



MEMORANDUM

TO: SLDMWA BOARD OF DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
DATE: APRIL 5, 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, our efforts have focused on engaging the Biden Administration, tracking water legislative developments in Congress, testifying at a House subcommittee hearing, and engaging in other Congressional committee hearings. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION DEVELOPMENTS

1. Confirmation of Cabinet Positions

Biden Cabinet nominees with important roles that impact Western farmers and ranchers are steadily being confirmed by the U.S. Senate. As reported last month, the Senate in February voted to confirm former Iowa Gov. Tom Vilsack to Secretary of the U.S. Department of Agriculture (USDA). He was the Secretary of Agriculture during the Obama Administration. The Family Farm Alliance's West-wide, primarily rural membership works closest with the Departments of Agriculture and Interior (which houses the Bureau of Reclamation, Fish and Wildlife Service, Bureau of Land Management, among other agencies) and the Environmental Protection Agency. Senior appointed officials in these departments play an important role in directing and implementing policies that have a real bearing on the well-being of Western farmers and ranchers.

a. Secretary of Interior Deb Haaland

Biden nominee Rep. Deb Haaland (D-NM) last month was confirmed by a 51-40 vote to be Secretary of the Interior. She will be the first Native American secretary in any president's cabinet.

Senate Democrats said Haaland has a special relationship with the land that bolsters her leadership of the Interior Department charged with managing so much of the West. Secretary Haaland has been an outspoken critic of fracking and was an original co-sponsor of the Green New Deal resolution outlining a vision for rapidly decarbonizing the U.S. economy. Her past positions on these matters drew fire from some Senate Republicans.

b. EPA Administrator Michael Regan

The Senate last month also confirmed Michael Regan as Environmental Protection Agency (EPA) administrator, putting the North Carolina regulator in a key role to implement President Joe Biden's aggressive climate change agenda. Mr. Regan will seek to build the agency's environmental justice programs that target hazards facing low-income communities and people of color, and restore rules reducing pollution from passenger vehicles, power plants and the oil and gas industry that were modified under the Trump administration.

c. Other Important Senate Confirmations

Other confirmed Cabinet members whose leadership will have bearing on Western irrigators include Energy Secretary Jennifer Granholm and Transportation Secretary Pete Buttigieg. The White House earlier this month named Kelliann Blazek as special assistant to the president for agriculture and rural policy — another sign that some believe suggests that rural development issues could gain traction under the Biden administration.

d. Committee Approvals of Environmental Nominees

The Senate Environment and Public Works Committee (EPW) last month approved President Joe Biden's nominations of Ms. Brenda Mallory to head the White House Council on Environmental Quality (CEQ) and Ms. Janet McCabe to be EPA Deputy Administrator by slim margins, clearing the way for Senate floor votes on their confirmations. Most GOP "no" votes were over concerns with the priorities and policy positions of the Biden Administration and not aimed at the nominees themselves. When the Senate returns on April 12, the full chamber will consider Ms. Mallory's nomination, as well as several other Biden nominees.

e. White House Pulls Interior Deputy Secretary Nominee

The Biden White House has pulled the nomination of Ms. Elizabeth Klein to serve as Interior Department Deputy Secretary after hearing opposition from Sen. Lisa Murkowski (R-AK), former Chair of the Senate Energy and Natural Resources Committee. Ms. Klein served as deputy director of the New York University School of Law's State Energy & Environmental Impact Center from 2017 through the beginning of this year and is an environmental attorney who served at Interior during the Clinton and Obama Administrations. There is no word yet on who might be nominated by the White House for the position in her stead.

2. Biden Administration Releases Infrastructure Plan

The White House on March 31 released a detailed fact sheet for President Joe Biden's \$2.25 trillion, eight-year *American Jobs Plan* proposal. The sweeping plan would pump money into transportation, renewable energy, manufacturing and efforts to combat climate change—funded by undoing some of the tax breaks that corporations received from the Tax Cuts and Jobs Act of 2017. The White House plans to release details for its second major infrastructure package in mid-April, which could cost \$1 trillion or more, with a focus on social measures including expanding health care and paid-leave access and extending the child tax credit—offset by tax increases on wealthy individuals.

