

Conservationists Challenge 'Destructive' Central California Dam Project

MARTIN MACIAS JR November 20, 2020



Del Puerto Canyon, on the west side of California's Central Valley. (Image by David Mark from Pixabay)

(CN) — A proposed dam in California's Central Valley is billed as a vital agricultural resource. But conservationists say it would also flood important cultural and recreational sites for surrounding communities and destroy wildlife habitat.

Del Puerto Canyon near Patterson, California, is a "treasured place" supplying critical habitat for protected plants and animals as well as bicycle routes, hiking trails and bird-watching areas for residents, according to a lawsuit filed Friday in Stanislaus County Superior Court.

The entrance to the canyon area, called the "gateway," is the area where water management officials propose constructing Del Puerto Canyon Reservoir.

But the dam, which would store approximately 82,000 acre-feet of water for nearby agricultural operations, would do more harm than good. Plaintiffs Sierra Club, Center for Biological Diversity, California Native Plant Society and Friends of the River claim officials' own impact report concludes the project would destroy indigenous cultural sites and emit dangerous greenhouse gases.

Water pumped from the Sacramento-San Joaquin Delta would also destroy habitat for California red-legged frogs, California tiger salamanders and golden eagles, all of which are protected species under state law.

But the Del Puerto Water District's 1,500-page assessment of the project's environmental impact falls short of requirements for comprehensive review under the California Environmental Quality Act, the conservationists say in their 28-page lawsuit.

Center for Biological Diversity attorney Ross Middlemiss said in a statement the water district must revamp the entire project to meet the CEQA standards.

"The water district's environmental review didn't even attempt to determine how many of these imperiled animals would be harmed by the project," Middlemiss said. "Officials' vague promises to look just before the bulldozers start won't protect these iconic species from the project's destruction."

Sean Wirth of the Sierra Club said in the statement the project also poses a risk to nearby communities if its structural integrity ever fails.

"The district's plan to destroy this precious local landscape, and further strain the seriously imperiled delta ecosystem, is sad and unfortunate," Wirth said. "This project would erase an important part of the area's history and access to nearby nature, while also putting the residents of Patterson at risk should the dam fail."

Patterson, a city of about 22,000 known as "The Apricot Capital of the World," sits just a few miles from the canyon's entrance.

Conservationists seek a court order overturning the district's certification of the proposed dam and a temporary restraining order and preliminary injunction blocking the district's implementation of the project.

A spokesperson for the Del Puerto Water District did not immediately respond to an emailed request for comment.

Ron Stork of Friends of the River said in a statement the dam would draw more water than allowed under current contracts and strain a delta water system that's on the brink of collapse.

"Sucking more water from the delta is not the solution to California's water supply challenges," Stork said. "This reservoir will only fuel increased demand among the agricultural interests of the San Joaquin Valley, worsening dependence on the already strained delta."

Nick Jensen of the California Native Plant Society said in the statement rare plant species such as the big tarplant, diamond-petaled California poppy and Lemmon's jewelflower face obliteration by the project.

"Del Puerto Canyon is an important botanical and cultural resource," Jensen said. "When a project's analysis of impacts misses the crucial first step of information gathering — like here, where the plant surveys conducted were inconclusive at best — it renders the entire environmental review process meaningless."

California Sues to Sink Planned
Expansion of Shasta Dam
May 14, 2019
In "Environment"

With a Lot of Help, Chinook Salmon
Return to the San Joaquin River
June 2, 2017
In "Environment"

Silicon Valley's Water District to Revisit
Delta Tunnels
April 27, 2018
In "Environment"

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Modesto Bee, Nov. 22, John Holland

Four environmental groups sue to stop reservoir in hills west of Patterson

The reservoir planned in the hills west of Patterson drew a lawsuit Friday from four environmental groups.

They claim the project would harm plants and wildlife in the immediate area, threaten Patterson with flooding, and worsen conditions in the Sacramento-San Joaquin Delta.

The Del Puerto Water District is planning the roughly \$500 million reservoir. It would enhance storage for farmers on about 45,000 acres straddling Interstate 5 between Vernalis and Santa Nella.

The suit was filed in Stanislaus Superior Court by the **Sierra Club, Friends of the River, the California Native Plant Society and the Center for Biological Diversity.**

"The district's plan to destroy this precious local landscape, and further strain the seriously imperiled Delta ecosystem, is sad and unfortunate," said Sean Wirth, conservation chair for the Sierra Club Mother Lode Chapter, in a new release.

The suit was no surprise. Opponents threatened legal action when the district board voted Oct. 21 to approve the environmental study for the project. It is expected to take about six years to build.

