



Monthly Briefing

A Summary of the Alliance's Recent and Upcoming Activities and Important Water News

2024 Election: Trump 47 and GOP Control of Congress

Former President Donald Trump will return to the White House as the 47th President of the United States, and Republicans will control both chambers - albeit narrowly, in the House of Representatives - in the 119th Congress.

In addition to focusing on the recent victory and actions taken by the Trump transition team, this edition of the "Monthly Briefing" features articles previewing the 119th Congress and actions underway in the lame duck session of the 118th Congress.

The 2024 election has important ramifications for the country and rural communities in the American West.

"With a 6-3 conservative Supreme Court majority, Mr. Trump's initiatives will likely have substantial support," said Mark Limbaugh with The Ferguson Group, the Family Farm Alliance's representative in Washington, D.C.

Out of the Gate, Trump Announces Cabinet Picks

President-elect Trump named his campaign co-manager Susie Wiles chief of staff two days after his election win, marking his first major administrative pick. Ms. Wiles will be the first woman to hold the position.

"Susie is tough, smart, innovative, and is universally admired and respected," Mr. Trump said in a statement. "I have no doubt that she will make our country proud."

President-elect Donald Trump quickly followed up by announcing his intention to appoint former New York Congressman Lee Zeldin to lead the Environmental Protection Agency (EPA). Mr. Zeldin, a supporter of Mr. Trump, is expected to advance Mr. Trump's goals of increasing U.S. energy production and reducing environmental regulations.

"We will restore US energy dominance, revitalize our auto industry to bring back American jobs, and make the US the global leader of AI," Mr. Zeldin said in a statement. "We will do so while protecting access to clean air and water."

President-elect Trump has chosen South Dakota Governor Kristi Noem (R) to be nominated as his Secretary of Homeland Security. Known for her loyalty to Trump, Noem will lead an agency responsible for border security, immigration, disaster response, and the U.S. Secret Service.

"She will be a great part of our mission to Make America Safe Again," President-elect Trump said.



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Trump Cabinet Rapidly Takes Shape (*Cont'd from Page 1*)

Governor Noem's appointment aligns with Mr. Trump's commitment to intensify deportations, as he has also named immigration hard-liners Stephen Miller as his deputy Chief of Staff and Tom Homan as his border czar.

The Departments of Agriculture and Interior house the federal agencies that have the greatest role in the day-to-day operations of Western irrigators.

President-elect Trump has nominated Brooke Rollins as the next Secretary of Agriculture. Rollins, 52, graduated from Texas A&M University with an undergraduate degree in agricultural development before completing law school at the University of Texas.

"As our next Secretary of Agriculture, Brooke will spearhead the effort to protect American Farmers, who are truly the backbone of our Country," Mr. Trump said in a statement.

Ms. Rollins brings comparatively less agricultural policy experience than other names floated for the position, *Bloomberg Government News* recently reported. She also grew up on a farm, graduated from Texas A&M University with an agriculture development degree, and has been involved in student organizations promoting agriculture, Mr. Trump said in his announcement.

She served as domestic policy chief during Trump's first term, a portfolio that included agricultural policy. After leaving the White House, she became president and CEO of the America First Policy Institute, a group helping to lay the groundwork for a second Trump administration.

Some left-leaning conservation groups were critical of the pick.

"This appears to be another example of President-elect Trump doling out cabinet appointments for loyalty rather than expertise," Karen Perry Stillerman, with the Union of Concerned Scientists, said in a statement. "Our nation's farmers, food workers, consumers and the public servants at the USDA deserve a secretary who knows and cares about the challenges they face."

However, American agricultural organization representatives were generally supportive of her nomination.

"America's cattle producers need a Secretary of Agriculture who will protect family farms and ranches, roll back crushing regulations, and stand up for rural values—and we look forward to working with Secretary-Designate Rollins to make it happen," said National Cattlemen's Beef Association Vice President of Government Affairs Ethan Lane in a statement.

"We congratulate Brooke Rollins on her nomination to be Secretary of Agriculture," added American Farm Bureau Federation President Zippy Duvall. "Effective leadership at USDA is more important than ever as farmers and ranchers face a struggling agricultural economy."

President-elect Donald Trump announced his plans to nominate North Dakota Governor Doug Burgum, a one-time rival for the Republican presidential nomination, to run the Interior Department.

"We're going to do things with energy and with land — Interior — that is going to be incredible," Mr. Trump told an audience at Mar A Lago.

As Interior Secretary, Governor Burgum would be responsible for managing federal lands, including on and off-shore

development, leasing and management of oil and gas and minerals. He would also be responsible for Interior's Water and Science agencies, including the U.S. Bureau of Reclamation and U.S. Geological Survey.

Mr. Burgum was elected Governor of North Dakota in 2016 in a landslide and was easily reelected in 2020. He launched a bid for the Republican presidential nomination, but soon dropped out and endorsed President-Elect Trump.