President Biden's plan includes approximately \$650 billion to build the United States' infrastructure, such as its roads, bridges, highways and ports. The plan will also include in the range of \$400 billion toward home care for the elderly and the disabled, \$300 billion for housing infrastructure and \$300 billion to revive U.S. manufacturing. It will also include hundreds of billions of dollars to bolster the nation's electric grid, enact nationwide high-speed broadband and revamp the nation's water systems to ensure clean drinking water, among other major investments. Republican leaders blasted the plan as an anti-business, tax-and-spend package.

The White House has said that President Biden is open to input from House and Senate Republicans regarding his proposed plan. Congressional Democrats will also hold meetings on the proposal after the Spring recess, but Administration officials have made clear that President Biden is not ruling out trying to pass a package without GOP support. President Biden would not say today where there was room for negotiation on his proposal.

It will be up to Congress to decide what to include and how to move a massive bill on the coattails of the \$1.9 trillion COVID relief package that was approved last month by using budget reconciliation procedures that bypassed GOP involvement. Also, Congress will need to determine how to pay for the additional spending associated with the recovery package. President Biden will follow this speech with another announcement in April regarding a second package focused on spending for social-safety-net programs, addressing healthcare, childcare, universal prekindergarten, free community college, and other issues. Both proposals combined will likely total around \$3 trillion.

a. Reaction from Western Ag and Water Organizations

Recognizing the constructive elements of conservation, efficiency, recycling and watershed management included in the Biden administration's initial infrastructure proposal, a national coalition of over 200 agricultural organizations and urban and rural water districts – led by the Family Farm Alliance, California Farm Bureau, Western Growers, ACWA and NWRA said last week it would urge the federal government to further bolster investment in the nation's aging water facilities. In January, our coalition called on the administration and congressional leaders to invest in a diversified water management portfolio that enhances water supply and quality for urban and

environmental uses, while keeping water flowing to Western farms and rural communities. While the details of the plan are still forthcoming, our coalition said it looks forward to working with the administration and Congress on the larger need for Western water infrastructure, such as above- and below-ground water storage facilities, conveyance and desalination, along with federal financing mechanisms for such water projects.

With Western states facing another drought and their importance in supplying much of the nation's food supply, it is even more critical to recognize the need for rural water infrastructure investments to capture and store water for use when it is needed most. The coalition includes organizations from 15 states that collectively represent \$120 billion in agricultural production, nearly one-third of all agricultural production in the country, and tens of millions of urban and rural water users.

3. Climate Change Initiative

Climate change is one of the top four priorities of the Biden Administration, and the new administration's actions on this front were outlined immediately after President Biden took office when he issued his Executive Order (EO) on Tackling the Climate Crisis at Home and Abroad. That EO affirms the policy of my Administration to "organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach". Successfully meeting these challenges will require the federal government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders.

a. The "Social Cost of Carbon"

The Biden Administration has announced it plans to raise the figure it will use to assess the damage that greenhouse gas pollution inflicts on society to \$51 per ton of carbon dioxide. This rate is seven times higher than that used by the Trump Administration. This so-called "social cost of carbon" could reach as high as \$125 per ton once the Biden administration completes a more rigorous analysis. The final figure will be incorporated into federal agency decisions, including purchasing, pollution control requirements, and which types of infrastructure are permitted in the future. Many industry groups remain nervous about putting a higher price tag on carbon emissions, and are warning the administration it needs to listen to them before settling on a final figure for doing so. A coalition of business groups in February wrote the White House and outlined their expectations to be provided "ample channels and opportunities for public and stakeholder input" as federal officials update the government's cost-benefit approach.