SUIT DOES NOT DETER WATER DISTRICT

Anthea Hansen, the district's general manager, responded to the suit in an email.

"Of course, we are disappointed with this course of events, but the district conducted an exhaustive environmental analysis of the project and we are confident in the outcome of any judicial review of that process," she said.

The 82,000-acre-foot reservoir would inundate part of Del Puerto Canyon, a sparsely populated landscape of grass and oak woodland. The water would be pumped from the Delta-Mendota Canal, part of the federal Central Valley Project.

The district gets some of its water from the CVP, pumped from the canal into San Luis Reservoir. It recently added a system for using treated wastewater from Modesto and Turlock.

Proponents say the new reservoir is badly needed in a state that has done little to increase water storage in the past half-century.

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“Storage of precious water supplies in times of abundance for use in times of need is absolutely a must for the future of agriculture and the environment in California,” Hansen said.

CONCERN ABOUT PLANTS AND ANIMALS

The suit said the reservoir would destroy habitat for animals such as golden eagles, red-legged frogs and tiger salamanders. It cited rare plants that include big tarplant, diamond-petaled California poppy and Lemmon’s jewelflower.

The plaintiffs also say seismic conditions under the dam site could lead to flooding of Patterson, home to about 23,000 people. The proponents have said such risks will be addressed in the design submitted to the state.

The suit contends that the increased storage would mean more diversions from the Delta, where fish already suffer from massive pumps and other impacts.

“Sucking more water from the Delta is not the solution to California’s water supply challenges,” said Ron Stork, senior policy advocate for Friends of the River. “This reservoir will only fuel increased demand among the agricultural interests of the San Joaquin Valley, worsening dependence on the already strained Delta.”

Friends of the River is a statewide group based in Sacramento. It got its start with the 1970s fight over New Melones Reservoir on the Stanislaus River.

The Sierra Club, based in Oakland, is a national group involved in water, energy, wilderness and other issues.

The Center for Biological Diversity has its headquarters in Tucson, Arizona, and works on behalf of wild plants and animals around the world.

The California Native Plant Society is based in Sacramento and promotes biodiversity around the state.

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Anthea Hansen

From: Reclamation Public Affairs <reclamationpao@usbr.gov>
Sent: Thursday, November 19, 2020 5:23 PM
To: Anthea Hansen
Subject: Trump Administration finalizes Shasta Dam plan to increase water for Californians and environment



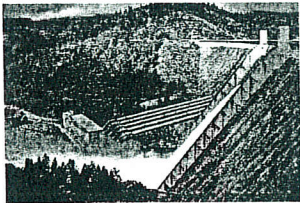
— BUREAU OF —
RECLAMATION

NEWS RELEASE

For Release: Nov. 19, 2020

Contact: Mary Lee Knecht, 916-978-5100, mknrecht@usbr.gov

Trump Administration finalizes Shasta Dam raise plan to increase water storage for Californians and the environment



REDDING, Calif. - The Trump Administration today released the Shasta Lake Water Resources Investigation Final Supplemental Environmental Impact Statement to increase water storage capacity in the Shasta Lake reservoir by 634,000 acre-feet, or more than 200 billion gallons. This is enough water to support more than 6 million Californians annually.

"President Trump has made investing in our existing infrastructure a top priority. Raising Shasta Dam is one of the smartest and most cost-effective opportunities we have before us," said **Commissioner Brenda Burman**. "Shasta Dam sits at the head of California's largest water system—the Central Valley

Project. Not only will the project benefit farms, communities and the environment, it will provide ample opportunities for smarter water management."

For decades, many federal western water infrastructure investments have been undermined by federal inaction and the State of California. In fact, there has not been any major federal water storage infrastructure built since 1979 even as the state's population has nearly doubled. Today's actions are yet another example of how the Trump Administration is working to enhance water storage capacity and appropriately protecting species and habitats. This comes after an already long list of water actions from the Trump Administration benefiting Californians, namely including:

- President Trump issuing a Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West on Oct. 19, 2018;
- the completed review of the long-term coordinated operation for the Central Valley Project and California State Water Project and subsequently issuing an updated operation plan and Record of Decision;
- President Trump issuing a Presidential Memorandum on Developing and Delivering More Water Supplies in California while visiting Bakersfield, California on Feb. 19, 2020;
- the completion of repairs to a 33-mile stretch of the Friant-Kern Canal in California's eastern San Joaquin Valley; and
- the establishment of an interagency Water Subcabinet that is coordinating and streamlining the federal government's actions on water-related issues.