"Governor Burgum knows what it takes to unleash American energy," said Senator John Barrasso (R-WYOMING), currently the Ranking Member of the Senate Energy and Natural Resources Committee. "He recognizes how important our federal lands are for energy and mineral production, grazing, and recreation. As North Dakota's governor, he's shown he can balance environmental stewardship with record energy development."

However, Rep. Melanie Stanbury (D-NEW MEXICO), was critical of Mr. Burgum's nomination, pointing to his close ties to the oil and gas industry.

"I think he will be highly effective in dismantling the protections that we have to protect our lands and our people," she recently told *E&E News* by *POLITICO*.

The executive director of the North Dakota Wildlife Federation had more encouraging remarks about Mr. Burgum's selection.

"I'll give Doug Burgum real credit as governor, really empowering the North Dakota Game and Fish Department to lead on the wildlife policies," John Bradley told *E&E News*. "He has all the tools that are necessary to do the job well. What we would hope is that he brings in those other experts from across the West."

Bureaucratic Overhaul Proposed with New DOGE

Soon after being reelected, President-elect Donald Trump announced the formation of the Department of Government Efficiency (DOGE), tasked with reducing federal bureaucracy, cutting costs, and limiting regulatory overreach. The initiative, led by two outside advisers - Elon Musk and Vivek Ramaswamy - aims to dismantle what they describe as an "antidemocratic" system dominated by unelected officials and excessive regulations.

"Together, these two wonderful Americans will pave the way for my Administration to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies - Essential to the 'Save America' Movement," Mr. Trump wrote in a prepared statement. "I look forward to Elon and Vivek making changes to the Federal Bureaucracy with an eye on efficiency and, at the same time, making life better for all Americans."

The DOGE is not an official "Department" but could be categorized as a federal advisory commission.

In an Op-Ed in the *Wall Street Journal*, Messrs. Musk and Ramaswamy said the DOGE will focus on three key reforms: rescinding unauthorized regulations, reducing administrative staffing, and identifying cost savings.

"Most government enforcement decisions and discretionary expenditures aren't made by the democratically elected

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Musk, Ramaswamy to Head DOGE Effort (Cont'd from Pg 2)

president or even his political appointees but by millions of unelected, unappointed civil servants within government agencies who view themselves as immune from firing thanks to civil-service protections,” the duo wrote in WSJ.

The initiative will target federal workforce reductions, arguing fewer employees will be needed as regulatory scopes shrink.

The DOGE will explore voluntary retirement incentives and severance payments to ease transitions for affected workers.

Additionally, it plans to address wasteful federal spending, including \$500 billion in unauthorized annual expenditures, and to reform procurement and auditing processes.

The department plans to leverage recent Supreme Court rulings, including *West Virginia v. EPA* (2022) and *Loper Bright v. Raimondo* (2024), to challenge federal regulations deemed to exceed Congressional authority.

The DOGE will recommend regulatory rollbacks to President Trump, who could pause enforcement and begin rescission processes via executive action.

Critics warn that the approach may provoke legal and political challenges.

“Tell me what you’re going to do. You’ve got a dollar amount, but where the hell are you going to find it and from whom?” Rep. Rosa DeLauro (D-Conn.), the top Democrat on the House Appropriations Committee, asked *E&E News*. “There are a whole lot of people who want to deal with the appropriations process and don’t know anything about the appropriations process.”

However, DOGE leaders argue the reforms align with constitutional principles and recent Supreme Court decisions.

“With a decisive electoral mandate and a 6-3 conservative majority on the Supreme Court, DOGE has a historic opportunity for structural reductions in the federal government,” Messrs. Musk and Ramaswamy wrote in the *Wall Street Journal* op-ed.

“We are prepared for the onslaught from entrenched interests in Washington. We expect to prevail.”

They aim to sunset the DOGE by July 4, 2026, framing their efforts as a legacy aligned with their vision for a limited federal government.

Trump Transition Team

The Trump transition team delayed until November 26 signing MOUs required by presidential transition law to gain access to agency briefing materials and transition funding. Incoming chief of staff Susie Wiles announced the move, which clears the way for coordination with the federal agencies they will soon take over, according to *POLITICO*.

In the announcement, Ms. Wiles suggested the Trump transition will not sign a separate agreement with the General Services Administration, which would have allowed them to receive federal funding, cybersecurity support and government office space.

The transition instead, Wiles said, “will operate as a self-sufficient organization, adding that declining government funding will “save taxpayers’ hard-earned money.”

Family Farm Alliance Activities

This leadership is expected to set a new conservative tone, particularly impacting policies on energy, the environment, and federal regulatory oversight. The Alliance will closely monitor opportunities to improve the climate for Western irrigated agriculture.