b. Carbon Bank

The Biden administration is moving forward with plans to establish a "carbon bank" through the U.S. Department of Agriculture (USDA), intended to help pay producers for climate-friendly farming. A consensus appears to be emerging – based on the proceeding of a Senate Agriculture Committee hearing held last month - that climate change is real and that farmers are well poised to lead the charge to address it because of agriculture's ability to sequester carbon. As a result of

agriculture's intentional efforts to protect soil and water, U.S. farmers and ranchers contribute significantly fewer greenhouse gas (GHG) emissions than their counterparts around the world. Senate Republicans insist that farmers should not be compelled to participate in climate-friendly practices, particularly if doing so is a condition to enroll in other federal farm programs.

c. USDA Role

The Biden administration is evaluating options for using USDA's Commodity Credit Corporation (CCC) to quickly launch its ambitious food and farm agenda without relying on appropriations from a closely divided Congress. The CCC – established in the Depression-era - is authorized to borrow \$30 billion from the U.S. Treasury for the purpose of stabilizing the farm economy. Former President Donald Trump used the CCC as means of paying farmers for coronavirus relief and mitigating for trade impacts. President Biden's team is looking at their creative opportunities to apply the fund for a whole new agenda. One option could be using the agency to create a "carbon bank" that pays farmers and ranchers to sequester greenhouse gases in their farmland soil. USDA Secretary Vilsack has said no decisions have yet been made on what specific actions the administration will take to reduce greenhouse emissions, but that his department is examining "an array" of approaches including changes to existing conservation programs, a carbon bank and altering crop insurance premiums. He also noted that the private carbon banks that have already been set up clearly aren't yet attracting enough interest among farmers. There's also an ongoing debate between Secretary Vilsack and top Congressional Republicans, as to whether USDA has authority to create a carbon bank through the CCC.

d. Role of Farmers and Ranchers in Climate Programs

However, even those producers who appear likely to profit from this initiative remain skeptical. Some farmers and ranchers worry that big agribusinesses and financial institutions will skim most of the profits from the carbon market. Others are wary of any action on climate change that could affect producers' bottom lines. Questions surround the challenge of how to recognize farmers who have been saving carbon in their soil for years. USDA appears to be committed to listen and consider their concerns. USDA last month published a *Federal Register* Notice requesting public input on a climate-smart agriculture and forestry strategy. President Biden's climate EO directs Secretary Vilsack to solicit input from stakeholders as USDA develops a climate-smart agriculture and forestry approach. The Notice seeks information on four topics: climate-smart agriculture and forestry; biofuels, bioproducts, and renewable energy; catastrophic wildfire; and meeting the needs of disadvantaged communities through USDA's climate strategy. The Notice will be available for public input until April 30th and is available online through the *Federal Register*. We are preliminarily looking at using this formal comment opportunity as the vehicle to finalize our Western "roadmap" for the Biden Administration's USDA.

e. Alliance President Speaks at U.N. Landscape Roundtable

Family Farm Alliance President Patrick O’Toole (WYOMING) was the sole American agricultural producer represented on a recent “Independent Dialogue” convened by the Food and Agriculture Organization (FAO) of the United Nations (U.N.) to discuss landscape partnerships in the context of the U.N. Food System Summit (UNFSS). The UNFSS will be looking for bold actions to receive global support and mobilization to transform food systems. Joining Mr. O’Toole on the panel were Maria Sengelela (Solidaridad Network, Mt Kilimanjaro Landscape, Tanzania), Percy Summers (Conservation International, Alto Mayo Landscape, Peru), and Leonel Requena, UNDP Small Grants Programme, Belize Barrier Reef). The Roundtable is part of an on-going series of discussions focusing on climate change, agriculture, and landscapes. The series has been jointly organized by EcoAgriculture Partners and FAO since 2009. This was a great opportunity to get our foot in the door and provide the perspectives of on-the-ground producers.