"Raising Shasta Dam is critical to helping improve drought resiliency in the State of California, as it will provide more water for people, fish, and the environment," said **House Republican Leader Kevin McCarthy (CA-23)**. "This project is a win all around. I want to commend Secretary Bernhardt and Commissioner Burman for continuing to prioritize this project, despite ongoing and misguided opposition from Sacramento bureaucrats and some elected officials from California. The Trump Administration has taken many actions to improve the lives of Californians by pursuing policies to help our communities get the water that we contract and pay for, and we are grateful."

"President Trump has again delivered on his promise to secure more water for Central Valley families and farmers," said **Congressman Devin Nunes (CA-22)**. "Increasing water storage is vital to making our communities drought resistant. By cutting red

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tape and raising the Shasta Dam, the Trump administration has taken crucial steps toward undoing the government-made drought conditions plaguing Valley communities. I want to thank President Trump and Secretary Bernhardt for their unwavering commitment to solving the California water crisis."

"Northern California is one of the most water-rich regions of the country, and yet is plagued by water shortages because of a chronic lack of water storage," said **Congressman Tom McClintock (CA-04)**. "After decades of bureaucratic dithering and obstruction, the Shasta Dam raise is finally within sight of actual construction—an important step toward restoring water abundance to our communities."

"Additional water storage is critical for people, the environment, and agriculture. Raising Shasta Dam provides 634,000 acre-feet of new water," said **Congressman Doug LaMalfa (CA-01)**. "This project is a cost-effective solution to a long-term problem plaguing California, and will also create new good paying jobs in Shasta County. I thank the Trump Administration for bringing this long-sought project closer to fruition."

Shasta Dam is a keystone of Reclamation's Central Valley Project, which extends over 400 miles through California's Central Valley providing water for more than three million acres of farmland, nearly six million people, and critical fish and wildlife species. Reliable water is critical to the economic progress of the region – and our nation – as more than 40 % of the country's fruits, nuts and vegetables are grown in the Central Valley, largely using water from the CVP and its largest reservoir—Shasta Lake.

"We are pleased to achieve this significant milestone for such an important project for the state," said **Regional Director Ernest Conant**. "California needs a more reliable water supply for agriculture and communities, and modernizing our existing infrastructure is one of the most efficient means to make that happen."

Background

Congress first directed Reclamation to look at the feasibility of raising Shasta Dam in the 1980s, and then again in 2004. More recently, recognizing the need for increased surface water storage and the need to find funding mechanisms that work in today's vastly over-stretched federal budget, Congress passed the Water Infrastructure Improvements for the Nation Act in 2016 with broad bipartisan support.

Reclamation and other federal agencies have spent decades carefully evaluating data to ensure an environmentally sound approach to raising Shasta Dam. The dedicated environmental storage from the dam raise would improve water quality in the Sacramento River below the dam by lowering water temperatures for anadromous fish survival, such as Chinook salmon and other fish that migrate from the ocean to rivers to spawn. This includes ensuring that the McCloud River and the important wild trout fishery it supports are protected.

The finalized SEIS comes after considering more than 6,500 public comments on a proposal to raise the 600-foot-tall Shasta Dam by 3%, or an additional 18.5 feet.

A Supplemental EIS is used when new or updated information becomes available after the publication of the Final EIS. Since 2015, Reclamation identified several key areas that required updating and initiated a Draft Supplemental EIS in accordance with the National Environmental Policy Act. The original 45-day comment period for the DSEIS was extended by two weeks and closed October 5. The Final SEIS is available for review at: https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=1915.

The supplemental document provides information relevant to Reclamation's application of Clean Water Act Section 404(r), updates modeling to be reflective of the 2019 Biological Opinions and provides an updated analysis on effects to the McCloud River, and considers public input.

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The Bureau of Reclamation is a federal agency under the U.S. Department of the Interior and is the nation's largest wholesale water supplier and second largest producer of hydroelectric power. Its facilities also provide substantial flood control, recreation opportunities, and environmental benefits. Visit www.usbr.gov and follow @USBR and @ReclamationCVP on Twitter.

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MEMORANDUM

TO: SLDMWA BOARD OF DIRECTORS
FROM: DAN KEPPEL, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
DATE: DECEMBER 7, 2020

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 the preparing for the new Biden-Harris administration, tracking water legislative developments in Congress, engaging in federal agency rulemaking efforts, planning for our 2021 "virtual" annual conference and addressing some important administrative matters. These issues and other matters important to our members are further discussed in this memo.