“The Family Farm Alliance board of directors set this year’s priorities at our annual meeting in Reno last February, where it was agreed that we would prepare a transition report wish list, similar to what we prepared for the Trump Administration and the Biden-Harris Administration in 2016 and 2020, respectively,” said Alliance executive director Dan Keppen. “We’re already working on our new 2024 roadmap document and have

shared some of our findings with the Trump transition team.”

Many Alliance members are concerned about what the new Congress will do on Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) funding.

“Budget reconciliation is the mechanism that will be used to go after a lot of the funding, particularly climate related programs,” said Mr. Limbaugh. “Much of the BIL funding has already been obligated, but the IRA is more at risk.”

“We’ll need to work to protect the \$4 billion provided by the IRA for Western drought resiliency,” added Mr. Keppen. “We should assume that everything is on the chopping block and let the Administration and our friends in Congress know what is important to us.”



- November 12, 2024 -

STATEMENT FROM PRESIDENT DONALD J. TRUMP

I am pleased to announce that the Great Elon Musk, working in conjunction with American Patriot Vivek Ramaswamy, will lead the Department of Government Efficiency (“DOGE”). Together, these two wonderful Americans will pave the way for my Administration to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies - Essential to the “Save America” Movement. “This will send shockwaves through the system, and anyone involved in Government waste, which is a lot of people!” stated Mr. Musk.

It will become, potentially, “The Manhattan Project” of our time. Republican politicians have dreamed about the objectives of “DOGE” for a very long time. To drive this kind of drastic change, the Department of Government Efficiency will provide advice and guidance from outside of Government, and will partner with the White House and Office of Management & Budget to drive large scale structural reform, and create an entrepreneurial approach to Government never seen before.

I look forward to Elon and Vivek making changes to the Federal Bureaucracy with an eye on efficiency and, at the same time, making life better for all Americans. Importantly, we will drive out the massive waste and fraud which exists throughout our annual \$6.5 Trillion Dollars of Government Spending. They will work together to liberate our Economy, and make the U.S. Government accountable to “WE THE PEOPLE.” Their work will conclude no later than July 4, 2026 - A smaller Government, with more efficiency and less bureaucracy, will be the perfect gift to America on the 250th Anniversary of The Declaration of Independence. I am confident they will succeed!

**Statement from President-elect Donald Trump
announcing that Elon Musk and Vivek
Ramaswamy will lead the DOGE.**

Outlook for the 119th Congress—U.S. House

Speaker Mike Johnson (R-Louisiana) and other House Republicans expressed readiness to pursue President-elect Trump's agenda when the new Congress convenes on January 3. The GOP will hold at least 218 seats in the House starting January, while Democrats have 212 seats.

Speaker Johnson noted that Republicans are better prepared than in 2016 when they last controlled both the White House and Congress.

"We are prepared this time as we wind down the 118th Congress," he said. "We'll be ready to take the ball and run in the 119th Congress."

Given the narrow majority Republicans hold in the House, they may face challenges in passing more partisan measures without collaboration or bipartisan support, especially on issues impacting agricultural policy and regional water management in the West.

House Leadership Plans

In the House, Republicans plan to retain their current leadership structure with Speaker Mike Johnson (R-LA) and his team.

House Democrats have elected the following leaders for the 119th Congress:

- Minority Leader: Hakeem Jeffries (NY)
- Minority Whip: Katherine Clark (MA)
- Caucus Chair: Pete Aguilar (CA)
- Assistant Democratic Leader: Joe Neguse (CO)
- Caucus Vice Chair: Ted Lieu (CA)
- Chair of the Democratic Policy and Communications Committee: Debbie Dingell (MI)

Rep. Dingell won the only contested leadership election among House Democrats, defeating Rep. Jasmine Crockett (D-TX) by a wide margin to retain her role.

House Democrats reelected all other top leaders unopposed, reflecting confidence in their leadership despite losing the House majority.

Costa Takes on Scott for Ranking Member on Ag

Congressman Jim Costa (D-CALIFORNIA) late last month announced his candidacy for the position of Ranking Member on the House Agriculture Committee, challenging David Scott of Georgia to lead Democrats on the Committee in the next Congress.

"Congressman Costa's leadership within the U.S. agriculture space has been unmatched over his 18 years in Congress," said Ian LeMay, the incoming president of the California Table Grape Commission. "As a seasoned veteran of the committee, having helped pass three previous Farm Bills, he understands the diligence and compromise that is necessary to craft such an important piece of legislation."

Mr. Costa received key endorsements from the Family Farm Alliance and over 70 agricultural organizations when he made a similar, but unsuccessful bid to chair the committee in 2020.

"I'm running, really, to try to focus on getting a reauthorization of the farm bill, and to really provide strong advocacy for Democrats on behalf of rural America," Costa recently told *Agri-Pulse*. "Democrats continue to have challenges in rural America, and I think we need to address that."



