



MEMORANDUM

TO: SLDMWA BOARD OF DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
DATE: JULY 14, 2021

This memo is intended to keep you apprised as to what is happening behind the scenes on policy issues the Family Farm Alliance is engaged in. In the past month, much of our efforts have focused on engaging the Biden Administration, tracking water legislative developments in Congress, preparing for and participating in a Congressional hearing on ocean climate legislation, working on drought messaging, and influencing Western water infrastructure provisions to be included in bipartisan infrastructure legislation. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION DEVELOPMENTS

1. Appointments

The Senate last month confirmed several administration nominees, including Richard Spinrad to lead NOAA and Tanya Trujillo for a top Interior Department post.

a. Department of Interior

The Senate, by voice vote, confirmed Ms. Trujillo as assistant Interior secretary for water and science. She cleared the Environment and Public Works (EPW) Committee last month, with formal support registered by the Family Farm Alliance. Earlier in the day, the Senate approved Interior deputy secretary nominee Tommy Beaudreau. President Biden has also announced his intent to nominate Camille Calimlim Touton as Commissioner of the Bureau of Reclamation (Reclamation). Earlier this month, we submitted a letter supporting her confirmation to the Senate Energy and Natural Resources (ENR) Committee. We also joined our member San Luis & Delta-Mendota Water Authority and a half-dozen other Western organizations on another letter to Senate

leaders, urging Ms. Touton's prompt confirmation in this year of unprecedented drought, where we desperately need someone at the helm of the Reclamation.

President Biden's nominee to head the Bureau of Land Management (BLM) has faced increased criticism and scrutiny from Congressional Republicans, who are focusing on her relationship with radical environmental activists thirty years ago. Tracy Stone-Manning's best chances for being confirmed could be in a strict party-line vote, as Western Republicans like Dan Newhouse (R-WASHINGTON) are calling on President Biden to rescind her nomination, citing concerns in a criminal case where she was granted legal immunity to testify against two fellow environmentalists who were directly involved with spiking hundreds of trees in Idaho's Clearwater National Forest. In recent days, several ex-BLM directors have stepped up in her defense.

b. Environmental Protection Agency (EPA)

The Senate last month also confirmed Radhika Fox as head of the EPA Office of Water with seven Republican senators crossing the aisle to back her in the evenly divided Senate. The Senate voted 55-43 to confirm Fox who was nominated for the post of Assistant Administrator for Water at the EPA by President Joe Biden on April 14. The Alliance sent a letter of support to the Senate EPW Committee prior to her confirmation hearing.

c. Army Corps of Engineers (Corps)

President Biden has nominated Michael Connor to be the Assistant Secretary of the Army for Civil Works at the Department of Defense, a position overseeing the Corps. Mr. Connor, a member of the Taos Pueblo tribe, served as the Obama Administration's Deputy Secretary of the Interior and Commissioner of Reclamation. He has a long history in government, working as counsel in the Senate ENR Committee before joining the Obama Administration. The Alliance has a long working relationship with Mr. Connor and sent a letter of support for his confirmation to the Senate EPW Works Committee, which will conduct his confirmation hearing this week.

2. White House: Biden Administration Releases First Regulatory Agenda

The Biden Administration has [announced](#) their first sweeping regulatory agenda, revealing plans to continue rolling back the Trump Administration's environmental regulations on climate, air pollution, toxics and workplace safety. Formally known as the [Unified Agenda](#), the biannual plan showcases an Administration's priorities and offers a glimpse into how quickly and aggressively those priorities might be carried out. The agenda builds on agency actions ordered by President Biden through Executive Orders on his first day in office. The agenda is usually an aspirational guide to agencies in developing new regulations, but given the gridlock in Congress, it will be used to implement the President's bold climate agenda, especially for environmental and energy rules.

On water quality and permitting, the Administration has plans to revamp or un-do many Trump-era rules. In particular, EPA plans to finalize their Lead and Copper Rule by next June; re-release

a new Clean Water Act (CWA) Sec. 401 rule on how states and tribes consider water quality impacts of permitting energy projects; and will sharpen their regulatory focus on the regulation of PFAS chemicals. Not mentioned in the Unified Agenda were any planned changes to the Trump Administration rule over which “waters of the U.S.” (WOTUS) are jurisdictional under the CWA.