2020 ELECTION

Former Vice President Joe Biden is now President-elect Joe Biden, Democrat control of the House narrowed to a handful of votes, and the control of the Senate is still undecided. The 2020 election has important ramifications for the country and rural communities in the American West. On Saturday, November 7, 2020, most media outlets called the presidential election for the Biden-Harris ticket. Mr. Biden, 77, will become the oldest president-elect in U.S. history, while Donald Trump is the first president since 1992 to fail to win a second term. President Trump has challenged numerous states' election results, claiming widespread illegal voting. He recently committed to leaving the White House in January if the Electoral College votes for Joe Biden, but says he'll continue to contest the election results and still refuses to concede. While they maintained their majority, Democrats lost seats in the House, and the balance of power in the Senate will be decided by two Senate races in Georgia on January 5, 2021.

1. Biden-Harris Transition Team

The Biden-Harris election team within days of the election announced a list of mostly volunteers to serve on "agency review teams" that are meant to spend the coming weeks learning about Federal agency operations and how to effectively implement Mr. Biden's policies when he is

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inaugurated on January 20. The General Services Administration (GSA) has told President-elect Joe Biden that the Biden-Harris transition can officially begin. GSA Administrator Emily Murphy will now make resources and services available to the Biden-Harris team to assist in the presidential transition. The GSA administrator ascertains the "apparent" winner of the race under the Presidential Transition Act and then frees up federal funds and access to agencies' staff and documents to the president-elect's transition team. Other federal agencies are expected to follow GSA's lead and welcome the transition in the coming days. With President Trump contesting the results, GSA waited to ascertain the 2020 race's winner, citing precedent by the Clinton Administration after the 2000 election. Then the agency only authorized the George W. Bush transition team's use of federal money and office space 36 days after the election, when former VP Al Gore conceded.

2. Biden Administration Environmental Priorities

The teams assigned to environmental and energy agencies have the task of helping Mr. Biden deliver on one of his highest priority campaign promises – a \$2 trillion plan to fight climate change. Also, the teams will help assess which policies and executive actions a President Biden would want to overturn on day one of a new Administration. Numerous volunteers from academia, non-governmental organizations (NGOs), and former Obama Administration officials were appointed to begin the transition to a Biden-Harris Administration.

Mr. Biden has promised that combating the U.S. outbreak will be his highest priority, along with fixing a once vibrant economy that was nearly shattered by the COVID pandemic. He has signaled that he is planning to quickly sign a series of executive orders after being sworn into office on Jan. 20. One of those will reportedly bring the U.S. back to the table for the Paris climate accords, and another will reverse President Trump's withdrawal from the World Health Organization. According to *Politico*, Mr. Biden will repeal the ban on immigration from many Muslim-majority countries, and he will reinstate the program allowing "dreamers," who were brought to the United States illegally as children, to remain in the country. Environmentalists and immigration advocates are also calling for Biden to halt construction of the wall along the southern border. The new administration will likely move in a different direction from the Trump Administration on issues like global trade, environmental regulations and food assistance. Mr. Biden has also said he would reevaluate the Trump Administration's new "Waters of the U.S." (WOTUS) rule, incorporating feedback from farmers and ranchers.

Much of Mr. Biden's early agenda — including which pieces of legislation to prioritize — will be determined in the coming weeks as his transition team begins to take shape. However, it appears likely he'll have a Senate Republican majority ready to block more ambitious and controversial plans, unless Republican Senators from Georgia lose their seats in runoff elections on January 5.

3. Potential Biden Cabinet Members

The Departments of Agriculture and Interior house the federal agencies that have the greatest role

in the day-to-day operations of Western irrigators. Mr. Biden's main agriculture adviser is former Secretary Tom Vilsack, who is reportedly backing former North Dakota Sen. Heidi Heitkamp for the top job at the U.S. Department of Agriculture (USDA). Other potential contenders are recently ousted Rep. Collin Peterson (D-MN), Montana Governor Steve Bullock, California Ag Secretary Karen Ross, and Reps. Cheri Bustos (Ill.) and Marcia Fudge (Ohio). Progressive farm groups have mobilized to pressure the incoming administration to select a more left-leaning Agriculture Secretary, and they're promising a fight if Sen. Heitkamp is the nominee. More than 130 left-leaning groups sent a letter to the Biden transition team urging them to avoid selecting Heitkamp due to her ties with the fossil fuel industry. Robert Bonnie is the head of the Biden review team for USDA, and Alliance President Pat O'Toole has been in contact with him. We also shared a copy of our transition team recommendations with Mr. Bonnie (see Item 4, below).

Several New Mexican politicians are being considered to head the Department of Interior, including Senator Martin Heinrich, Senator Tom Udall, Rep. Deb Haaland, and former Deputy Interior Secretary Mike Connor. More than 50 House Democrats, led by Rep. Raul Grijalva (D-ARIZONA), are endorsing Rep. Haaland as the new Interior Department Secretary. A group of Native American organizations also sent President-elect Biden a letter backing Rep. Haaland. Retiring Sen. Udall believes he remains a top contender to be President-elect Joe Biden's Interior secretary, according to *E&E News*. An old friend of the Alliance – Mike Connor, former Deputy Interior Secretary in the second term of the Obama Administration – is also in the mix.

