



MEMORANDUM

TO: SAN LUIS & DELTA-MENDOTA WATER AUTHORITY DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: UPDATE REPORT
DATE: AUGUST 7, 2023

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 advancing farm bill ideas with Western Senators and committee staff, tracking appropriations developments in Congress, public outreach, and organizational administrative matters. These issues and other matters important to our members are further discussed in this memo.

BIDEN ADMINISTRATION

1. Appointments and Departures

The Senate last month confirmed Xochitl Torres Small as Deputy Secretary of the U.S. Department of Agriculture (USDA). Since October 2021, Torres Small has served as Under Secretary for Rural Development at USDA. Effective July 14, Rural Development Chief Operating Officer Roger Glendenning will serve as Acting Under Secretary. Prior to joining USDA, Torres Small was a United States Representative for the fifth largest district in the country. As a Member of Congress, she served as a member of the House Agriculture Committee, the House Armed Services Committee and as chairwoman of the Oversight, Management, and Accountability Subcommittee of the House Homeland Security Committee.

The Department of the Interior (DOI) Assistant Secretary for Water and Science Tanya Trujillo officially exited her office on July 17. Trujillo, an expert on the Colorado River, was confirmed by the Senate in the summer of 2021 to the Interior post. She has been working with the seven Colorado River Basin States, along with Interior Deputy Secretary Tommy Beaudreau and Bureau of Reclamation (Reclamation) Commissioner Camille Calimlim Touton, in negotiations over

Colorado River operations. Before joining the Biden Administration, Secretary Trujillo served on New Mexico's Interstate Stream Commission, which governs the state's waters. A native of New Mexico, Trujillo's extensive career in water law also included work on Capitol Hill, where she was employed by former Sen. Jeff Bingaman (D-NEW MEXICO) and in the Obama Administration as counselor to the Assistant Secretary for Water and Science.

DOI on July 19 announced that Deputy Commissioner of Reclamation Michael Brain has been named Principal Deputy Assistant Secretary for Water and Science. Before joining Reclamation, Brain held a variety of positions in the U.S. House of Representatives, including as Counsel for the Subcommittee on Water Resources and the Environment and as a professional staffer for the Subcommittee on Energy and Water Development Appropriations.

2. Environmental Protection Agency (EPA): Clean Water Act "Waters of the U.S."

a. Administrative Rulemaking Update

The Biden Administration's EPA and the Army Corps of Engineers (Corps) have announced they will quickly and surgically amend their final "Waters of the U.S." (WOTUS) Rule to incorporate the Supreme Court decision in *Sackett v. EPA* by September. The White House Office of Management and Budget's recent listing for the rule confirms that the new definition is designated a final action, meaning it bypassed the Administrative Procedure Act's notice and comment process for most rulemakings. That was expected given the short timeline for enacting it; most recently, EPA water chief Radhika Fox told committee members at a July 13 House hearing that the agency intends to invoke its authority to skip the proposal step for "good cause." Under the Administrative Procedure Act, agencies can enact final rules without taking comment on a proposed version in limited cases, including where the agency has "good cause" to believe that the notice-and-comment process would be "impracticable, unnecessary, or contrary to the public interest." Litigation over this decision is certain.

The May 25 decision in *Sackett* rendered parts of the Biden final WOTUS rule moot when a five-justice majority endorsed a narrower test, based on a "relatively permanent" surface-water connection from late-Justice Scalia rather than the "significant nexus" test from then-Justice Kennedy in the Supreme Court's previous *Rapanos* decision, for determining whether wetlands and other waterbodies are considered WOTUS, with allowances for "temporary interruptions" in that connection. The Administration's final WOTUS rule relied on both the Scalia test, as well as the broader Kennedy "significant nexus" test. As such, any revised rule is, at a minimum, expected to excise the "significant nexus" test, but also would define key terms left unaddressed by the high court's ruling in *Sackett*. The current rule has already been stayed by the courts in approximately half of the country, and the agencies say they are interpreting WOTUS consistent with the *Sackett* decision even in those states where it is not stayed. Several Corps Districts have also placed a hold on issuing approved jurisdictional determinations (AJDs) under the Clean Water Act (CWA) pending updated guidance from an amended final WOTUS rule.

b. WOTUS Litigation

Meanwhile, industry and GOP-led state plaintiffs have filed motions on June 28 in the U.S. District Court for the Southern District of Texas to vacate the Biden final WOTUS rule entirely, forcing the agencies to write a new rule from scratch to account for the Supreme Court's ruling in *Sackett* even as they work to revise the rule by September. The U.S. District Court for the Southern District of Texas earlier this month ordered a stay in the case, stopping the litigation. The court asked the parties to notify the court when EPA and the Army Corps publish their revised rule and ordered the agencies to provide updates every 45 days for the duration of the stay.