4. Department of Interior, Bureau of Reclamation: WaterSMART Drought Program

The Bureau of Reclamation (Reclamation) in February announced it was awarding \$15.4 million for projects in the West to prepare for and respond to drought. The WaterSMART Drought Program funding will leverage \$54.9 million in non-federal cost-share to complete projects in seven Western states. It supports a proactive approach to drought by providing water managers assistance to develop and update comprehensive drought plans. Among the 18 selected projects were three involving Family Farm Alliance members from California:

- Arvin-Edison Water Storage District, \$500,000
- Merced Irrigation District, \$957,824
- Shafter-Wasco Irrigation District, \$500,000

In its recent report, *Water Reliability in the West - 2021 SECURE Water Act Report*, Reclamation found that the duration, severity and frequency of droughts are projected to increase in the future and further strain the many competing demands for water in the West.

DEVELOPMENTS IN CONGRESS

The House and Senate are both in recess this week. Democrats are preparing to draft legislative language for the *American Jobs Plan*, with House Speaker Nancy Pelosi (D-CA) telling her caucus she hopes to pass the measure by July 4.

5. Congress Passes \$1.9T COVID-19 Relief Bill

President Joe Biden last month signed the \$1.9 trillion *American Rescue Plan Act of 2021* into law ([PL 117-2](#)). This massive piece of legislation includes numerous provisions of importance to public entities, including \$350 billion in relief funding to all state, local, county, tribal, and territorial governments. Mark Limbaugh and his team at The Ferguson Group (TFG) prepared a

special report for the Alliance that provides details on this funding and other important provisions in the bill, which the Biden Administration will implement in the coming weeks and months. The legislation would allocate critically needed financial relief to special districts that have experienced unforeseen expenditures, decreases in revenue, or both, as a result of the COVID-19 health crisis. Congress and the White House are now eyeing the creation of a large infrastructure package as part of the Biden Administration's COVID recovery plan.

6. Congress Begins to Move on Infrastructure

House Speaker Nancy Pelosi (D-CA) is reportedly aiming to have the House pass President Biden's *American Jobs Plan* by July 4, with passage very likely to be done under the budget reconciliation process (i.e., the same method that House and Senate Democrats used to pass the *American Rescue Plan Act* of 2021). The House's July 4 goal means the Senate would not formally take up the infrastructure-only portion of President's Biden proposal until the middle of July 2021 at the absolute earliest. Speaker Pelosi said she had instructed House committee chairs to begin working with their Republican counterparts on an infrastructure plan that can win bipartisan support.

Rep. DeFazio (D-OREGON), Chairman of the House Transportation and Infrastructure (T&I) Committee, is targeting a transportation bill for the end of spring, and the Senate is hoping to shape a key part of its package by Memorial Day. Senate Environment and Public Works (EPW) Committee Chairman Tom Carper (D-DE) has said that the foundation of the package will be a surface transportation bill he hopes to clear through his committee on a bipartisan basis, also by the end of May. He expects it to then be combined with other infrastructure bills and become law by the end of September, according to *E&E News*.

Some of the challenges associated with attracting bipartisan support relate to how such an infrastructure package will deal with climate change (e.g., the Green New Deal) and whether some or all spending provisions are "paid for" in some respect (either with cuts elsewhere or through tax increases). Both topics will be contentious issues for Republicans. Rep. Sam Graves (R-Missouri), the top Republican on the House T&I Committee, said he'll work with Democrats on infrastructure, but that prioritizing climate issues would not receive GOP support. As reported in *Agri-Pulse*, Republicans could be faced with a dilemma: Do they help negotiate the infrastructure package, knowing it's paid for with tax increases? Or do they stay on the sidelines, giving up their leverage over the infrastructure provisions?

Senate Minority Leader Mitch McConnell on Thursday ruled out support from his Republicans for the president's new infrastructure plan, all but ensuring that the proposal will have to pass with lockstep Democratic unity in the Senate. Lack of GOP support could lead to Dems using the budget reconciliation process again to avoid a Senate filibuster, cutting out the need for any GOP support to pass the legislation in the 117th Congress.