Senate Minority Leader Chuck Schumer (D-N.Y.) and Arnold Schwarzenegger, the former Republican governor of California, are supporting Mary Nichols as the new Administrator of the Environmental Protection Agency (EPA). As you likely know, she was California's top air quality appointee for over a decade and also led EPA's air office during the Clinton administration. Environmental justice advocate Mustafa Santiago Ali has been floated as a potential pick to lead the Council on Environmental Quality. Santiago Ali is a former EPA environmental justice official and current vice president at the National Wildlife Federation.

The majority of the Cabinet positions, however, still have yet to be decided. The Biden team has launched a new website outlining four central priorities for the beginning of his term.

4. Alliance Activities

Last month, the Alliance transmitted a letter for the Biden-Harris transition team that outlines the issues important to our organization. We are looking with an eye towards finding common ground, and using new avenues and messaging to drive our initiatives. Many of the new policies implemented by the Trump Administration are successful and have value. Aging infrastructure and payment for ecosystem services are areas of focus, and we also believe that the Trump Water Subcabinet concept should be advanced. All of these recommendations are infused in our letter with a message conveying the importance of domestic food production and a reliable food supply chain, issues that have been highlighted due to the COVID crisis.

The Alliance and others in the ag sector are already working with constructive conservation organizations to get organized ahead of a new focus on addressing climate change in a Biden administration. We are also working with our allies in Western agriculture and water on letters to Congress and the White House intended to tee up federal policy makers of the need to include Western water infrastructure in any new stimulus package that includes an infrastructure component.

5. Outlook for the 117th Congress – House of Representatives

Because the Democrats will continue to hold a majority in the U.S. House of Representatives, all the Chairmanships of all 22 standing Committees will continue to be held by Democrats. The sense from many is that, if the Republicans hold the Senate, the slim majorities in each chamber may empower the moderates from both sides of the aisle in the next two years.

a. Leadership

House Speaker Nancy Pelosi earlier this month secured the Democratic Caucus nomination to be Speaker in the 117th Congress and has indicated this may be her last term as Speaker. She will now need to garner 218 votes from the House floor in January to be re-elected as Speaker. She will need to have the entire Democratic Caucus coalesce around her candidacy due to a much narrower majority over the GOP, which picked up more seats in the House in November than previously predicted. House Democrats also re-elected many of their current leaders for the 117th Congress, including Majority Leader Steny Hoyer (D-MD) and Majority Whip Jim Clyburn (D-SC), and they selected Rep. Katherine Clark (D-MA) as Assistant Speaker.

California Rep. Kevin McCarthy was re-elected as House Minority Leader for the 117th Congress. Louisiana's Rep. Steve Scalise was re-elected a Minority Whip and Rep. Liz Cheney of Wyoming was again picked to be GOP conference chair. Committee ranking members will be chosen sometime in December.

b. Committee Chairs

The 50-member House Democratic Steering and Policy Committee will open up the new month by voting to nominate candidates running for the three open House Committee Chairmanships for the 117th Congress. California Rep. Jim Costa last week lost the vote for chair of the House Agriculture Committee to Georgia Rep. David Scott. Mr. Costa received key endorsements from the Family Farm Alliance and over 70 agricultural organizations because of his extensive experience and effectiveness in delivering results for American agriculture. Rep. Scott, who had the endorsement of a dozen House colleagues and a letter of support from current Chairman Peterson, will become the first African American to lead the committee.

Most of the current Republicans who serve as Ranking Members of House committees in the 116th Congress will remain in these roles in the new 117th Congress. Glenn "GT" Thompson (PA) will

serve as the top Republican on the House Agriculture Committee next year. Thompson will succeed ranking member Mike Conaway (TEXAS) following his retirement. The Republican steering committee recommended Rep. Thompson over Reps. Austin Scott (Ga.) and Rick Crawford (Ark.), who were also vying for the position. In his new role, Thompson pledged to restore a robust rural economy, help develop precision agriculture, identify climate solutions through voluntary conservation, and expand agricultural market opportunities with strong trade deals. The House Republican Steering Committee also nominated Rep. Cathy McMorris Rodgers (WASHINGTON) for ranking member of the Energy and Commerce Committee and Rep. Bruce Westerman of Arkansas for ranking member of the Natural Resources Committee.

c. New Congressional Western Caucus Chair

The Executive Committee of the Congressional Western Caucus earlier this month elected Rep. Dan Newhouse (R-WASHINGTON) as Chairman of the Caucus for the 117th Congress. The Congressional Western Caucus has long been a strong supporter of Western irrigated agriculture. The Western Caucus, currently led by Chairman Paul Gosar (R-ARIZONA), is a bipartisan coalition of nearly 70 Members of Congress from 35 different states and territories who advocate for rural, western, and resource-based communities.