Rep. Jim Costa (D-CALIFORNIA) with Family Farm Alliance farmer lobbyists in Washington, D.C., September 2024. Photo courtesy of Office of Rep. Costa

Huffman will Challenge Grijalva for top Resources Post

Rep. Jared Huffman (D-CA) has announced his bid to challenge Rep. Raúl Grijalva (D-AZ) for the position of ranking member on the House Natural Resources Committee, ending months of speculation.

"Now, with the shockwave of Trump's 'First 100 Days' agenda about to slam into our committees, effective committee work led by our Ranking Members will be critical to limiting the damage from Trump's Project 2025 agenda, advancing our affirmative agenda, bolstering members in tough districts, and drawing contrasts that enable Democrats to reclaim the House Majority in 2026 or sooner and make Hakeem Jeffries Speaker of the House," Rep. Huffman said in his announcement. "With that imperative as my guidepost, I humbly ask for your support to serve as Ranking Member of the House Natural Resources Committee."

Rep. Huffman's challenge follows Raul Grijalva's return to Congress after a battle with lung cancer and comes amid private concerns about Mr. Grijalva's ability to fulfill the role due to his health.

In a letter to colleagues, Rep. Huffman emphasized the importance of effective committee leadership in countering Republican legislative agendas and advancing Democratic priorities. He pledged to push back against GOP extremism while fostering bipartisan cooperation.

Meanwhile, Rep. Grijalva has defended his leadership record and reiterated his commitment to environmental justice, climate action, and Indigenous rights. He said he had not dis-

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Outlook for the 119th Congress—U.S. Senate

Republicans win back the majority

On November 8, Republicans won back the Senate majority for the first time in four years by flipping four Democratic-held seats.

Notably, this was the first time since 1980 where Republicans regained control of the Senate in a presidential election year.

House Republican Leader Mitch McConnell called the election a “hell of a good day” for the GOP.

“People were just not happy with this administration and the Democratic nominee was a part of it,” he said.

On November 11, the final race was called in the upper chamber, solidifying the tally at 53-47.

Republicans flipped seats in Montana, Ohio, Pennsylvania, and West Virginia beating three incumbent Democrats running for re-election: Sens. Jon Tester (D-MONTANA), Sherrod Brown (D-Ohio), and Bob Casey (D-Pa.), while flipping the seat of retiring Senator Joe Manchin (D-W.V.).

There are 11 Senate freshmen entering the 119th Congress that will succeed either retiring or defeated Senators, including Westerners Rep. Ruben Gallego (D-ARIZONA), Rep. Adam Schiff (D-CALIFORNIA), Navy Seal Tim Sheehy (R-MONTANA), and Rep. John Curtis (R-UTAH).

Sen. John Thune (R-SOUTH DAKOTA) won a secret ballot vote of 29-24 amongst Senate Republicans to replace Mitch McConnell to serve as Senate Majority Leader.

“We have a mandate from the American people,” Senator Thune told reporters after the vote. “I’m excited to get to work with this team right away. ... I promise to be a leader who serves the entire Republican conference.”

Looking ahead to the early days of 2025 and the 119th Congress, it seems that Republicans will use their trifecta to work quickly on the renewal of the 2017 GOP tax law passed by Donald Trump during his first presidency.

To avoid the filibuster in the Senate, Republicans will utilize the process of budget reconciliation which allows for legislation to pass via simple majority in the Senate and does not require a cloture vote (60 vote-threshold) to advance.

“Both parties have used the process in recent years, including for the enacted Tax Cuts and Jobs Act of 2021, the American Rescue Plan Act of 2021 and the Inflation Reduction Act of 2022,” said Mark Limbaugh with The Ferguson Group, the Alliance’s representative in Washington, D.C. “There will be challenges regarding how large the package is and what will serve as an offset.”

Rep. Huffman Seeks Top Spot at Resources (Cont’d from Pg. 4)

cussed the future of the leadership post with other committee Democrats.

“I mean, if there’s an issue, then it needs to be brought up by members of the Caucus,” he said.

The Democratic Steering and Policy Committee will recommend a candidate for caucus approval, with both candidates expected to engage in extensive outreach to secure support. Rep. Huffman proposed naming Rep. Grijalva “Ranking Member Emeritus” if successful, highlighting his respect for Rep. Grijalva’s legacy.

New Congressional Western Caucus Chair

The Congressional Western Caucus Executive Committee unanimously elected Executive Vice Chair Doug LaMalfa (R-CALIFORNIA) to serve as the Caucus’ Chairman for the 119th Congress. He will replace current Chairman Dan Newhouse (R-WASHINGTON), who has led the Caucus for the past four years.

“I want to offer my sincere congratulations to my good friend Doug LaMalfa on his election as Chairman of the Congressional Western Caucus,” said Chairman Newhouse. “Doug is a true champion of the west, given his strong support for the multiple-use mandate for public lands, proactive management of our forests, American agriculture and domestic energy production.”

The Congressional Western Caucus within the House of Representatives composed of 62 members. Although it has historically been bipartisan, it is currently composed almost exclusively of Republicans (with the sole exception being Mary Peltola (D-Alaska)).

