restore salmon populations.

IN THE COURTS

7. Ninth Circuit Rules Against Enviros in California Water Case

Federal agencies and California farmers prevailed in an appeals court ruling against environmentalists seeking more protections for vulnerable fish species listed under the federal ESA. A three-judge panel of the Ninth U.S. Circuit Court of Appeals upheld the federal government's handling of irrigation water contracts for the federal Central Valley Project affecting the delta smelt and Chinook salmon, both protected under the ESA. The court determined that the federal agencies properly considered the impact of water deliveries in renewing the contracts. The lawsuit, filed in 2005, challenged Reclamation's renewal of water contracts, claiming inadequate consultation on the impacts on the fish. The court found that the Fish and Wildlife Service's use of the CalSim II model, along with other assessments, provided a sufficient basis for their determinations. The decision supports the continuation of water deliveries to San Joaquin Valley farms and southern California municipalities, balancing limited water supply among farmers, fish, and cities. As a next step, we expect the plaintiffs in the lawsuit to request an *en banc* review of the three-judge panel's decision by the entire Ninth Circuit court.

8. SCOTUS Agrees to Review San Francisco CWA Case

The Supreme Court of the United States (SCOTUS) has agreed to review a decision involving the City of San Francisco and the EPA, focusing on the EPA's authority to set general narrative prohibitions in water quality permits under the CWA. This follows a split ruling by the Ninth U.S. Circuit Court of Appeals, which upheld the EPA's ability to impose such prohibitions, potentially conflicting with earlier decisions by other courts. San Francisco argues that these broad prohibitions leave them vulnerable to enforcement actions without clear guidelines on controlling discharges to meet water quality standards. The city's petition highlights a conflict between the Ninth Circuit's ruling and previous decisions, asserting that the EPA and states are not meeting their obligations to set specific permit limitations.

The case has garnered significant attention from industry groups and congressional Republicans, who claim that narrative requirements are difficult to comply with and undermine the protection that permits are supposed to offer. The Supreme Court's decision to hear the case comes amid recent enforcement actions against San Francisco by the EPA and the State of California for alleged CWA permit violations. Legal experts suggest the Supreme Court may limit the EPA's use of narrative standards, especially given its recent trend of narrowing federal environmental regulatory authority, as seen in the *Sackett v. EPA* decision limiting the definition of WOTUS that are regulated under the CWA.

9. Save the Colorado v. U.S. Department of Interior

On April 28, the Ninth Circuit Court ruled in favor of DOI in *Save the Colorado v. DOI* (23-

15247), upholding DOI's 2016 plan for managing Glen Canyon Dam. Conservationists filed suit in 2019, arguing that DOI had failed to consider the effects of climate change. The U.S District Court for Arizona held in 2002 that the range of alternatives considered in the EIS was consistent with NEPA goals. On appeal, the Ninth Circuit Court agreed with the District Court, finding that the DOI selected a management plan that adequately juggled its obligations under the applicable laws. This is good news for Alliance member Colorado River Energy Distributors Association and others who intervened in support of DOI in this case.

ALLIANCE INITIATIVES

10. **2024 Farmer Lobbyist Trip: Save the Date!**

The Alliance's annual Farmer Lobbyist trip is one of our "cornerstone" programs which brings family farmers and water professionals to Washington, D.C. to meet with legislators and Administration policy leaders on critical water issues. The Alliance philosophy has long held that the most effective voice in Washington DC is the individual family farmer. Last year's farmer lobbyist contingent included nearly 30 representatives from Arizona, California, Colorado, Idaho, Oregon, Washington and Wyoming. In addition to meeting with Congressional Members from those seven states, the group also met with senior officials from the Department of the Army, DOI, EPA, and staffers from key Congressional water committees. The Western contingent visited 39 offices in the course of 2-1/2 days! We are proposing that we schedule this year's Farmer Lobbyist trip for the week of September 23. That means Monday, September 22 would be a travel day, our meetings would be scheduled for Tuesday, Wednesday and Thursday morning, and Thursday afternoon and Friday (September 27) would be times for folks to fly home.

11. **Alfalfa 101**

As Western farmers struggle to find adequate water supplies, competing interests are pressuring the federal government to cut the water supply farmers are using to grow our food, including alfalfa, which is a foundational food chain crop. Alfalfa is important to rural communities, and it is grown throughout the West for good reasons. With the growing disconnect between the consumers, farmers, and the agricultural processes that sustain the world, it is clear there is a need to bridge this knowledge gap and enlighten the public about the significance of farm water in our food production – including alfalfa and forage crops. That's why the Alliance has developed a new [webpage](#) to help the public, policy makers and journalists better understand the rest of the story about alfalfa and forage production in the Colorado River Basin and other parts of the American West. This new resource features facts, reports, opinion pieces and other information generated by the Alliance, academia, and our allies in the West, including the [California Farm Water Coalition](#) (CFCW). We encourage you to check it out and let us know if you have good alfalfa stories that you'd like us to share!

12. Food Insecurity

More bad news for American farmers. Fresh fruit and vegetable imports continue to rise and are coming from [unsustainable farming regions in Mexico](#). The U.S. is now forecast to run a record \$32 billion agricultural trade deficit in fiscal 2024, up from the previous estimate of \$30.5 billion, USDA said in its [latest quarterly forecast](#). The projection, which gives Republicans new ammunition to criticize the Biden administration handling of trade policy, reflects higher expectations for imports of horticultural products, livestock and dairy than in the department's previous forecast. U.S. ag imports are estimated at \$202.5 billion, a \$1.5 billion increase from the February forecast, led by increases in fruit and vegetables, [according to USDA's quarterly trade outlook](#). [The growing U.S. ag trade deficit has been driven both by falling prices](#) for U.S. exports as well as growing consumer demand for imported commodities, including fresh fruits and vegetables.

WESTERN WATER “HOT SPOTS”

Australian scientists in the past month declared that the Pacific Ocean is no longer in an El Niño state and has returned to “neutral.” American scientists at the National Oceanic and Atmospheric Administration have been more hesitant, but they estimate that there is an 85% chance that the Pacific will enter a neutral state in the next two months and a 60% chance that a La Niña event will begin by August. During La Nina, the jet stream tends to be farther north, causing drier conditions across the U.S. Southwest and wetter conditions in the Pacific Northwest.

13. Golden State Aquifers on the Upswing

California's groundwater supplies greatly benefited from last year's historically wet rainy season, according to a new report from the Department of Water Resources (DWR). DWR recently released the latest Semi-Annual Groundwater Conditions report, and the data show that California achieved 4.1 million acre-feet of managed groundwater recharge during Water Year 2023, which is nearly the water storage capacity of Shasta Lake. The report also details an increase in groundwater storage of 8.7 million acre-feet. The DWR report found that the highest reported managed recharge per area occurred in the Oxnard, Tule, and Kern County subbasins, with recharge of 1.92, 1.46, and 1.02 acre-feet per acre, respectively.

This is a quick summary of just a few of the issues the Alliance has been engaged in. Please do not hesitate to contact me at 541-892-6244 or dan@familyfarmalliance.org if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.