6. Outlook for the 117th Congress – Senate

Three incumbent Senators running for re-election were defeated: Sens. Doug Jones (D-AL), Cory Gardner (R-COLORADO), and Martha McSally (R-ARIZONA), resulting in a net gain of one seat for Senate Democrats, from 47 to 48. The Senate GOP will have 50 seats in the upper chamber leading up to the January 5th runoff elections in Georgia, and Senate Democrats will have 48 seats. Control of the Senate now depends on the outcomes of the Georgia runoff elections.

a. Sens. McConnell, Schumer Reelected to Senate Leadership Posts

With control of the Senate still up in the air, Senate Republicans and Democrats reelected their respective leadership teams for the 117th Congress. Current Majority Leader Mitch McConnell of Kentucky won another term as the top Senate Republican, with South Dakota's John Thune to serve as GOP Whip, John Barrasso of Wyoming as conference chairman, Missouri's Roy Blunt as policy committee chairman and Joni Ernst of Iowa as conference vice chair. Senate Democrats reelected Chuck Schumer of New York as Minority Leader, Illinois' Dick Durbin as Whip, Patty Murray of Washington as assistant Leader, and Michigan's Debbie Stabenow as lead for the Democratic Policy and Communications Committee (DPCC) again.

b. Barrasso to Chair Senate Energy and Natural Resource (ENR) Committee

Sen. John Barrasso (R-WYOMING) – a long-time supporter of Alliance initiatives - has announced that he intends to chair the Senate ENR Committee next Congress (assuming the GOP still controls the Senate), vacating his current position as chair of the Environment and Public

Works (EPW) Committee. Current ENR chair Sen. Lisa Murkowski (R-AK) is term limited in that position.

COVID-19 UPDATE

As of December 6, over 14.7 million people in the United States have been infected with COVID-19 and over 282,000 have died, according to STAT's COVID-19 tracker. New cases have increased by over 14% in the past two weeks, and the death rate has increased over 37% in the same time period. As case numbers rise, state and local governments are implementing a patchwork of restrictions and mandates to slow the spread of the virus. On Wednesday, the U.S. recorded its highest single-day coronavirus death toll to-date with 3,157 deaths. The record high came the same day new hospitalizations exceeded 100,000 for the first time and newly reported infections hit 200,000 for only the second time, according to the COVID Tracking Project.

7. Trump Administration Actions

The Hill reports an estimated 6.4 million doses of Pfizer's vaccine will be distributed to states and territories by mid-December, assuming it receives FDA authorization, Operation Warp Speed officials told reporters.

8. Developments in Congress

A group of bipartisan legislators from the House and Senate last week unveiled a \$908 billion coronavirus emergency relief proposal, which notably includes \$160 billion for state, local, and tribal governments. There are two other proposals floating around Capitol Hill – one from Senate Majority Leader Mitch McConnell and one from House Speaker Pelosi and Senate Minority Leader Schumer reportedly totaling around \$1.3 trillion (the details of which have not yet been publicly released). The \$500 billion proposal from Majority Leader McConnell, like the Senate Republicans' \$519 billion proposal announced earlier this fall, contains no additional funding for state and local governments. We can confidently assume the proposal from Speaker Pelosi and Minority Leader Schumer includes state and local aid. However, on Wednesday, Speaker Pelosi and Minority Leader Schumer announced they support the \$908 billion bipartisan proposal as the baseline for a new round of negotiations. President-elect Joe Biden also endorsed the bipartisan measure, calling it a “down payment,” though he said more aid will probably be needed in the future.

Leader McConnell said Tuesday he would like to incorporate coronavirus relief as part of the FY 2021 Appropriations package Congress will need to pass by Friday, December 11. Senate Appropriations Committee Chairman Richard Shelby (R-AL) said a Continuing Resolution – likely through December 18 – will be necessary if a spending deal is not reached by December 9.

9. Biden-Harris Transition

The Biden-Harris Transition announced the board members for their COVID-19 Advisory Board.

TRUMP ADMINISTRATION ACTIVITIES

10. Water Subcabinet

Recall that President Trump in late October signed an executive order formalizing the creation of the Water Subcabinet. We have been working with staff for the Subcabinet in recent weeks with the intent of continuing to elevate nutrient management and water quality strategies as referenced in the Executive Order on Modernizing Water Management and Infrastructure.