In other litigation over the final WOTUS rule, EPA filed a motion on June 26 before Judge Daniel Hovland of the U.S. District Court for the District of North Dakota asking for a stay of the ongoing litigation brought by 24 Republican state attorneys general, announcing plans to revise and amend its 2023 WOTUS rule by September to account for the *Sackett* decision. EPA also asked the court to direct the parties to submit proposals for further proceedings within 21 days of the September rule's release, and to direct EPA and the Corps to file status reports every 45 days during the duration of the stay.

On July 3, the U.S. Court of Appeals for the 6th Circuit, without comment, granted EPA's recent motion seeking abeyance in the suit *Commonwealth of Kentucky v. EPA, et al.*, appearing to agree with the agency's argument that the upcoming WOTUS rule would help narrow any future litigation. Whether or not the other courts will side with the motions to vacate the rule or EPA's motion to stay the litigation, these actions portend almost certain future court challenges ahead as the Biden Administration continues to grapple with redefining WOTUS under the CWA.

3. \$152 Million for New Water Storage Projects

DOI last month announced a \$152 million investment from the Infrastructure Investment and Jobs Act (IIJA) for six Western water storage and conveyance projects. The projects in California, Colorado and Washington are expected to develop at least 1.7 million acre-feet of additional water storage capacity, enough water to support 6.8 million people for a year. The funding will also invest in a feasibility study that could advance water storage capacity once completed. Through the IIJA, Reclamation is investing a total of \$8.3 billion over five years for water infrastructure projects, including water purification and reuse, water storage and conveyance, desalination and dam safety. The Inflation Reduction Act (IRA) is investing an additional \$4.6 billion to address the historic drought. The Family Farm Alliance helped lead nation-wide coalitions in support of Congressional action to advance both initiatives in the past two years.

a. California Projects

The recent funding announcement will support three new storage projects in the Golden State. The Alliance has championed all three of the projects, some of which have been in the books for decades. Reclamation will provide \$10 million to the San Luis and Delta-Mendota Authority, to

pursue the B.F. Sisk Dam Raise and Reservoir Expansion Project, a Safety of Dams (SOD) modification project. Once completed, the project will develop approximately 130,000 acre-feet of additional storage. Phase II of the Los Vaqueros Reservoir Expansion will receive \$10 million to efficiently integrate approximately 115,000 acre-feet of additional water storage through new conveyance facilities with existing facilities. The Sites Reservoir Project received \$30 million to pursue off stream storage capable for up to 1.5 million acre-feet of water in the Sacramento River system, located in the Coast range mountains west of Maxwell, California. The reservoir would utilize new and existing facilities to move water in and out of the reservoir, with ultimate release to the Sacramento River system via existing canals, drains, and a new pipeline.

In related news, California Governor Gavin Newsom unveiled proposals in May to expedite permitting and review procedures for vital infrastructure projects, including Sites Reservoir and Los Vaqueros. The purpose is to help speed up the overall process of bolstering water resiliency in California. All seven water storage initiatives established under California Proposition 1 are eligible under recently signed legislation.

b. Arkansas Valley Conduit

The Arkansas Valley Conduit in Colorado will receive \$100 million to continue construction of a safe, long-term water supply along the Arkansas River. Once completed, the project will replace current groundwater sources contaminated with radionuclides and help communities comply with Environmental Protection Act drinking water regulations for more than 103 miles of pipelines designed to deliver up to 7,500 acre-feet of water per year from Pueblo Reservoir.

c. Washington State Projects

Drought conditions continue to impact Yakima River basin irrigators in Eastern Washington. Junior water-right holders were cut to 72% of their full water allotments earlier this summer. However, the recent DOI announcement includes \$2 million for projects that will provide additional flows for fish. The Cle Elum Pool Raise Project will receive \$1 million to continue to increase the reservoir's capacity to an additional 14,600 acre-feet to be managed for instream flows for fish. Additional funds for shoreline protection will provide mitigation for the pool raise. The Upper Yakima System Storage Feasibility Study received a boost of \$1 million to begin a feasibility study to identify and assess storage alternatives within the Kittitas Reclamation District (KRD) area. The district could utilize conserved water or water diverted for storage as part of total water supply available for tangible improvements in meeting instream flow objectives, tributary supplementation efforts, aquatic habitat improvements, and support the delisting of steelhead and bull trout populations to meet the goals of the Yakima Basin Integrated Plan.