Doug LaMalfa is a fourth-generation rice farmer and business owner who has lived in Northern California all his life. He was elected to the California State Assembly and State Senate before being elected to the U.S. House of Representatives in 2012. In Congress, Rep. LaMalfa has been a strong advocate for limited, constitutionally grounded, government, fiscal restraint and lower taxes.

Congressman LaMalfa’s district in Northern California has been hit with numerous catastrophic fires that have killed over 100 people in recent years. He has sponsored legislation to help citizens recover and change forest policy to reduce wildfire risks.

“I’m grateful for the opportunity to serve as the new Chairman of the Congressional Western Caucus and to continue fighting for rural America,” said Chairman-Elect LaMalfa. “Chairman Newhouse has done an admirable job elevating the issues that matter most to the West, and I want to thank him for his strong leadership and dedication. He’s laid a solid foundation for the Caucus, and I’m ready to build on his accomplishments as we tackle the challenges ahead.”

Reclamation's Palumbo Earns 2024 Presidential Award

Bureau of Reclamation Deputy Commissioner David M. Palumbo has received the 2024 Presidential Rank Award for Distinguished Service.

Established by the Civil Service Reform Act of 1978, this prestigious honor is awarded to a select group of career civil servants to recognize those with a record of scientific, technical or professional achievement. Only one percent of the career Senior Executive Service, Senior-Level and Scientific and Professional corps are selected for the Distinguished Rank Award.

"David's relentless commitment to collaboration, service, and the public good has built trust fostered collaboration, and solidified Reclamation's role in solving complex water resource problems and serving as a vital partner in water resource management," stated Reclamation Commissioner Camille Calimlim Touton.

With more than two decades of federal service, Deputy Commissioner Palumbo oversees several thousand operations group employees and manages critical water and power infrastructure. Reclamation's operational portfolio includes 492 dams and 76 hydro-power facilities, which together serve approximately 40 million people and irrigate 10 million acres across 17 Western states.

Under his stewardship, Reclamation is implementing new programs and taking new actions to assure the ability of western water infrastructure to deliver benefits in the face of drought, invasive species, climate change and other stressors, particularly in the Colorado River Basin. Specifically, he led development of the Drought Contingency Plans in collabora-

tion with the seven Basin states, producing innovative solutions to mitigate the effects of prolonged drought.

"Receiving the Presidential Rank Award is a tremendous honor, but it truly reflects the hard work and dedication of Reclamation's employees and our partners across the West," remarked Deputy Commissioner Palumbo. "We are committed to ensuring that Reclamation continues to deliver water and power to the American West while effectively managing the complexities of prolonged drought, aridification, and water scarcity."

During this critical period for the Colorado River, Deputy Commissioner Palumbo has successfully fostered partnerships across federal, state, and tribal governments, facilitating essential agreements on water shortages and environmental conservation for fish and wildlife.

A notable achievement includes overseeing 86 Water Conservation Implementation Agreements on the Colorado River, which will generate more than 1.5 million acre-feet of system conservation water by 2026 and preserve the ability of that system to deliver benefits.

His innovative approach has enabled Reclamation to achieve greater water conservation in Lake Mead over the past year than in the pre-

vious three decades, while cultivating lasting partnerships with other drought-affected regions.

Deputy Commissioner Palumbo regularly presents and leads discussions on the core values of public service, prioritizing diversity, equity, and inclusion. He actively fosters a proactive workforce and strengthens relationships with historically marginalized communities, ensuring their voices are integral to Reclamation's mission.



David Palumbo testifies at a Congressional hearing in July 2024, wearing a tie once owned by the late Pat O'Toole, who served as the Family Farm Alliance President for 19 years. Pat's wife, Sharon, had a collection of his ties for people to choose from and take home following a memorial service conducted in Wyoming a few days earlier. Mr. Palumbo attended the service and took one back to DC with him.

SAME GREAT PROGRAM...SAME GREAT LOCATION...NEW DATE!

2025 Annual Meeting and Conference

October 30-31, 2025 Reno, NV



Information on conference agenda, registration and hotel reservations, and sponsorship exhibitor opportunities will be available in mid-2025



House Subcommittee Considers Four Bills

The House Subcommittee on Water, Wildlife and Fisheries last month held a legislative hearing on four bills focused on Western water infrastructure and the Junior Duck Stamp Conservation and Design program. Subcommittee Chairman Cliff Bentz (R-Ore.) issued the following statement in response:

“These bills, if enacted, will protect our communities, strengthen local economies, protect the environment, and connect the next generation to the outdoors,” said Subcommittee Chairman Cliff Bentz (R-OREGON).

The three water bills all have companion bills introduced in the Senate that are supported by the Family Farm Alliance.