One thing that's not likely to end up in the Senate bill, according to Senator Maria Cantwell (D-WASHINGTON), is [Rep. Mike Simpson's \\$33 billion proposal to end the Northwest's "salmon](#)

[wars](#)” by breaching the four dams on the lower Snake River and compensate stakeholders for the benefits the dams provide. The Idaho Republican has said he hopes his concept could be included in the infrastructure package. Citing lack of detail to justify the huge price tag, and acknowledging lack of public support, Senator Cantwell doubts that there is enough time for the Senate to act. Nevertheless, Senator Cantwell said she expects components of Simpson’s plan – like next-generation nuclear power or salmon habitat restoration – could receive support through the infrastructure package, according to the *Spokane Spokesman-Review*.

a. Congressional Panels Take Up Infrastructure

Committees in both houses of the Democrat-led Congress last month initiated hearings that were seen by many as the official start of the legislative process required to pass a massive infrastructure stimulus package this year. As described further below, the Family Farm Alliance has been recently engaged in several Senate and House subcommittee hearings related to infrastructure. In the House, Energy and Commerce Committee, Democrats have introduced the "LIFT America Act." The package, backed by every member of Energy and Commerce, also includes more than \$50 billion for drinking water improvements. The Senate EPW Committee last month unanimously advanced legislation to reauthorize drinking water and wastewater infrastructure and financing programs. The bipartisan “*Drinking Water and Wastewater Infrastructure Act of 2021*”, or S. 914, would invest more than \$35 billion in water resource development projects across the country; reauthorize the Drinking Water and Clean Water State Revolving Funds; and, reauthorize EPA’s lead reduction program, among others. The legislation also would reauthorize the Water Infrastructure Finance and Innovation Act (WIFIA) through 2026 at the current funding level of \$50 million per year. Other infrastructure provisions will soon emanate from the House T&I Committee, and from the Senate EPW and Energy and Natural Resource (ENR) Committees.

b. Return of Earmarks

House Republicans last month ended a decade-long ban on allowing lawmakers to seek earmarks in annual appropriations bills, a move that could help break partisan gridlock on Capitol Hill. Congressional earmarks were banned in 2011, due to claims that they led to wasteful spending. The House GOP conference voted, 102-84, to join House Democrats in reviving "congressionally directed spending" requests. The work could start quickly, with infrastructure and spending bills as prime vehicles. House Republicans touted the shift as way to ensure the Biden Administration does not have a free rein in directing spending and stressed it would not result in top-line spending increases. Members of the conservative House Freedom Caucus were fiercely opposed to bringing earmarks back, claiming they are “legislative bribery” and a path to corruption, according to *The Hill*. Attention now turns to the Senate, where the parties have yet to reach an agreement on whether to embrace earmarks. If the Senate does not agree, it could strip them out of the House spending bills. But that seems unlikely.

c. New WIIN Act Legislation

As previously reported, Representative David G. Valadao (R-CALIFORNIA) in February introduced the *Responsible, No-Cost Extension of Western Water Infrastructure Improvements*, or RENEW WIIN, Act, a clean extension of operations and storage provisions of the WIIN Act (P.L. 114-322). The RENEW WIIN Act would extend the general and operations provisions of Subtitle J of the WIIN Act and extend the provision requiring consultation on coordinated operations of the Central Valley Project and State Water Project in California. The legislation would also extend the authorization of appropriations for water storage projects that the Secretary of the Interior finds feasible. The RENEW WIIN Act is supported by the entire Republican delegation of California, and some of California's largest water organizations, including the Fresno Irrigation District, Friant Water Authority, Westlands Water District, and San Luis & Delta-Mendota Water Authority. Rep. Mike Garcia (R-CA) introduced another bill later in March to extend the bipartisan California water provisions of the WIIN Act through fiscal year 2028. Rep. Garcia's bill would enact a seven-year extension for certain – but not all - provisions in the WIIN Act. Meanwhile, Rep. Feinstein's office is circulating draft legislation that, among other things, would extend storage provisions of the WIIN Act.

d. Family Farm Alliance Efforts

i. House WOW Subcommittee Hearing

I testified on March 11 on behalf of the Alliance before the House Subcommittee on Water, Oceans, and Wildlife, which hosted a remote oversight hearing on “*Building Back Better: Building Resilience for the Economy, Climate, and Ecosystems.*” This was the first hearing of the Subcommittee in this Congress, and also the first hearing for new Ranking Member Cliff Bentz, my new Republican Congressman from Oregon. I was the sole Republican witness at the hearing. Other witnesses include a social scientist from the University of Oregon, a marine expert from the East Coast, and Laura Ziemer, our friend from Trout Unlimited.