The Fish and Wildlife Service (FWS) is slated to work on multiple aspects of the Endangered Species Act (ESA), anticipating new rules that would reverse Trump Administration policies including regulations for listing species and designating critical habitat under the ESA. As an example, the FWS will propose reaffirming that listing determinations are made "without reference to possible economic or other impacts of such determination," along with other potential revisions also under discussion. We spent considerable time working with the Trump Administration on several of these provisions, so it looks like we'll be going back to the drawing board again, this time, with the intent of explaining to the new administration why many of the Trump reforms actually improve ESA implementation.

3. EPA

a. Changes to Trump WOTUS Rule

The Biden Administration has formally announced it would significantly change the definition of which waterways qualify for federal protections, asking a federal judge to remand former President Trump's Navigable Waters Protection Rule, saying that "a broad array of stakeholders" are "seeing destructive impacts" from it. At the same time, EPA Administrator Michael Regan announced his agency would begin a new rulemaking to restore the pre-2015 definition of what constitutes a WOTUS. President Biden on his first day in office ordered his administration to review the regulation, which took effect last June.

EPA and the Corps also set the stage for crafting a new WOTUS definition to include protections consistent with federal law and based on the latest science and effects of climate change, as well as the need for a rule that can be practicable and can be implemented by states and tribes. The final rule will also reflect input from landowners, farmers, states, tribes, and local officials, as well as environmental groups and disadvantaged communities with environmental justice concerns, they said. EPA is facing several lawsuits stemming from the Trump-era rule, forcing the Biden Administration to move more quickly in its CWA analysis than on other rules. EPA and the Corps said they would withdraw the WOTUS regulation written by the Trump Administration because it did not adequately protect waterways and wetlands in arid states like New Mexico, where they said, "nearly every one of over 1,500 streams assessed has been found non-jurisdictional." The agencies said they are also aware of 333 projects that would have required dredge-and-fill CWA permits before the Trump rule but no longer do.

i. *GOP Response*

Republican lawmakers in the House and Senate are fighting back against the Biden administration's plan. House Republican Leader Kevin McCarthy (CALIFORNIA) along with the top Republicans on several House committees and numerous other House Republicans wrote to Regan June 25, noting that they are concerned the Biden administration's approach to "revising this important regulation will regress from the clarity provided by the Navigable Waters Protection Rule, and will reimpose a vastly overbroad interpretation of Federal jurisdiction over waters around the Nation." A group of Republican senators led by Senate EPW Ranking Member Shelley Moore Capito (R-WV) wrote a letter to the Biden Administration signaling that they were "disappointed" to learn about EPA and the Corps' plan. Now, the group of Senators are demanding more details, including "the complete analysis" conducted by the agencies to identify the 333 projects that no longer required permits under the Trump-era rule.

ii. *Alliance Actions*

In other CWA matters, we are currently working on setting up a meeting with Radhika Fox, to begin discussions regarding the rulemaking on WOTUS and how the rule affects our ability to manage the delivery of irrigation water in the West. The CWA specifically exempts certain activities associated with the construction and maintenance of ag ditches and maintenance of ag drains, and we have worked for years to develop and protect regulatory guidance to ensure these exemptions. As a result of this work, the Regulatory Guidance Letter (RGL) 07-02 was adopted that allows for irrigation ditches to be operated and maintained to deliver irrigation water to millions of acres of ag lands in the West without the burden of permitting this previously exempted work. This RGL was withdrawn by the Trump Administration when they promulgated their WOTUS rule and determined that the rule was enough to ensure the exemption would be applied. However, now with a potential new WOTUS rule coming out, the Alliance would like to establish the lines of communication within the Office of Water to help ensure our ditches and drains continue to be maintained to function without delay.

iii. *Next steps*

Defining the reach of the CWA has perplexed Administrations for years, with the EPA and the Corps challenged to find a definition most affected parties agree on. Experts have said it could take considerable legal footwork and savvy to replace the rule, especially if the Supreme Court addresses the reach of the CWA. And any new rule will likely see legal challenges, and the Biden Administration would face the same dilemma as other administrations in trying to craft a WOTUS rule that can survive significant legal challenges. The issue has reached the Supreme Court on multiple occasions and produced the confusing 2006 *Rapanos* decision.

