

January 2020



# WestFAST News

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Chair – Patrick Lambert; Federal Liaison – Deborah Lawler

## [USDA Invites Input on Agricultural Conservation Easement Program Rule](#)

NRCS 01/06/20. USDA's Natural Resources Conservation Service (NRCS) seeks public comments on its interim rule for the Agricultural Conservation Easement Program (ACEP). ACEP is USDA's premier conservation easement program, helping landowners protect working agricultural lands and wetlands. The rule – now available on the Federal Register – takes effect on publication and includes changes to the program prescribed by the 2018 Farm Bill.

“Through easements, agricultural landowners are protecting agricultural lands from development, restoring grazing lands and returning wetlands to their natural conditions,” NRCS Chief Matthew Lohr said. “The new changes to ACEP under the 2018 Farm Bill make it stronger and more effective and will result in even better protection of our nation's farmlands, grasslands and wetlands.”

NRCS is investing more than \$300 million in conservation easements for fiscal 2020. NRCS state offices will announce signup periods for ACEP in the coming weeks.

*Changes to ACEP for agricultural land easements include:*

Authorizing assistance to partners who pursue “Buy-Protect-Sell” transactions.

Requiring a conservation plan for highly erodible land that will be protected by an agricultural land easement.

Increasing flexibility for partners to meet cost-share matching requirements.

*Changes to ACEP for wetland reserve easements include:*

Identifying water quality as a program purpose for enrollment of wetland reserve easements.

Expanding wetland types eligible for restoration and management under wetland reserve easements

“Conservation easements have a tremendous footprint in the U.S. with nearly 5 million acres already enrolled. That's 58,000 square miles,” Lohr said. “This is a great testament to NRCS's and landowner's commitment to conservation.”

*Submitting Comments*

NRCS invites comments on this interim rule through March 6 on the Federal Register at: <https://www.federalregister.gov/documents/2020/01/06/2019-27883/agricultural-conservation-easement-program>. Electronic comments must be submitted through [regulations.gov](http://regulations.gov) under Docket ID NRCS-2019-0006. All written comments received will be publicly available on [regulations.gov](http://regulations.gov), too.

NRCS will evaluate public comments to determine whether additional changes are needed. The agency plans on publishing a final rule following public comment review.

## *Applying for ACEP*

ACEP aids landowners and eligible entities with conserving, restoring and protecting wetlands, productive agricultural lands and grasslands. NRCS accepts ACEP applications year-round, but applications are ranked and funded by enrollment periods that are set locally.

For more information on how to sign up for ACEP, visit your state website at [nrcs.usda.gov](http://nrcs.usda.gov) or contact your local NRCS field office. [offsite link image](#)

## [CEQ Issues Proposed Rule to Modernize its NEPA Regulations](#)

WHITE HOUSE/CEQ 01/13/20. Today, the Council on Environmental Quality (CEQ) released a notice of proposed rulemaking (NPRM) to update its National Environmental Policy Act (NEPA) regulations for public comment.

Signed into law in 1970, NEPA requires Federal agencies to assess the environmental impacts of proposed major Federal actions as part of their decision-making. The NEPA process can impact a wide variety of projects affecting Americans' everyday lives from the construction of roads, bridges, highways, and airports to water infrastructure, conventional and renewable energy projects, and land, forest, and fishery management activities. CEQ's NEPA regulations date back to 1978 and have not been comprehensively updated in over 40 years.

Over time, implementation of NEPA has become increasingly complex and time consuming for Federal agencies, project applicants, and Americans seeking permits or approvals from the Federal government. CEQ has found that the average length of an environmental impact statement is over 600 pages, and that the average time for Federal agencies to complete such NEPA reviews is four and a half years.

CEQ's proposed rule would modernize and clarify the CEQ regulations to facilitate more efficient, effective, and timely NEPA reviews by simplifying and clarifying regulatory requirements, incorporating key elements of the One Federal Decision policy, codifying certain case law and CEQ guidance, updating the regulations to reflect current technologies and agency practices, eliminating obsolete provisions, and improving the format and readability of the regulations. The proposed rule seeks to reduce unnecessary paperwork and delays, and to promote better decision-making consistent with NEPA's statutory requirements.