11. Department of Interior Bureau of Reclamation: Excess Capacity D&S

Last month, Mark Limbaugh and I spoke with Reclamation Deputy Commissioner Hagenauer regarding two Directives and Standards (PEC 05-10, and PEC 05-11) that Reclamation is preparing to finalize that relate to pricing for Excess Capacity at Bureau of Reclamation projects. The revised draft of PEC 05-10 Contracting for Non-Project Use of Excess Capacity in Reclamation Project Facilities can be found **HERE**. The revised draft of PEC 05-11 Charges for Non-Project Use of Excess Capacity in Bureau of Reclamation Project Facilities can be found **HERE**. These were last circulated in draft form among stakeholders in 2016, in the previous administration, and we spent some energy in working to put this effort on ice, at least temporarily. The Commissioner's office believe the new Directives and Standards (D&S) releases would benefit customers by protecting project receipts (rather than losing access to those funds) and use those revenues to help address maintenance needs. Because comments from the prior review have now been incorporated, right now, Reclamation is asking to identify any 'fatal flaws.' We've been working closely with SLDMWA staff in recent weeks on this matter. Reclamation is also planning a larger stakeholder ZOOM call on Wednesday, which we will participate in.

12. Natural Resources Conservation Service (NRCS): Western Water Listening session

NRCS will host a virtual, open, public listening session with remote participation only, for public input about water quantity in the West as it relates to existing NRCS programs. The listening session will be held on December 17, 2020, starting at 10:00 a.m. Eastern time. A mid-day break will be scheduled at approximately 12:00 p.m. (noon). The notice of the session was published in the Federal Register last week. The listening session will begin with brief opening remarks, with an overview of NRCS efforts to address water related issues in the west. Then speakers will be called to provide oral comments (limited to 3 minutes). This event derived from actions suggested by our partners in the Western Agriculture and Conservation Coalition (WACC), including Alliance director Marc Thalacker, Jeff Eisenberg (WACC coordinator) and yours truly working with Ron Alvarado at NRCS. Several of us will be participating and making statements.

DEVELOPMENTS IN CONGRESS

A bipartisan group of senators is scrambling to transform a \$908 billion COVID-19 relief framework into legislative text that may be released as early as today, as political momentum appears to be coalescing around the last-ditch push to enact new stimulus before the end of the

year. Congress returned to Washington last week as the lame-duck session – which occurs when Congress is in session after a November election and before the beginning of the new Congress – winds down towards its end. As noted earlier, talks over a fifth COVID-19 relief package have stalled yet again, but with cases climbing nationwide and restrictions being re-imposed in many areas of the country, the pressure is mounting for Congress to arrive at a smaller deal focused on relief for the unemployed, small businesses and potentially state and local governments. Finalizing Fiscal Year (FY) 2021 spending packages for the federal government remains a top priority.

13. Senate Releases FY 2021 Spending Bills – Negotiations Commence with House

The Senate Appropriations Committee last month released its 12 annual government funding bills, without holding any markups, to serve as an opening bid in negotiations with the House, which has passed all but two of their FY 2021 appropriations bills. The Senate FY 2021 Energy and Water Development spending bill would provide additional funding for WaterSMART and other ongoing work for the Corps of Engineers (Corps) and the Bureau of Reclamation (Reclamation) much like the House bills did. However, the Senate version did not include the roughly \$20 billion in emergency spending for the Corps and Reclamation provided in the House bill. The Senate bill also did not name storage projects requested by the Administration for Water Infrastructure Improvements for the Nation (WIIN) Act funding, something the House bill did do, with the caveat the Administration would need to provide their list of recycling and desalination projects (which has not occurred to date) for the water storage projects to gain the requested funding. Both bills added funding to WIIN Act water infrastructure account, which continues to grow faster than expenditures to listed projects. The Alliance and NWRA last week co-signed a letter to Congressional leaders, urging that the WIIN Act be extended for one year, to allow certain feasibility studies for projects that are in the queue to move towards completion.

The Senate FY 2021 Interior, Environment and Related Agencies bill (which funds the Environmental Protection Agency (EPA) and the Department of the Interior) came out \$18 million less than FY 2020 and about \$1 million less than the House passed bill. Senate appropriators would provide an additional \$60 million to the Water Infrastructure Finance and Innovation Act (WIFIA) loan program to provide low-interest loans to local utilities to finance up to 49% of the cost of upgrades to their systems.