My testimony focused on the importance of reauthorizing WIIN, the need for continued federal investment in multi-purpose water facilities, regulatory streamlining for the construction and operation of water projects and protecting water supplies from catastrophic wildfire. (Links: [Full hearing](#), [Alliance testimony](#)).

ii. Senate ENR Committee, Water and Power Subcommittee Hearing

Last month, we transmitted written testimony for the record for the Senate Committee on Energy and Natural Resources, Subcommittee on Water and Power oversight hearing on natural water infrastructure to be held this Wednesday. This hearing definitely had an interesting [witness list](#). As noted in our testimony, the Alliance believes that constructing and using natural infrastructure, while used for many decades in managing water in the West, must be done in a tightly coordinated fashion with water managers in a watershed. Natural infrastructure must be used in conjunction

with existing dams and canals, but also must not be the one size fits all approach to improving water supplies. We believe we must also have investments in new and existing water storage and conveyance infrastructure – including rehabilitating and upgrading aging facilities. Please let me know if you'd like to get a link our written testimony, or ask Scott Petersen.

iii. *House Committee on Appropriations, Energy and Water Subcommittee*

The House Appropriations Committee, Energy and Water Subcommittee earlier this month held a hearing, "[Innovation and Investment in Water Resources Infrastructure](#)." This was a good opportunity to bring to light the Aging Infrastructure Account's creation in the omnibus appropriations bill last December. We worked with Rep. Dan Newhouse (R-WASHINGTON) to develop talking points about what this account means for rural water infrastructure, the importance of it for the West, and the Congressman's strong support for the account.

i. *Western Water Infrastructure Initiative*

As previously reported, over 200 urban and rural water districts urged President-elect Joe Biden and congressional leadership last month to address aging Western water infrastructure in any potential infrastructure or economic recovery package. The effort was spearheaded by the Family Farm Alliance, ACWA, California Farm Bureau, National Water Resources Association and Western Growers Association. The coalition is working with stakeholders from several Western states and Western Congressional offices to encouraged federal investment in a diversified water management portfolio that enhances water supply and quality for urban and environmental uses while keeping water flowing to Western farms.

7. Differing Views of Biden 30 x 30 Plan Emerge in Congress

President Biden's proposed "30 x 30" plan that seeks to conserve 30% of the nation's land and waters by 2030 is drawing praise from Democrats on Capitol Hill and raising alarms in Republican Congressional offices representing rural Westerners. In a letter sent to President Biden last month, 64 Republican members of the U.S. House and Senate expressed concern and called for more clarity on the administration's 30 x 30 plan, an "equitable and meaningful voice in the process" for state and local governments and key stakeholders, and a detailed briefing by March 28. Chairmen Dan Newhouse (R-WASHINGTON) and Steve Daines (R-MONTANA) of the Congressional & Senate Western Caucuses led 12 Senate Members and 50 House Members of the respective Caucuses in sending the letter to President Biden. Western Caucus Members outlined their concern that Western states would be disproportionately impacted by the 30 x 30 Initiative and demanded President Biden provide details about how he plans to accomplish this goal without harming the industries, economies, and ways of life in Western and rural communities.

In a separate letter sent to President Biden last month, 120 Democratic members of the U.S. House (100) and Senate (20) and Republican Rep. Brian Fitzpatrick (R-PA) expressed support for the "bold and necessary" 30x30 goal, while noting the critical role of collaboration with state and local

governments, tribes, private landowners, and “the full range of stakeholders who use and enjoy our lands and waters” and calling for a “transparent, stakeholder driven process.”