"CEQ is proposing practical changes to modernize environmental reviews and make the process more predictable and efficient. The proposed rule would ensure Federal agencies consider the significant environmental impacts of proposed projects and activities, while accelerating the process so that timely decisions are made on major infrastructure and other projects affecting Americans' everyday lives. Americans deserve a government that is efficient, effective, and responsive," said CEQ Chairman Mary B. Neumayr.

"Overhauling the NEPA regulations for the first time in a generation is another promise kept by President Trump. Over the past 40 years, NEPA has been used as a tool to slow or completely kill important infrastructure projects across the country. Our Administration continues to uphold environmental standards while streamlining the permitting process and removing frivolous litigation. No American city should be waiting over 30 years for a better highway because NEPA has their infrastructure project held up in unnecessary paperwork," said Acting Office of Management and Budget Director Russ Vought.

"The purpose of NEPA is noble; its application, however, has gone off the rails. The action by CEQ is the first step in bringing common sense to a process that has needlessly paralyzed decision-

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making. We can ensure that our views are well-informed and that the public is heard without tying ourselves in knots. CEQ is to be commended for seeking public comment on this initiative," said Secretary of the Interior David L. Bernhardt. "Common sense reforms in simplifying and streamlining environmental reviews will accelerate the construction of much needed roads, bridges, transit, railroad, and port projects to alleviate congestion and improve the quality of life for communities across the country," said U.S. Transportation Secretary Elaine L. Chao.

"Today's action by CEQ is another important step towards fulfilling the Trump Administration's commitment to streamlining duplicative and costly regulations that impede investment in American infrastructure and stifle economic growth," said EPA Administrator Andrew Wheeler. "The proposed update to NEPA would further EPA's progress to provide regulatory certainty and efficiency for states, tribes, and the private sector while protecting human health and the environment."

"For years, NEPA regulations have been like quicksand to the regulated communities. The more they try to comply, the deeper into the regulatory muck they sink. I look forward to this rule-making as a way to put NEPA regulations on the solid ground of efficiency and predictability," said Secretary of Energy Dan Brouillette.

"While our environment has changed substantially, our NEPA regulations have not been updated in over 40 years. President Trump is continuing to responsibly modernize our regulations to support America's continued growth and prosperity," said Secretary of Agriculture Sonny Perdue. "Rather than a tool for analyzing the impacts of federal actions, NEPA regulations have become a weapon used by those who seek to keep America's farmers, producers, and foresters from producing American food and fiber. These modernizations enable the rule to do what it was intended to do."

"The modernized NEPA process will better allow the U.S. Army Corps of Engineers to deliver important infrastructure projects designed to provide flood risk reduction, improve navigation, and restore vital ecosystems. The proposal streamlines and simplifies the NEPA procedures while concurrently adopting successful agency practices developed over the last 50-years," said R.D. James, Assistant Secretary of the Army for Civil Works.

"These proposed updates to the regulations are aimed at modernizing the National Environmental Policy Act," said retired Navy Rear Adm. Tim Gallaudet, Ph.D., Assistant Secretary of Commerce for Oceans and Atmosphere and Deputy NOAA Administrator. "The potential changes, such as the enhanced guidance on the roles of lead and cooperating agencies, will improve interagency coordination and facilitate effective reviews in an efficient and timely manner."

#### *Request for Public Comment:*

- CEQ requests public comment on the NPRM. Comments should be submitted on or before March 10, 2020.
  - Comments may be submitted via any of the following methods:
    - o Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments to Docket ID No. CEQ-2019-0003.
    - o By Fax: 202-456-6546
    - o By mail:
      - Council on Environmental Quality 730 Jackson Place NW Washington, DC 20503 Attn: Docket No. CEQ-2019-0003
- Further Information:
- Pursuant to Executive Order 13807, in 2018, CEQ issued an Advance Notice of Proposed Rulemaking

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requesting comment on potential updates to its regulations.