b. *Maui v. Hawaii Wildlife Fund Decision*

Last month, Alliance General Counsel Norm Semanko, our D.C. rep Mark Limbaugh and I participated in a ZOOM meeting hosted by EPA. The Alliance was one of three national agricultural groups invited to participate in this “listening session”. The topic of the session was EPA’s draft Guidance Memorandum: [Applying the Supreme Court’s County of Maui v. Hawaii Wildlife Fund Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System \(NPDES\) Permit Program](#), which was signed as final on January 14, 2021. The Alliance submitted comments to EPA on that draft memo. Now, President Biden’s EPA is currently re-evaluating this guidance and is reaching out to certain commenters to provide additional input on the memorandum.

On our call, I provided a brief overview of the Alliance’s engagement relative to the Supreme Court case and the draft guidance proposed by the Trump Administration. Then, I turned it over to Norm Semanko who did a great job of outlining our interests. Norm expressed our appreciation for EPA’s attention to the post- *Maui* CWA guidance and its willingness to work with irrigated agriculture. Norm explained that - in both the Alliance’s amicus brief in the *Maui* case and our comments submitted to EPA - we emphasized the need to avoid undermining or eliminating the threshold conditions required to trigger the need for an NPDES permit, as well as protecting existing exemptions from the NPDES permitting program. Norm emphasized that we do not believe that the U.S. Supreme Court’s decision in *Maui* impacted either the threshold NPDES requirements or existing exemptions. It is appropriate for EPA to provide guidance that includes these matters; clarity is important for the regulated community to understand the requirements.

The threshold conditions for an NPDES permit to be required include that there be an actual discharge of a pollutant to a water of the United States and that such a discharge must be from a point source. This cannot just be assumed. The existing exemptions from the NPDES permitting program that are especially important to the Alliance include the irrigation return flow exemption contained in the CWA, as well as the NPDES Water Transfers Rule adopted by EPA in 2008. These exemptions protect the irrigation of farms and ground water recharge from NPDES regulation under the CWA. Norm encouraged EPA to retain the existing *Maui* guidance and perhaps consider modifying it to include specific reference to the existing NPDES exemptions.

Also participating in the meeting were representatives from the American Farm Bureau Federation (AFBF) and National Cattlemen’s Beef Association. Mark, Norm and I think it speaks very highly of the Alliance that we were included with these other select groups. What was even more encouraging was that attorneys from both organizations supported Norm’s assessment, and AFBF’s Don Parrish was particularly complimentary of the Alliance’s take.

4. U.S. Treasury: COVID State & Local Fiscal Recovery Fund Program

You may recall that the U.S. Department of the Treasury last May released a 151-page [Interim Final Rule](#) providing guidance on the eligible uses of the Fiscal Recovery Funds. Treasury is

encouraging stakeholders to submit public comments on the Interim Final Rule at [regulations.gov](https://www.regulations.gov). The Treasury Interim Guidance on the Rescue Plan funding requests comments on several questions related to water, particularly related to Drinking Water State Revolving Funds (DWSRF) and Clean Water State Revolving Funds (CWSRF). We've prepared comments on these topics in order to broaden the approved use of those funds to meet our specific water needs. The Treasury Department will be accepting comments through next **Friday, July 16, 2021**.

5. U.S. Department of Agriculture (USDA)

a. Economic Research Service (ERS): Irrigation Organization Survey

Increasing demands for limited water resources, and concerns for agricultural drought resilience under heightened water scarcity, has prompted renewed interest in water data development at the agricultural district scale. Working with partners both inside and beyond USDA, ERS is developing a national survey of irrigation organizations to provide the first updated dataset of local water-supply management entities since the 1978 Census of Irrigation Organizations. This initiative builds on ERS research collaborations addressing regional groundwater management—including managed aquifer recharge in California’s Central Valley and groundwater sustainability in the High Plains. Survey findings and supporting geodatabase will inform future research efforts as well as an array of Federal and State program activities. The survey was implemented and data collection began in FY 2021. I talked to the Reclamation Commissioner’s office to see if they had been apprised of this effort, and they had not, as of last month. ERS officials pointed out that since the last survey was 1978, so it seems understandable that ERS would want an update. We’ll work with ERS and Reclamation to ensure that our members can engage and hopefully influence this effort.