The *Finish the Arkansas Valley Conduit Act* (H.R. 9515) introduced by Rep. Lauren Boebert (R-COLORADO), will eliminate burdensome interest payments by water users for nonfederal costs of the Arkansas Valley Conduit pipelines to promote the completion of the critical water infrastructure project.

Rep. Ken Calvert (R-CALIFORNIA) introduced the *Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024* (H.R. 9515), which would allow the non-federal portion of the available funds for the program to be placed into an interest-bearing account.

Placing these funds into an interest-bearing account could provide approximately \$2 million annually in revenue, defraying costs that would otherwise be the burden of the lower Colorado River basin states.

“This will further support an important, well-conceived, long-term program that allows the Lower Basin states to achieve compliance with federal environmental laws and regulations in the management and use of Colorado River water,” said Alliance executive director Dan Keppen.

H.R. 9969, introduced by U.S. Rep. Harriet Hageman (R-WYOMING), will allow the Western Area Power Administration to address the impacts of the recent record of decision (ROD) to allow flow experiments at Glen Canyon Dam on the Upper Colorado River Basin Fund.

“The Alliance was disappointed with the ROD selected alternative to address small mouth bass that would rely solely on water releases that bypass power generators, significantly impacting power generation at Glen Canyon Dam,” said Mr. Keppen. “While we would have preferred that other non-flow alternatives be utilized to deal with the small mouth bass issue – an issue that was not created by water or power users – at a minimum it is critical that power customers and the Upper Colorado River Basin Fund be protected.”

NEPA Under Scrutiny in the Courtroom

The often slow and cumbersome federal regulatory process is a major obstacle to realization of projects and actions that could enhance Western water supplies. National Environmental Policy Act (NEPA) implementation, in particular, can have a direct bearing on the success or failure of critical water supply enhancement projects.

The Biden White House Council on Environmental Quality (CEQ) last May 1 issued the Final Rule implementing Phase 2 of significant revisions to NEPA regulations. CEQ described these changes as enhancing the efficiency and effectiveness of environmental reviews while striving for regulatory certainty.

The Final Rule also implements the significant changes that require agencies to identify an environmentally preferable alternative and undertake additional consideration of climate change and environmental justice in environmental analyses.

The Biden CEQ NEPA rule – lauded by litigious environmental groups like NRDC and the Center for Biological Diversity – replaces a previous rule prepared by the Trump Administration, one that was supported by many in agriculture and other regulated industries.

“The Family Farm Alliance strongly supported the Trump administration’s regulations for NEPA, which included many of our recommendations,” said Alliance Executive Director Dan Keppen. “Unfortunately, the Biden Administration CEQ quickly overturned those rules.”

The Biden NEPA rule has opened new pathways for the long-storied history of NEPA litigation and courts are once again being asked again to interpret the changes to improve regulatory certainty.

D.C. Circuit Finds CEQ Lacks Regulatory Power to Issue Binding NEPA Rules

A divided D.C. Circuit Court panel has ruled that CEQ lacks the legal authority to issue binding rules under NEPA, which challenges longstanding policy.

In *Marin Audubon Society v. Federal Aviation Administration (FAA), et al.*, Judges A. Raymond Randolph and Karen LeCraft Henderson held that NEPA does not provide the CEQ with statutory authority to enforce regulations across federal agencies, thus rendering its rules unenforceable.

“Petitioners should not be saddled with having to clear the bar of mandamus relief if the Agencies take too long,” the majority ruled. “The Agencies acted without authority; they should bear the burden of justifying a stay of the mandate.”

This decision – stemming from a case on the FAA’s environmental review for S.F. Bay Area park flights – could allow the incoming Trump Administration and GOP-controlled Congress to alter Biden-era NEPA regulations.

While the ruling specifically addresses the FAA plan, it sets a precedent that could impact other CEQ regulations unless overturned by a full appellate or Supreme Court review.

In a partial dissent, Chief Judge Sri Srinivasan argued that the majority overstepped by addressing CEQ’s authority, as neither party contested it. Srinivasan also criticized the decision to vacate the FAA plan, noting it could negatively impact environmental protections for the affected parks.

Continued on Page 8

Outlook for the Lame-Duck Congress

Congress returned to Washington on November 12 to begin the final legislative days of the outgoing 118th Congress – also referred to as a “lame duck session.” Congress is expected to adjourn by December 20th.

“There is an urgent need to address critical funding and policy measures by December 20, when Congress is scheduled to adjourn,” said Mr. Limbaugh.

When Congress returns from the Thanksgiving holiday week off, lawmakers will have three weeks to pass another stopgap Continuing Resolution (CR) with a current government funding deadline of Friday, December 20.

House Speaker Mike Johnson (R-LA) seeks to pass a short-term CR into next year, providing President-elect Donald Trump with an opportunity to influence any future Fiscal Year (FY) 2025 spending agreement. This also reduces pressure on Speaker Johnson as he heads into the January 3 floor vote for Speaker in the upcoming 119th Congress.