- CEQ received over 12,500 comments, which have informed CEQ's proposed rule.
- CEQ has conducted an extensive interagency process to develop the proposed rule.
- CEQ will host two public hearings on the proposed rule: in Denver, CO, on February 11, 2020 and in Washington, DC, on February 25, 2020.

o Additional details concerning the hearings and other public engagement may be found at:

<https://www.whitehouse.gov/ceq/nepa-modernization/>

## [EPA and Army Deliver on President Trump's Promise to Issue the Navigable Waters Protection Rule – A New Definition of WOTUS](#)

EPA/USACE 01/23/20. at an event at the National Association of Home Builders International Builders' Show in Las Vegas, EPA Administrator Andrew Wheeler and Assistant Secretary of the Army for Civil Works R.D. James will announce a new, clear definition for "waters of the United States." With the Navigable Waters Protection Rule, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) are delivering on President Trump's promise to finalize a revised definition for "waters of the United States" that protects the nation's navigable waters from pollution and will result in economic growth across the country.

"EPA and the Army are providing much needed regulatory certainty and predictability for American farmers, landowners and businesses to support the economy and accelerate critical infrastructure projects," said EPA Administrator Andrew Wheeler. "After decades of landowners relying on expensive attorneys to determine what water on their land may or may not fall under federal

regulations, our new Navigable Waters Protection Rule strikes the proper balance between Washington and the states in managing land and water resources while protecting our nation's navigable waters, and it does so within the authority Congress provided."

"Having farmed American land myself for decades, I have personally experienced the confusion regarding implementation of the scope of the Clean Water Act," said R.D. James, Assistant Secretary of the Army for Civil Works. "Our rule takes a common-sense approach to implementation to eliminate that confusion. This rule also eliminates federal overreach and strikes the proper balance between federal protection of our Nation's waters and state autonomy over their aquatic resources. This will ensure that land use decisions are not improperly constrained, which will enable our farmers to continue feeding our Nation and the world, and our businesses to continue thriving."

The Navigable Waters Protection Rule ends decades of uncertainty over where federal jurisdiction begins and ends. For the first time, EPA and the Army are recognizing the difference between federally protected wetlands and state protected wetlands. It adheres to the statutory limits of the agencies' authority. It also ensures that America's water protections – among the best in the world – remain strong, while giving our states and tribes the certainty to manage their waters in ways that best protect their natural resources and local economies.

The revised definition identifies four clear categories of waters that are federally regulated under the Clean Water Act: the territorial seas and traditional navigable waters, like the Atlantic Ocean and the Mississippi River; perennial and intermittent tributaries, such as College Creek, which flows to the James River near Williamsburg, Virginia; certain lakes, ponds, and impoundments, such as Children's Lake in Boiling Springs, Pennsylvania; and wetlands that are adjacent to jurisdictional waters.

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These four categories protect the nation's navigable waters and the core tributary systems that flow into those waters.

This final action also details what waters are not subject to federal control, including features that only contain water in direct response to rainfall; groundwater; many ditches, including most farm and roadside ditches; prior converted cropland; farm and stock watering ponds; and waste treatment systems.

The final definition achieves the proper relationship between the federal government and states in managing land and water resources. The agencies' Navigable Waters Protection Rule respects the primary role of states and tribes in managing their own land and water resources. All states have their own protections for waters within their borders and many already regulate more broadly than the federal government. This action gives states and tribes more flexibility in determining how best to manage their land and water resources while protecting the nation's navigable waters as intended by Congress when it enacted the Clean Water Act.

Despite prior reports, there are no data or tools that can accurately map or quantify the scope of "waters of the United States." This is the case today, and it was the case in 2014 when the Obama Administration issued its blog titled "Mapping the Truth." Therefore, any assertions attempting to quantify changes in the scope of waters based on these data sets are far too inaccurate and speculative to be meaningful. While this Administration agrees that the current data and tools are insufficient, we are committed to supporting the development and improvement of the technology needed to map the nation's aquatic resources.

This final action is informed by robust public outreach and engagement on the Navigable Waters Protection Rule, including pre-proposal engagement that generated more than 6,000 recommendations and approximately 620,000 comments received on the proposal. The final definition balances the input

the agencies received from a wide range of stakeholders.

More information, including a pre-publication version of the Federal Register notice and fact sheets, is available at: <https://www.epa.gov/nwpr>.