Last month's investments build on \$210 million in funding announced last year from the IJA for water storage and conveyance projects.

4. EPA: Environmental Justice Guidelines

EPA is planning to update its guidelines for assessing the cumulative risks to communities posed by pollution from a variety of sources for the first time the Clinton Administration issued the current [guidance](#) in 1997. EPA posted a draft public comment and said the proposed guidelines are intended to "describe considerations for evaluating when CRA [cumulative risk assessment] is both suitable and feasible, and steps to plan a CRA when those conditions are met." By EPA's definition, cumulative risk assessment "is an analysis, characterization, and possible quantification of the combined risks to health or the environment from multiple agents or stressors." Lengthier and more detailed than the 1997 guidance, the proposed guidelines are designed for EPA risk managers. Among other features, they lay out an eight-step process for planning the assessments and factors to take into account and offer examples of uncertainties that may affect the results.

The draft update is part of a larger Biden Administration project to overhaul EPA's methods for addressing communities' total exposure to pollution of all types. Environmental justice advocates have been pushing to see a more comprehensive approach as needed to address environmental justice, or the disproportionately heavy burden of pollution on people of color and low-income communities. EPA has set [an August 15 deadline](#) for public comment on the draft with another review cycle before the final version is released, but no deadline has been set for the final guidance.

5. CEQ: NEPA Rule

The White House Council on Environmental Quality (CEQ) has released its long-awaited Phase 2 National Environmental Policy Act (NEPA) rule, called the "[Bipartisan Permitting Reform Implementation Rule](#)," that would codify NEPA reforms included in recent debt-ceiling legislation as well as to ensure inclusions of Biden Administration priorities on climate change and environmental justice. The legislative changes clarified the roles of lead and cooperating agencies, set deadlines and page limits for agencies' reviews, add a process for a federal agency to use another agency's categorical exclusion and ensure faster reviews for projects that have few environmental effects.

Additionally, the proposed Phase 2 rule includes efficiency improvements by encouraging agencies to consider a project's mitigation measures to reduce the level of environmental review required, additional categorical exclusions and wider adoption of programmatic environmental impact statements. The proposed rule also clarifies that agencies should consider climate change effects in their NEPA reviews and identify reasonable alternatives to mitigate climate impacts.

Finally, it would reverse some provisions of the Trump administration's 2020 NEPA rule that CEQ says "created litigation risks and jeopardized community input," by removing "detailed and onerous" requirements on what public comments must contain to be considered. It also removes provisions that curtailed judicial review including a provision that encouraged agencies to require litigants to post monetary bonds for preliminary injunctions. CEQ will take comments on the proposal through September 20.

NEPA imposes a procedural requirement that does not mandate outcomes, only informed decision making. Despite its procedural nature, NEPA is one of the primary mechanisms for project opponents to challenge projects and is the most litigated federal statute. CEQ describes the changes in the Proposed Rule as promoting efficient and effective environmental review while increasing regulatory certainty. Given the history of NEPA litigation, and the significant changes in the Proposed Rule, it is likely that these changes will open new pathways for litigation and require courts to interpret the changes before providing regulatory certainty. We'll likely dust off our earlier NEPA comments to CEQ to get our concerns on the record.

6. Proposed ESA Rule Revisions

As previously reported, the U.S. Fish and Wildlife Service (“FWS”) and National Marine Fisheries Service (collectively, “the Services”) two months ago published three proposed rules related to implementation of the Endangered Species Act (“ESA”). The three proposed rules would:

- Revise regulations regarding interagency consultation, including broadening the scope of the Services’ conditioning authority;
- Reinstate a blanket protection for threatened species managed by FWS; and
- Clarify any “misconceptions” created by the Trump administration when it removed language in 2019 referencing economic impacts within the context of the classification process.

The Biden Administration agreed to rewrite the three ESA rules in response to a lawsuit filed by Earthjustice on behalf of the Center for Biological Diversity, Defenders of Wildlife, the Sierra Club, the Natural Resources Defense Council, and other litigious environmental organizations.

a. Alliance Actions

The Alliance has consistently and strongly supported efforts to reform the ESA and its implementing regulations – like the effort initiated by the Trump Administration - to provide clearer direction to the agencies in applying and enforcing the law. The Alliance in November 2021 developed a detailed comment letter to the Services that reaffirmed the support the organization placed behind the substance and process used to finalize the 2020 ESA rules that were rescinded by the current administration. It looks like we’ll go back to the drawing board again and reiterate those concerns to the agencies once more: comments are due August 21, 2023.