b. Climate Hubs

USDA’s Climate Hubs, in collaboration with the National Drought Mitigation Center and the National Integrated Drought Information System (NIDIS), is requesting input from states, tribes and others to collect Condition Monitoring Observer Reports (CMOR) on droughts impacting landowners across the country. NIDIS, in partnership with key federal agencies, will be hosting a Western Drought Webinar on Tuesday, July 20 from 11am-1:30pm MT on drought conditions and response efforts in the Western United States. During the webinar, perspectives will be provided from communities and sectors experiencing impacts related to current drought conditions throughout much of the Western United States. I have been asked to represent the Alliance and speak to the impacts being felt from the drought to the agricultural sector. I’ll spend about 10 minutes focusing specifically on the various impacts from the current drought being felt by Western agricultural producers.

DEVELOPMENTS IN CONGRESS

The Senate is in session this week while the House is in recess, although virtual/hybrid House committee hearings/markups will occur this week. Several Senate committees will meet to hold nomination hearings and/or advance additional nominees to the Senate floor, including: Jane Nishida to be Assistant Administrator for International and Tribal Affairs of EPA; Jeffrey Prieto to be EPA's General Counsel; Jennifer Moffitt to be Under Secretary of Agriculture for Marketing and Regulatory Programs; and Michael Connor to be Assistant Secretary of the Army for Civil Works. This summer's session in the Senate is aimed at winning passage of the bipartisan infrastructure deal, as the group of more than 20 senators negotiating the \$1.2 trillion framework hammers out their priorities.

6. Senate Returns to Ambitious Infrastructure Schedule

Senate Majority Leader Chuck Schumer (D-NY) set the stage for an aggressive legislative schedule on infrastructure bills last week, announcing that the Senate is poised to pass both a bipartisan infrastructure package and adopt a budget resolution that would fund the balance of President Biden's multi-trillion dollar infrastructure proposal. The budget resolution would then open the door to other Democrats to pursue reconciliation to bypass Republican opponents in the equally divided Senate with a simple majority vote (with Vice President Harris the tie breaking vote). Senate work on this effort could extend into the Senate's regularly scheduled August break.

a. Additional Developments and Background

It will be very difficult for the Senate to accomplish these legislative feats, as currently there is no text for the bipartisan deal with the White House on a \$973 billion measure that focuses mostly on surface transportation. Support for that agreement remains fragile as progressive Dems continue to push against the bipartisan measure without a promise that a broader and much larger reconciliation measure would be offered alongside it. House Speaker Nancy Pelosi (D-CA) has said she will not allow the House to vote on the bipartisan infrastructure deal until the Senate has also advanced budget reconciliation.

Amid this uncertainty, Sen. Joe Manchin (D-WV), as Chairman of the Senate Energy and Natural Resource Committee will oversee a markup of his [legislation](#) this week that would provide nearly \$73 billion in energy infrastructure improvements in a \$95 billion bill that is presumed to be part of the bipartisan infrastructure package. That bill includes provisions that would also authorize billions for Western water infrastructure improvements, including funds to repair aging federal water infrastructure (loans and grants), water recycling project grants, desalination grants, surface and groundwater and conveyance storage cost shared funding, small surface and groundwater storage grants, WaterSMART grants, and funding for critically failed aging infrastructure repairs and replacement, among other things.

Progressives in Congress have argued the Manchin energy proposal does not do enough to meet the challenges of climate change in its energy provisions and will be pushing much higher funding levels in reconciliation, including \$1 trillion in public renewable energy projects and \$600 billion in expanding and electrifying the public transportation sector. They also call for an end to fossil fuel subsidies and spending \$132 billion to establish a Civilian Conservation Corps (CCC), more than 13 times what President Biden requested in his proposal for the job-creating outdoor restoration initiative.

b. Alliance Actions

If the ENR proposal is paired with provisions that fully fund the authorizations at levels provided in Title IX, this bill would provide much needed federal investment in new and existing western water supply infrastructure and increase drought resilience for our farms and communities. Title IX of the bill presents the balanced and “all-of-the-above” approach to water infrastructure that was advanced in [the letter](#) sent by over 220 water and agricultural organizations in June, and we urge you to support the provisions in Committee and on the Senate Floor. While needs on the ground support even greater funding levels in some categories, we support the balanced approach in this bill.