## [U.S. Army Corps of Engineers and Bureau of Reclamation: A Joint Commitment to the Nation's Water Infrastructure](#)

USACE/USBR 02/03/20. The U.S. Army Corps of Engineers and the Bureau of Reclamation recently released The State of the Infrastructure: A Joint Report by the Bureau of Reclamation and the U.S. Army Corps of Engineers. The two agencies have a long history of collaboration to construct, operate and maintain the nation's crucial water-related infrastructure.

National water-related infrastructure provides water supply, hydroelectric power generation, navigation, flood control, recreation and other benefits. Combined, the Army Corps and Reclamation oversee and manage more than 1,200 dams, 153 hydroelectric power plants, over 5,000 recreation areas, 25,000 miles of navigable waterways and tens of thousands of miles of canals and other water conveyance infrastructure. Those facilities provide enough water for 130 million people and irrigation for 10 million acres of farmland. And, combined hydroelectric power plants generate renewable electricity for 10 million homes.

"Millions of people rely on this infrastructure for their water, their food, and their electricity," said Department of the Interior Assistant Secretary for Water and Science Tim Petty, Ph.D. "This partnership is important; it helps us coordinate attention and resources to ensure that infrastructure is robust and well-maintained. I appreciate the partnership between Reclamation and the Army Corps and look forward to continued success moving forward."

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The partnership between the Army Corps and Reclamation brings together a wide array of resources that serve to enrich public services as well as water resource management and environmental protection. The agencies regularly assess the health, safety and sufficiency of existing infrastructure and continually work to upgrade aging infrastructure and construct new projects to meet the needs of families, farms and communities.

"This report provides visibility to the public on the vast and diverse federal portfolio of water-related infrastructure our agencies maintain and their value to the safety and economic prosperity of the nation" said Assistant Secretary of the Army (Civil Works) R.D. James. "This is a great example of how the Army Corps' partners and collaborates with other agencies on water-related infrastructure by sharing challenges, best practices and strategies to utilize resources to most efficiently and effectively maintain this critical infrastructure".

Affordable power production, reliable water supply, navigation, flood risk reduction, and recreation have a positive impact on the Nation's economy and are a daily way of life for countless Americans. The rigorous and systematic maintenance programs both agencies use ensure these precious water-related resources will be available for years to come.

Ongoing attention to the Nation's water-related infrastructure will provide maximum value to the American people. The Army Corps and Reclamation are jointly committed to the management and maintenance of this critical infrastructure both today and in the future.

The report is available at [www.usbr.gov/infrastructure](http://www.usbr.gov/infrastructure).

## Upcoming Meetings

### [WSWC Spring \(192<sup>nd</sup>\) Meetings](#)

Washington, DC

March 31 – April 2, 2020

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### [Western Governors Association 2020 Annual Meeting](#)

Medora, ND

June 29-July 2, 2020

### [WSWC Summer \(193<sup>rd</sup>\) Meetings](#)

Cody, WY

July 22-24, 2020

### WSWC Fall (194<sup>th</sup>) Meetings

TX

## Upcoming Events

### [WestFAST Webinar: 3 New USGS Priority Programs – NGWOS, IWP, and IWAA,](#)

February 25, 2020, 10AM Mountain

### [WestFAST Webinar: FAST 41: Best Practices for Permitting and Environmental Review Processes for Major Infrastructure Projects,](#)

March 25, 2020, 10AM Mountain

### WSWC-WWAO Research-to-Operations (R2O) Workshop

Irvine, CA

April 22-23, 2020

### [WestFAST Webinar: Leveraging Watershed Restoration to Improve Source Water Protection and Reduce the Risk of Wildland Fire,](#)

April 29, 2020, 10AM Mountain

### Annual Sub-seasonal-to-Seasonal (S2S) Workshop

San Diego, CA

May 18-20, 2020

## Other Federal News

WHITE HOUSE 01/01/20. [Presidential Message on the 50th Anniversary of the National Environmental Policy Act](#)

BLM 01/02/20. [BLM Utah announces key leadership changes](#)

BLM 01/03/20. [BLM releases final EIS for domestic sheep grazing permit renewals in Gunnison, Hinsdale, and Ouray counties](#)

USDOJ/USF&WS 01/03/20. [Interior Increases Transparency on Refuge Wetland Easements: Modernizes Mapping of Older Easements, Clarifies Appeal Process](#)