DEVELOPMENTS IN CONGRESS

Congress late last month left D.C. for August recess. The Senate returns to Washington on September 5th and the House on September 12th.

7. Senate ENR Water and Power Subcommittee Hearing on Water Legislation

The Senate Energy and Natural Resources (ENR) Committee, Water and Power Subcommittee recently heard testimony on sixteen bills dealing with the impacts of drought across the West, including restoration of fish habitat and permitting new hydropower projects. Prior to the hearing, we submitted [written testimony](#) that addresses most of the bills that were heard. We have actively advocated for and contributed to the development of several of the West-wide bills on the hearing docket. Legislation addressed in the Alliance testimony includes:

- [S. 482](#), the "Klamath Power and Facilities Agreement Support Act" from Subcommittee Chair Ron Wyden (D-OR) that would address issues related to impacts of the removal of non-federal hydro dams on the Klamath River, among other things left over from the failed Klamath Basin Restoration Agreement (KBRA).
- [S. 1521](#), the "Community and Hydropower Improvement Act" from Senators Steve Daines (R-MT) and Maria Cantwell (D-WA) which would improve the Federal Energy Regulatory Commission (FERC) licensing and relicensing processes across existing generation, nonpowered dams and pumped storage projects.
- [S. 2247](#), from Senators John Hickenlooper (D-CO) and Mitt Romney (R-UT) which would extend endangered fish recovery programs in the Upper Colorado and San Juan River Basins.
- [S. 1118](#), the "Open Access Evapotranspiration Data Act (OpenET)," from Sen. Catherine Cortez Masto (D-NV), which would provide for federal funds from the USGS to calculate water used by crops and vegetation across the landscape.
- [S. 2102](#), the "Water for Conservation and Farming Act," from Sen. Wyden, would establish a \$300 million fund at Reclamation for water recycling, efficiency, and dam safety projects, among other programs.
- [S. 2160](#), from Sen. Jim Risch (R-ID), which would help accelerate repairs to high-risk canals running through urbanized areas of the West through additional financial assistance from the Aging Infrastructure Account funded by the bipartisan infrastructure law.
- [S. 2161](#), the "Canal Conveyance Capacity Restoration Act," from Sen. Dianne Feinstein (D-CA), that would authorize \$653 million to restore three San Joaquin Valley canals impacted by subsidence and old age, and \$180 million for the restoration program on the San Joaquin River.
- [S. 2162](#), the "Support to Rehydrate the Environment, Agriculture and Municipalities (STREAM) Act," from Sen. Feinstein, which would increase water supply and modernize water infrastructure across the West.
- [S. 2166](#), the "Voluntary Agricultural Land Repurposing Act," from Sen. Alex Padilla (D-CA), which would provide grants to state and Native American tribes for programs to repurpose agricultural lands for at least 10 years in a bid to reduce groundwater use.
- [S. 2169](#), the "Watershed Results Act," from Sen. Wyden, would authorize the Interior Department to spend up to \$15 million annually for as many as five watershed pilot projects designed to provide measurable results from prioritized conservation activities across a watershed using advance watershed analytics and streamlined federal grants.

- [S. 2202](#), the "Restore Aging Infrastructure Now Act," from Sen. Feinstein, would draw from \$3.2 billion appropriated to Reclamation in the bipartisan infrastructure law to help pay for upgrades to aging Reclamation-owned canals that provide for additional public benefits, including drinking water for disadvantaged communities.

The sole witness at the hearing was Reclamation Commissioner Touton. Chairman Wyden oversaw the hearing, where the subcommittee powered through the docket in just over an hour. The panel also spent a portion of its hearing heaping praise on Commissioner Touton, highlighting the recent agreement by Colorado River Basin states over how to address shortfalls in that watershed. The hearing was webcast live on the [committee's website](#), and an archived video was made available shortly after the hearing concluded.