As the West suffers through one of the worst droughts on record, the need for adequate and well-functioning water supply infrastructure is increasingly apparent. Title IX of the Energy Infrastructure Act would go a long way in increasing water security for the West by repairing our failing water systems and construct the new facilities needed to respond to climate change, increased population and a variety of other factors increasing the pressure on water resources. This week, we are asking others in our 220-plus coalition to help ensure the funding for water storage, aging infrastructure and individual priorities is not eroded during the legislative process.

On the public relations front, we had some good results in the past month. The president of the Arizona Farm Bureau Federation last month was interviewed by Fox News, where she discussed our infrastructure initiative, and the [Washington Post](#) also made mention of our latest coalition letter. I previously shared with you articles published by *Bloomberg*, discussing the need for Western water infrastructure and our advocacy efforts. One story specifically focused on the need for new storage, and included quotes from Advisory Committee member Urban Eberhart (WASHINGTON), Jerry Brown with the Sites Authority (CALIFORNIA) and yours truly. The *Bloomberg* editorial board supports our coalition's efforts to include Western water infrastructure in any Congressional infrastructure package and other Alliance "asks".

7. INVEST in America Act

The House passed on July 1, by a vote of [221-201](#), the \$715 billion Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act ([H.R. 3684](#)), which reauthorizes highway, transit, and rail programs from fiscal years (FYs) 2022 through 2026, in addition to drinking water and wastewater infrastructure programs. The bill includes \$117 billion

for drinking water infrastructure and assistance and \$51.25 billion for wastewater infrastructure. A section-by-section summary of the water-related provisions is available [here](#). If you want additional information on the INVEST in America Act, please let me know.

8. NEED Water Act

As you likely know, Congressman David G. Valadao (R-CALIFORNIA) has introduced the *Necessary to Ensure Expeditious Delivery of Water Act*, or NEED Water Act, to provide emergency drought relief for the Central Valley. Given the State of Emergency Declaration by Governor Newsom as a result of the severe drought, the legislation would protect water currently in the Central Valley Project system for human needs and reduce regulatory burdens in order to lessen the negative impacts of the drought on Central Valley residents. This bill would also extend the California provisions of the Water Infrastructure Improvements for the Nation (WIIN) Act (P.L. 114-322) and is cosponsored by the entire California Republican delegation.

9. Twenty-First Century Dams Act

Rep. Ann McLane Kuster (D-NH) has introduced the "Twenty-First Century Dams Act," a \$25.8 billion bill to retrofit and rehabilitate the country's aging dam infrastructure to address the thousands of dams that have reached the end of their engineered life spans and now pose safety risks. The legislation would spend \$2.4 billion on expanding regulatory oversight over dam safety, and it would boost grant funding. The [bill](#) is co-sponsored by Western Democratic Reps. Kim Schrier of Washington and Julia Brownley, Jared Huffman, Nanette Diaz Barragán and Scott Peters of California. Alaska Republican Rep. Don Young is also backing the legislation. California Sen. Dianne Feinstein (D) will introduce companion legislation in the Senate. The bill would also create a 30% investment tax credit for safety improvements, environmental mitigation and potentially dam removals. And it would dedicate \$11 billion over five years to improving safety and generating capacity as well as reducing environmental impacts of federally owned dams. The bill would also establish an interagency government and stakeholder advisory committee to consider dam removals. The bill is backed by the National Hydropower Association, American Rivers, and other groups.