14. Western Water Infrastructure Priorities in the Lame Duck

House and Senate Water Resources Development Act (WRDA) bills would authorize the U.S. Army Corps of Engineers (Corps) to carry out a two-year roadmap of water infrastructure projects. House and Senate staff have been informally negotiating and seeking to reconcile differences “behind the scenes” for many weeks. Mark Limbaugh reported on Friday that the final WRDA, S. 1811 has been filed for a vote this week. There are no Reclamation provisions in this bill, but we believe a Reclamation Western Water Package (including bills that we’ve been working on for much of the past year) could move on the omnibus appropriations bill for FY 2021 by December 18. A one week short term Continuing Resolution will be filed next week to allow for the omnibus

to be finalized for a vote. House members are now slated to cast their votes as early as tomorrow on S. 1811, the "Water Resources Development Act of 2020," which will come up under suspension of the rules, a way to fast-track noncontroversial measures. Now, according to *E&E News*, drinking water industry groups are hoping an infrastructure bill early next year under an incoming Biden administration might serve as a vehicle for those provisions, including pandemic relief for utilities, left on the cutting room floor (see related discussion under Item 4, above).

15. House Resources Committee Ocean Climate Bill

Natural Resources Committee Chair Raúl Grijalva (D-ARIZONA) has introduced a 324-page bill intended to boost offshore wind energy production and bar new offshore oil and gas drilling while creating new protected areas and significantly boosting coastal and wetland restoration. Rep. Grijalva said the lawmakers aimed to further fine tune the bill for the next Congress. The legislation sets a goal of restoring 1.5 million acres of coastal wetlands over 10 years, while creating a grant program for projects that capture greenhouse gases and authorizing hundreds of millions annually for five years toward those various efforts across several federal agencies. Like President Obama's National Ocean Policy and other legislation introduced earlier this year by Water, Oceans and Wildlife (WOW) Subcommittee Chairman Jared Huffman (D-CALIFORNIA), this legislation has vague definitions and provisions that could impact water users up and down the Pacific Coast. We developed written testimony for a full Committee hearing on this bill, which was held on November 17. The bill is well-intended, but may be premature, and is very expensive. There are several proposed sections that could have implications for inland agricultural and water management activities.

ALLIANCE INITIATIVES

16. Wildfires and Forest Watershed Health

Massive wildfires in Western headwaters forests and lands can create significant impacts to downstream water uses. The two elements of water quality and quantity are the pillars upon which ecosystems, cities, ranches and farms stand. Water in the West is the single element without which our country's high-quality food and fiber would cease to exist. Roughly 50,000 wildfires have burned more than 8.5 million acres this year in the West. The Family Farm Alliance joined the Association of California Water Agencies and other partners and sent a letter to Congressional Leadership last month urging action on a wildfire legislative package before the end of session. The Family Farm Alliance is on record for supporting S. 4431, the bipartisan *Emergency Wildfire and Public Safety Act of 2020*, sponsored by Sens. Dianne Feinstein (D-CALIFORNIA) and Steve Daines (R-MONTANA). Check out the related guest column I wrote that was published in the September 25, 2020 edition of *Western Farmer- Stockman* magazine.

17. 2021 Annual Conference

We hope you will join the Family Farm Alliance (virtually, that is) during the week of February 15, 2021 to learn how Western agricultural water users are working with their communities, federal

and state governments, investors and NGOs to shore up their water reliability. The 2021 Family Farm Alliance annual conference originally scheduled to be held in Reno (NEVADA) at that time will now be a virtual event. This decision by the Alliance board of directors was made after careful consideration of all options. With the global COVID pandemic, and the associated uncertainty that surrounds us during this difficult time, the board decided it was not in the best interest of our attendees to move forward with an on-location event. More information - including final dates, registration and sponsorship opportunities, and a program agenda - are being developed and will be shared with Alliance membership and the public in the coming weeks.

JUDICIARY DEVELOPMENTS

18. Blue States Again File Suit Against Trump Administration WOTUS Rewrite

A coalition of blue states have renewed their efforts to block the Trump Administration rule that redefined the scope of the Clean Water Act (CWA) with a new definition of "waters of the U.S.," or WOTUS. The states argue in their filing with the U.S. District Court of the Northern District of California that the rule should be struck down as inconsistent with the CWA and as "arbitrary and capricious" under the Administrative Procedure Act. The States of California and New York led the multistate **motion** for summary judgment in their challenge against the Trump Administration's WOTUS rewrite, also known as the *Navigable Waters Protection Rule*. Litigation over the Trump WOTUS rewrite is ongoing in several district courts across the country. President-elect Joe Biden is largely expected to instruct his EPA and Army Corps of Engineers to revamp the rule once he takes office next year.

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.