NRCS 01/03/20. [Dakota Farm talk – NRCS Kent Vlieger talks Cover Crops in Different Scenarios](#)

NRCS 01/06/20. [Mentor Network Serves as Valuable Reference for Ag Producers](#)

NRCS 01/06/20. [Dakota Farm Talk – NRCS Cultural Resources Specialist Sarah Laundry explains lands contain untapped wealth of cultural resources](#)

NOAA 01/06/20. [Attending the 2020 ESIP Winter Meeting](#)

WHITE HOUSE 01/06/20. [Twenty-one Nominations Sent to the Senate](#)

NIDIS 01/07/20. [2019 in Review: A Look Back at Drought across the United States in 10 Maps](#)

EPA 01/07/20. [Aggressively Addressing PFAS at EPA](#)

DOI 01/08/20. [Interior Reduces Wildfire Risks on More Than 1.4 Million Acres of Federal Land in 2019](#)

NOAA 01/08/20. [2019 was the 2nd wettest year on record for the U.S. The nation also experienced 14 billion-dollar weather and climate disasters last year](#)

EPA 01/08/20. [EPA Grant of \\$1.2M Will Support Water Pollution Control in Texas](#)

NRCS 01/08/20. [Public Comments Sought for East Fork Irrigation District Infrastructure Modernization Project](#)

NRCS 01/08/20. [Early Season Weather Patterns Hit or Miss Across Montana](#)

NRCS 01/08/20. [Grazing Management Benefits Burwell Landowner](#)

WHITE HOUSE 01/09/20. [Remarks by President Trump on Proposed National Environmental Policy Act Regulations](#)

WHITE HOUSE 01/09/20. [The Economic Benefits of Improved Infrastructure Permitting](#)

BLM 01/10/20. [BLM and partners provide water for wildlife on Rattlesnake Mountain](#)

NOAA 01/10/20. [NOAA meteorologists helping Australia battle wildfires](#)

NOAA 01/10/20. [Attending the 2020 AMS Annual Meeting](#)

USDOJ 01/13/20. [What They Are Saying: CEQ Issues Proposed Rule to Modernize its NEPA Regulations](#)

NOAA 01/13/20. [NOAA celebrating Golden Anniversary throughout 2020](#)

NRCS 01/14/20. [USDA Reminds Historically Underserved Producers of Advance Payment Option](#)

USBR 01/14/20. [Reclamation ends decades of financial uncertainty for water and power users of the Central Valley Project](#)

NASA 01/14/20. [Workshop Report: Technology Transfer for Water Management in the Western U.S.](#)

NOAA 01/15/20. [2019 was second-warmest year on record](#)

NRCS 01/16/20. [Public Comments Sought for Central Oregon Irrigation District Smith Rock-King Way Infrastructure Modernization Project](#)

NRCS 01/16/20. [Frequently Flooded Ag Land May Be Eligible for NRCS Easement Restoration Program](#)

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BLM 01/17/20. [BLM takes steps to improve administration of grazing regulations on public lands](#)

USBR 01/17/20. [Reclamation's California-Great Basin office hires two deputy directors](#)

EPA 01/17/20. [EPA Announces Enforcement Actions to Protect Drinking Water at Eight Federal Facilities](#)

NOAA 01/23/20. [Ocean Heat Content Rises. OHC reaches its highest level in recorded history](#)

BLM 01/24/20. [BLM California welcomes new State Director Karen Mouritsen](#)

USBR 01/27/20. [Reclamation welcomes Roland Springer as deputy regional director in Interior Region 9, Columbia-Pacific Northwest Region](#)

USDOJ 01/29/20. [Secretary Bernhardt Signs Order Grounding Interior's Drone Fleet for Non-Emergency Operations](#)

NRCS 01/30/20. [Local \(Nebraska\) Working Group Meetings Planned](#)

NRCS 01/31/20. [USDA Extends Deadline for Input on Agricultural Conservation Easement Program Rule](#)

USFS 01/31/20. [2020 Forest Service Grazing Announced](#)

NRCS 01/31/20. [Dakota Farm Talk – Nominations for the 2020 Leopold Conservation Award](#)

USACE 02/02/20. [Army Corps flood fight teams working in Skagit and Snohomish River basins](#)

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