“We have to clean out last year’s work so that we can move forward with reconciliation and the very aggressive first 100-day agenda that we have planned,” said Speaker Johnson.

The CR will likely include disaster relief funding, though it is unlikely to be as large as the nearly \$99 billion the Biden Administration requested last month.

Depending on the length of the funding extension, President-elect Trump may begin his second term facing a significant budget battle.

Democratic lawmakers, however, are now aiming for an FY 2025 spending agreement grounded in spending caps outlined by the Fiscal Responsibility Act (FRA) of 2023, essentially extending the arrangement that took place earlier this year under Speaker Johnson with the enacted FY24 spending bills.

The current “lame duck” has been slow in progress for lawmakers as they will still need to take up the FY 2025 National Defense Authorization Act (NDAA), the Water Re-

sources Development Act (WRDA), an extension of the expiring provisions in the Farm Bill, reauthorization of the National Flood Insurance Program (NFIP), and other items set to expire next month if no action is taken.

Originally set to expire in 2023, the current Farm Bill was given a temporary extension until September 2024. However, significant disagreements between the House and Senate have stalled a new bill’s progress. With Congress unable to finalize the Farm Bill before year-end, the next session will address this bill under the incoming Republican majority.

A possible farm bill extension may include conservation funding from the Inflation Reduction Act if an agreement can be reached.

“The new Farm Bill could introduce significant reforms impacting crop insurance, agricultural subsidies, and water-use policies,” said Mr. Keppen. “The Alliance will be closely watching the bill’s development.”

Recent hurricanes in the Southeastern U.S. have stretched FEMA’s Disaster Relief Fund, which is rapidly running low. Congress is likely to consider a substantial relief package to replenish FEMA funds.

And the bipartisan WRDA is being conferenced between the House and Senate versions and could potentially ride on the NDAA as it did two years ago. Finally, a land and water package of bills is said to be in the works and could benefit from must-pass legislation as a vehicle in the lame duck.

For Western states, which have faced ongoing drought, wildfires, and extreme weather, robust disaster relief funding could mean increased support for recovery efforts, improved water infrastructure resilience, and expanded relief for communities facing crop losses due to drought.

“The outcomes of these legislative items carry significant implications for Western agricultural water management,” said Mr. Keppen. “As these priorities move through Congress, we will continue to monitor developments that impact Western agricultural water.”

NEPA Scrutinized by Courts (*Continued from Pg. 7*)

Supreme Court Briefs Argue Against Limiting NEPA’s Reach

Democratic lawmakers, blue states, and former White House officials from past Administrations have filed amicus briefs urging the Supreme Court to allow Congress to handle changes to NEPA rather than limiting its scope in any future decision in *Seven County Infrastructure Coalition, et al v. Eagle County, CO, et al.*

This response comes as Utah’s Seven County Infrastructure Coalition (Coalition) challenges a court-mandated NEPA review for the Uinta Basin Railway, which would transport crude oil across state lines. The coalition argues that NEPA should not require agencies to assess distant impacts outside their regulatory authority.

“This project is vital for the economic growth and connectivity of the Uinta Basin region, and we are committed to seeing it through,” said Keith Heaton, director of the Coalition, in a press release.

Opponents insist that such analyses are necessary to consider broader environmental risks, such as oil spills and air quality.

“The proposal for the Uinta Basin Railway cut corners from the start but federal laws are now catching up with this climate and environmental catastrophe,” Wendy Park, a senior attorney for the Center for Biological Diversity told Colorado NPR. “That will prevent this disastrous railway from being built.”

The Supreme Court’s decision could redefine NEPA’s reach in environmental reviews.

House Republicans Accuse Biden EPA of Not Implementing WOTUS Ruling

House Republicans have criticized the Biden Administration for not fully complying with the Supreme Court decision in *Sackett v. EPA* that limits federal oversight of wetlands, arguing the Administration is over-regulating streams and wetlands and delaying permits for infrastructure projects.

In an October 31 letter to the EPA and Army Corps of Engineers, 27 GOP lawmakers led by Rep. Sam Graves (R-MO), Chairman of the House Transportation and Infrastructure Committee, highlighted concerns over regulatory overreach and transparency issues regarding federal waterway definitions under the Clean Water Act (CWA).

“In *Sackett*, the Supreme Court provided needed clarity on the definition of a WOTUS, reinforcing property owners’ rights, protecting the separation of powers by limiting the authority that Congress explicitly delegated in statute, and adhering to the Congressional intent of the *CWA*,” the Mem-

bers wrote. “*Sackett* rightly upheld the cooperative Federalism framework of the *CWA*, as well as the authority of states to regulate non-Federal waters within their borders as they see fit.”

They argued that many wetlands are not jurisdictional under the CWA and should not require federal permits under the ruling.

While Republicans seek reduced oversight, some Democrats are working to restore protections for wetlands.