10. Appropriations

a. House Ag Appropriations

The House Appropriations Committee earlier this month [favorably reported](#) the Agriculture, Rural Development, Food & Drug Administration, and Related Agencies appropriations bill for fiscal 2022 to the full House. The bill includes about \$1.6 billion in telecom and broadband loan and grant funding to be administered by USDA's Rural Utilities Service, including \$786 million for the ReConnect broadband loan and grant pilot program. Title II contains the Farm Production and Conservation Programs. Funding for the NRCS includes conservation operations (\$894 million),

watershed and flood prevention operations (\$160 million), and the watershed rehabilitation program (\$10 million).

b. House Interior/Environment Appropriations

On July 6, the House Appropriations Committee on a 32-24 vote advanced their FY 2022 Interior, Environment and Related Agencies \$43 billion spending bill that would give both EPA and the Department of the Interior a roughly \$2 billion increase over FY 2021. Much of the increased funding, and some of the policy riders in the bill, focuses on combatting climate change. House Democrats are working to pass all 12 FY 2022 funding bills in the House before their August recess. The House Appropriations Committee has approved half of those bills so far for full House consideration.

c. House Energy and Water Development Appropriations

Last week, House Energy and Water Development (E&W) Appropriations Subcommittee Democrats unveiled a \$53.2 billion FY 2022 spending [proposal](#) that makes record investments in the Department of Energy's renewable energy research and development programs as well as water infrastructure projects at the Corps and Reclamation. House E&W appropriators are proposing \$8.6 billion for the Corps, \$1.9 billion above President Biden's budget request, and are also seeking \$1.95 billion for Reclamation, a \$276 million boost from FY 2021 spending levels and \$413 million above the White House's request for FY 2022. The E&W Subcommittee is scheduled to mark up the bill July 12, with the full Committee mark on July 16.

11. House Committee on Natural Resources Hearings

a. Legislative Hearing

A representative from the Alliance last month appeared before the House Committee on Natural Resources, which conducted a virtual, fully remote legislative hearing on a dozen bills primarily associated with oceans and coastlines. Mauricio Guardardo, the general manager of United Water Conservation District in Ventura County (CALIFORNIA) represented his district and the Family Farm Alliance at the hearing, where he focused his comments on concerns with [H.R. 3764](#) (Rep. Raúl Grijalva, D-AZ), the *Ocean-Based Climate Solutions Act of 2021*. H.R. 3764 is well-intended legislation, but several areas of the new legislation have the potential for far-ranging and uncertain impacts to water management and agriculture, impeding the development of critically needed water infrastructure, especially in the drought stricken Western states.

Mauricio did us proud at the hearing, and really knocked the ball out of the park. We (and our allies on Committee staff) were most appreciative for Mauricio stepping in with little notice or time and really shining. [Click here](#) to read Mauricio's written testimony (previously shared with you), submitted on behalf of United and the Family Farm Alliance. [Click here](#) to watch a recording of the hearing.

b. Budget Hearing

Interior Secretary Deb Haaland last month appeared before the House Natural Resources Committee, to defend her department's budget proposal and priorities for FY 2022. Committee Democrats welcomed the former congresswoman from New Mexico back to the committee where she served as a vice chair. Committee Republicans directed some tough questions to the Secretary on Biden Administration initiatives such as the "America the Beautiful" plan, also known as the "30x30" initiative to conserve 30% of land and waters in the country by 2030 and oil and gas development policies that have slowed leasing of public lands for energy purposes and stopped major oil and gas pipelines under construction. For example, Committee Ranking Member Bruce Westerman (R-Ark.) expressed concern that, nearly six years into the Biden Administration, he still had questions about the Western drought crisis, historic wildfires, national monument uncertainty, and other issues.

Rep. Jim Costa (D-CALIFORNIA) raised concerns that the Biden Administration's Fiscal Year 2022 budget request proposed cuts to several water conservation grant programs known as Title XVI and WaterSMART. Rep. Jared Huffman (D-CALIFORNIA) also expressed support for Title XVI and WaterSMART, saying that these programs can generate water "decades faster" than any new dam. Secretary Haaland told Rep. Jim Costa that she is open to increased funding for those programs. Mr. Costa also urged creativity in finding ways to transfer water in California's Central Valley Project, and pointed to the importance of funding dam safety and modernized canals in California. Rep. Tom McClintock (R-CA) mentioned a coalition infrastructure letter that was co- led by the Alliance (*see also Item 6*) before launching into a series of infrastructure-related questions. Rep. Bentz (R-OREGON) discussed the challenges facing stakeholders in the Klamath River Basin.