8. Water, Wildlife and Fisheries Subcommittee Hearing: ESA's 'Destructive Cost'

The House Natural Resources Subcommittee on Water, Wildlife and Fisheries (WWF) held an oversight hearing last week with the focus on the enormous costs and regulatory burdens created by the implementation of the ESA. With the ESA turning 50 years old in December, there is a renewed debate among lawmakers over the law and how it's implemented. The House Appropriations Committee recently released their FY 2024 spending bill that includes several policy riders to prevent the Interior Department (Fish and Wildlife Service) from using appropriated funding in FY 2024 to implement some specific ESA listing decisions such as the greater sage grouse and the northern long-eared bat, among others. FWS Director Martha Williams and NOAA Fisheries Deputy Administrator Janet Coit testified at the oversight hearing.

Additionally, on July 18, 2023, Rep. Westerman announced the creation of a joint ESA Working Group with the Congressional Western Caucus to examine how the ESA is being implemented by federal agencies, ESA's practical impacts on the American people, how litigation is driving ESA decision making and how success is defined under the ESA. The work of the subcommittee and the working group will inform legislation in the Natural Resources Committee to modernize and reauthorize the ESA. To learn more about the ESA Working Group, click [here](#).

9. Appropriations

House and Senate FY 2024 appropriations bills have moved through their respective committees but a gap of more than \$100 billion that will make bicameral talks especially challenging ahead of the September 30 deadline to avoid a government shutdown. The difference might get even bigger if House conservatives are successful in adding even more spending cuts into the House bills.

House Republicans failed to hold a vote before their August recess on the House Agriculture-FDA appropriations bill as conservatives pushed for more cuts. The House did, however, pass their version of the FY 2024 Military Construction-VA spending bill. Meanwhile, Senator appropriators want a supplemental spending bill to aid Ukraine and respond to natural disasters.

The House is scheduled to return on September 12, and will have a full schedule for the month, including passing the remaining 11 annual appropriations bills and reconciling differences with the Senate over the course of just 12 planned workdays that month. Barring an almost impossible task of passing all 12 bills and conferencing the huge spending differences between the House and Senate, a stopgap continuing resolution (CR) will need to be enacted to keep the government open after the end of the fiscal year on September 30.

10. **2023 Farm Bill**

a. State of Play

The farm bill is an omnibus, multiyear law that is typically renewed about every five years. All signs point to a short-term extension for several Farm Bill-related provisions from the 2018 Farm Bill covering numerous food and nutrition policies and programs. Like government funding, the Farm Bill expires on September 30, 2023, creating a critical time crunch for lawmakers, who have yet to release draft text of the legislation. Given the delays from the debt ceiling and appropriations negotiations, lawmakers have yet to release the draft text of the Farm Bill legislation in both chambers. Leaders in the House and Senate, Rep. Thompson and Sen. Debbie Stabenow (D-Mich.) have mentioned their desire to share draft legislation soon.

The Senate and House are on a collision course over the topic of SNAP (food stamp assistance), as reported recently by *Politico Morning Ag*. Senate Agriculture Chair Debbie Stabenow (D-Mich.) told *Politico*, that, from her perspective, Congress is “done” with any discussion around SNAP changes, since the debt limit agreement included some work requirement changes requested by Republicans. But Speaker Kevin McCarthy (R-CALIFORNIA), in his speech last month celebrating the House’s passage of the debt bill, appeared to gear up House Republicans for a farm bill battle over SNAP work requirements. The House Appropriations Committee also approved an annual spending bill last month that would slash funding for climate change and rural energy programs at USDA next year, in the face of strong opposition from minority Democrats.

b. Alliance Engagement

Engaging in the development of the next 2023 Farm Bill is one of our top priorities this year for the Alliance. The Alliance in April publicly rolled out its “Six Point Plan” intended to guide the organization’s advocacy efforts in Washington, D.C. Passing a 2023 Farm Bill that addresses Western agricultural challenges was a top priority. Flexibility in farm bill conservation title programs is a critical underpinning to successful implementation in the West. For example, climate mitigation should not just focus on carbon reduction and assume that planting more carbon-sequestering trees or no-till farming activities will solve the problem. We want to see 2023 Farm Bill conservation title programs that are administered efficiently and effectively, and support projects like irrigation modernization that provide multiple, stacked benefits, rather than simply focusing on climate fixes. The IRA contains massive funding for climate-smart agriculture through existing Farm Bill conservation programs.