The success of President Biden’s 30 x 30 initiative could hinge largely on how the administration engages private landowners, who own 900 million acres of farm and ranch lands and 445 million acres of forests. A recent survey from Duke University found that only 25 percent of rural Americans believe that the federal government, rather than states, should “take the lead” on environmental issues.

12. Western Water Security Act

U.S. Congresswoman Lauren Boebert (R-CO) last month introduced the *Western Water Security Act*. This legislation protects private property rights, upholds state water law, and prohibits federal takings. The Alliance formally supported this legislation, as we have with similar versions of this bill introduced in previous sessions of Congress. In recent years, repeated water grabs by the federal government have threatened the livelihoods of tribal members, farmers, ranchers, water conservation districts, irrigation districts, municipalities, small businesses, and other water users that rely on privately held water rights. The U.S. Forest Service made several groundwater seizure attempts through overreaching agency directives and tried to seize ski area’s water rights, and the Bureau of Land Management required ranchers in the West to surrender water rights prior to approving use of grazing allotments. The Western Water Security Act is intended to prevent federal water grabs, protect private property rights, and help ensure an abundant supply of clean water for future generations. [CLICK HERE](#) for Rep. Boebert’s press release, which includes a quote from the Alliance. Senators John Barrasso (R-WYOMING), Jim Risch (R-IDAHO) and Mike Crapo (R-IDAHO) introduced S. 855 – the Senate companion bill – later in the month.

13. Democrats Ask Biden to Delay Army Corp Permitting Rule

House Transportation and Infrastructure (T&I) Chairman Peter DeFazio (D-OR) and Senate Environment and Public Works (EPW) Chairman Tom Carper (D-DE) called on President Joe Biden in a [letter](#) to direct the U.S. Army Corps of Engineers to delay implementation of nationwide permit rules promulgated during the Trump Administration “before it causes lasting damage to the health of our families, our environment, and our vital water resources. In addition, we request that your administration re-open for comment the ‘Reissuance and Modification of Nationwide Permits.’”

14. Republicans Take Aim at Permitting Processes and Regulations

Congressional Republicans have introduced bills to streamline permitting regulations and limit jurisdictional reach of federal agencies. Sen. Mike Lee (R-UTAH) last month introduced several bills to reform the federal permitting process to make "maintenance projects affordable again." The package, dubbed the "UNSHACKLE Act," combines several bills that would amend National Environmental Policy Act (NEPA) review process and transparency requirements. The Trump

Administration overhauled the NEPA rules, seeking to "streamline" environmental review. President Biden is widely expected to revise the Trump changes, which went into effect last year. Rep. Bob Gibbs (R-OH), a member of the House Transportation and Infrastructure (T&I) Committee, has reintroduced legislation in the 117th Congress to limit EPA's Clean Water Act (CWA) authority over dredge-and-fill permits and pesticide spraying. H.R. 1820 would prevent EPA from retroactively "vetoing" a CWA Section 404 permit issued by the U.S. Army Corps of Engineers (Corps); the legislation is similar to other GOP bills introduced in previous Congresses. Meanwhile, H.R. 1821 would exclude pesticides regulated and approved under the Federal Insecticide Fungicide and Rodenticide Act from needing a CWA National Pollutant Discharge Elimination System permit for application on or near waterways. The bill is identical to legislation that has previously passed the House, most recently in 2017, but has failed to gain traction in the Senate.

JUDICIAL DEVELOPMENTS

15. Navigable Waters Protection Rule Takes Effect in Colorado

The Trump Administration's "Navigable Waters Protection Rule" over the definition of "waters of the United States" (WOTUS) has been in effect in all but one state since mid-2020. Now the rule is in effect in all 50-states, as the Tenth Circuit Court of Appeals recently lifted a lower court stay for the state of Colorado in the implementation of the WOTUS rule. The appellate court ruled that the state of Colorado failed to demonstrate irreparable injury absent injunctive relief. The WOTUS rule has been challenged in other venues across the country, which could issue various rulings in the future affecting the implementation of the Trump-era rulemaking.

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.