“After *Sackett*, Congress should be working to restore the protections of the Clean Water Act that worked for over fifty years,” said Rep. Grace Napolitano in a House floor statement last March.

Any such legislative actions remain politically divisive and will face significant hurdles to their enactment.

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Biden Administration Releases Proposals to Address Colorado River Shortages *Arizona, California Threaten Compact Call on Upper Basin States*

The Biden Administration last month unveiled five proposals to address the Colorado River's water shortages, seeking to break a stalemate among the seven states that rely on the river's resources.

The proposals, released by the Bureau of Reclamation (Reclamation), aim to manage the drought-stricken river and prepare for the expiration of key agreements governing its use in 2026.

"We have worked tirelessly over the past several years to bring Colorado River Basin stakeholders together for a transparent and inclusive post-2026 process that has fostered collaboration and compromise. Importantly, we have also put Tribal governments at the table for the first time in history," said Reclamation Commissioner Camille Touton. "These alternatives represent a responsible range from which to build the best and most robust path forward for the Basin. I have confidence in our partners and the Reclamation team in continuing this work to meet the needs of the river for the future."

The plans, which include a "no-action" alternative and options for water cuts and conservation measures, draw on input from states, tribal nations, and conservation advocates.

One proposal, the "Basin Hybrid" plan, suggests cuts of up to 2.1 million acre-feet for Lower Basin states (Arizona, California, Nevada) under extreme conditions, alongside Upper Basin (Colorado, Wyoming, New Mexico, Utah) conservation efforts.

Tension Between Upper and Lower Basins

However, significant disagreements among states remain unresolved. States, tribes and stakeholder interests have proposed different plans to Reclamation for how the basin should be managed.

Disputes persist over how to distribute water cuts, with California defending its senior water rights and Arizona expressing concerns over the exclusion of its proposed package from detailed analysis.

Arizona and California officials are turning to the threat of a "compact call" to ratchet up the pressure on the four Upper Basin states.

"While we continue to be open to exploring solutions beyond strict Compact compliance, as demonstrated by our proposed alternative, if the Upper Basin isn't interested in engaging in a compromise, then Compact compliance is required," JB Hamby, California's top negotiator, wrote in an email to *The Colorado Sun*.

Upper Basin states advocate for preserving unused water due to drought and limiting Lower Basin withdrawals.

In the Upper Colorado River Commission proposal offered in March - called the Upper Basin Alternative - mandatory cuts for Upper Basin water users are not included.

"The upper division states continue to stand behind the alternative that we submitted and know that it provides a reasonable alternative for sustainable operations of Lake Powell and Lake Mead," said Colorado Commissioner Becky Mitchell.

Tribal Settlement Proposal

Reclamation's alternative proposals also consider tribal water rights, highlighting the need for infrastructure to utilize their allocated flows.

The Navajo Nation, Hopi Tribe and San Juan Southern Paiute Tribe are urging Congress to adopt a \$5 billion water rights settlement before the end of the year, with hopes that lawmakers may once again seek to advance tribal water bills - S. 4633 and H.R. 8940 - during the lame-duck session.

States including Wyoming and Utah have expressed broad support for the settlement but urged Congress not to adopt it until assurances are provided to properly limit the lease of Upper Basin flows to the Lower Basin outside of tribal uses.

"There's a lot of political will on both sides of the aisle. We have bipartisan support in the House and in the Senate as well," Navajo Nation Attorney General Ethel Branch told *Greenwire*. "We're really excited about this, but it's a really challenging issue."

Urgent Need to Achieve Consensus

Biden Administration officials stressed urgency in achieving consensus ahead of the 2026 deadline.

"Those efforts helped stabilize the Colorado River for the short-term - but now, we owe it to future generations to find long-term solutions that ensure the river's continued stability" said White House National Climate Advisor Ali Zaidi. "We continue to encourage all Basin partners to find a consensus agreement that meets the needs of all the river's users."

Some conservation groups criticized the lack of full transparency in the Administration's preliminary plans.

"Releasing bullet points on alternatives without the full analysis is like sharing a recipe that only lists a few of the ingredients," said Kyle Roerink, executive director of the Great Basin Water Network. "We can only make assumptions about what this all means in the grand scheme."

Reclamation will now analyze these alternatives to develop a draft Environmental Impact Statement (EIS). Once published, the draft EIS will include a public comment period, while states, federal agencies, and stakeholders work to reconcile conflicting visions for the river's future.

This puts Reclamation on a path to publish a final EIS, which would then be followed by a Record of Decision in 2026.

Even with the new Trump Administration coming into power, the draft EIS may stay on the same timeline due to the fast-approaching 2026 deadline for new guidelines to manage the river.

"Now is the time for the Basin states and Tribes to redouble their work toward a consensus alternative" for a long-term agreement, acting Deputy Interior Secretary Laura Daniel-Davis said in a recent call with reporters. "The alternatives we are announcing today show that path. I urge them to do so."