Once again, we're working with our partners in the Western Agriculture and Conservation Alliance -the "WACC" – on the conservation title. The WACC earlier this year finalized its Farm Bill platform, which, among other things, puts priority on improving implementation of the Watershed and Flood Prevention Operations ("PL-566") and the Regional Conservation Partnership Program, encouraging active management for grazing, and seeking to provide better and faster conservation program technical assistance and compliance. The Alliance co-founded the WACC 12 years ago in an effort to better advocate for farm bill conservation title provisions that help Western farmers and ranchers, as well as the environment. The current farm bill has a strong Western flavor in large part due to the efforts of the WACC. Hill interest in WACC Farm Bill activity remains robust. We finalized a WACC letter for Senator Bennet in support of PL-566 legislation (see below), which he intends to introduce today.

c. PL-566 update

Finding ways to make the Natural Resources Conservation Service PL-566 watershed program implementation nimbler and one that prioritizes projects that generate multiple benefits (like irrigation modernization projects in the West) is one of our priorities for the 2023 farm bill. We've been working with the office of Senator Michael Bennet (D-COLORADO) on watershed legislation that he will soon be introducing, along with Senator Deb Fischer (R-NEBRASKA) and Senator Jeff Merkley (D-OREGON). The bill is S. 2636 - the Healthy Watersheds, Healthy Communities Act. The details on the bill can be found [here](#).

11. Western Water Accelerated Revenue Repayment Act

The Western Water Accelerated Revenue Repayment Act, which allows water users to pay off their water infrastructure debts to the federal government early to be free of burdensome regulations, passed the House Committee on Natural Resources and will advance to the House Floor. Alliance director Cannon Michael (CALIFORNIA) represented our organization and the San Luis & Delta-Mendota Water Authority in support of this legislation before the House Committee on Natural Resources, Subcommittee on Water, Wildlife and Fisheries earlier this summer. The office of Rep. Lauren Boebert (R-COLORADO) contacted us and included a support quote in this [press release](#).

12. Water Resources Development Act

The Senate Environment and Public Works Committee last month informally kicked off discussions over the next Water Resources Development Act (WRDA) bill, citing the need to begin early to continue to achieve the success of past WRDAs. This biennial legislation addresses some of the nation's most pressing infrastructure concerns, providing the Corps with new authorizations for studies and construction of locks and dams, ports, environmental restoration, and projects bolstering climate resiliency. Senate leaders do not anticipate that WRDA 2024 will be a policy-heavy bill. Of the issues discussed, some were more controversial than others, such as providing the Corps with permitting reforms to allow projects to be constructed more swiftly than in the

past. The recently passed debt ceiling deal included some reforms to the NEPA process for permitting infrastructure projects but talks continue about another round of reforms to help move these projects forward even faster. The Committee also raised issues to be contemplated for the next WRDA bill including extraordinary drought and floods that have been getting worse in various parts of the country.

13. House ESA Reform Efforts

The House WWF Subcommittee held an oversight hearing last month with the focus on the enormous costs and regulatory burdens created by the implementation of the ESA. With the ESA turning 50 years old in December, there is a renewed debate among lawmakers over the law and how it's implemented. Over the history of the ESA, approximately 1,700 species have been listed but only three percent have ever been considered recovered. Democrats point to the ESA's success in recovering species like the bald eagle, and a high rate of success in stopping endangered species from going extinct. The Biden administration has rolled back reforms made by the Trump administration intended to modernize the ESA.

Rep. Westerman last month also announced the creation of a joint ESA Working Group with the Congressional Western Caucus to examine how the ESA is being implemented by federal agencies, ESA's practical impacts on the American people, how litigation is driving ESA decision making and how success is defined under the ESA. The work of the subcommittee and the working group will inform legislation in the Natural Resources Committee to modernize and reauthorize the ESA. Rep. Jared Huffman (D-CALIFORNIA), ranking member on the WWF Subcommittee has joined the Republican-led group. House Natural Resources Republicans invited Democrats to be part of the effort. Rep. Huffman said he now expects to be included in the group's work.

The House late last month approved congressional resolutions of disapproval that would reverse the Fish and Wildlife Service's ESA protections for the northern long-eared bat and the lesser prairie chicken, though by margins far short of that needed to overcome a promised presidential veto. Earlier this year, President Biden vetoed two previous congressional resolutions of disapproval, one involving a Labor Department rule concerning sustainability provisions in retirement funds and one intended to strike down a WOTUS rule. Veto override votes failed in both cases.

ADMINISTRATIVE & MISCELLANEOUS

- I traveled to Palm Springs last week and made a presentation with Mike Wade (California Farm Water Coalition) to the Agricultural Media Summit, which was attended by 400 journalists from around the country.

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.