c. Ocean-Based Climate Solutions Act

The House Natural Resources Committee will vote this week on the oceans and climate legislation from Chairman Raúl Grijalva (D-ARIZONA) noted above. The committee is holding a markup on several other bills. The *Ocean-Based Climate Solutions Act* ([H.R. 3764](#)) - if passed and signed into law as written, would lay a foundation for restricting inland and upland activities deemed to affect newly designated ocean and coastal protected areas. While the bill is expected to make it out of Committee, it will be important to ensure that Committee member offices more aligned with our perspective on this bill understand that user groups are paying attention to this bill. Shoring up that support will lay an important foundation as the bill moves to the full House and possibly the Senate. To that end, we've developed a letter to the Committee expressing our concerns, which I sent to the Committee yesterday.

d. WOW Subcommittee Holds Hearing on Large-Scale Water Recycling Bill

Earlier this month, the House Natural Resources Water, Oceans and Wildlife (WOW) Subcommittee held a legislative hearing on, among other bills, the "*Large-Scale Water Recycling*

Project Investment Act," [H.R. 4099](#), which would create a new \$750 million 25% cost-shared federal grant program for large water recycling projects costing more than \$500 million to construct. WOW Subcommittee Chairman Jared Huffman (D-CA), a co-sponsor of the bill, said such projects are “drought-proof” and a “win-win” for water supply and reusing water for environmental purposes. This bill is also sponsored by fellow Rep. Grace Napolitano (D-CA), who echoed Huffman's call for more federal involvement in funding water recycling and reuse projects in the West.

One such large-scale project highlighted by witnesses at the hearing from Metropolitan Water District of Southern California and the Southern Nevada Water Authority is being studied in Southern California. Nevada has provided a portion of the funding needed to explore the project to see if a water exchange between California and Nevada could be made when it comes online. Conceptually, Metropolitan would use the purified wastewater and leave behind its water in Lake Mead on the Colorado River for Nevada to draw upon when it needs it.

WESTERN WATER “HOT SPOTS”

12. The 2021 Western Drought

Unprecedented drought conditions continue to spread across the Western U.S. Nearly 98% of land across 11 Western states is abnormally dry, and more than 90% is covered by some category of drought. Western farmers and ranchers are beginning to feel the heat. These are the worst levels in the U.S. Drought Monitor's 21-year history. Wildfires and increasing wildfire danger, water restrictions, and damage to agriculture are becoming common across the West. Record drought levels are hurting farmers, ranchers and fish species. The drought has persisted for so long in the Southwest that some scientists say a [megadrought](#) is emerging in the region, one that is similar to, or perhaps worse than, some that have occurred over the last 1,200 years and lasted for 40 years, according to a report in the *New York Times*.

The Hill reports that governments across the Western United States are allocating unprecedented sums of money to prepare for what experts expect will be one of the worst wildfire seasons in memory, as low water levels and high temperatures conspire to create tinderbox conditions. Across the West, a drier than usual winter has contributed to a drought that is now stretching past its second decade.

“We are in a world of hurt, hydrologically speaking,” Reclamation Deputy Commissioner Camille Touton recently told the Family Farm Alliance Board of Directors on our June ZOOM call . “There’s been huge amounts of water lost to Klamath, CVP and the Colorado River system in recent months. Reclamation is leaning on its partnerships to get through this.”

Ms. Touton – who was nominated by President Biden last month to serve as the next Commissioner of Reclamation – said her agency is trying to provide short-term assistance, using all of its authorities, and assessing what are the best next steps. The Family Farm Alliance July 2021

“Monthly Briefing” detailed impacts of the drought across the West, how farmers and ranchers are coping, and how politicians in Washington are responding.

ADMINISTRATIVE AND MISCELLANEOUS

- Last week, I participated in the Western meeting of American Farm Bureau executives in Santa Fe (NEW MEXICO), where I discussed the Alliance’s initiatives and the current drought. Later this week, I’ll be doing interviews with a Maricopa County (ARIZONA) newspaper on the Colorado River drought and a reporter from *USA Today* on drought impacts to Western producers. Today, I’m participating on a live talk show hosted by Oregon Public Broadcasting on the Klamath water crisis.

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 dan@familyfarmalliance.org if you would like further information about what the Alliance is doing to protect water for Western irrigated agriculture.