

New Administration Quietly Changing Environmental Rules

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Modern, integrated water storage and distribution systems can provide tremendous physical and economic flexibility to address climate transformation and population growth in the West. However, this flexibility is limited by legal, regulatory, or other institutional constraints, which can take longer to address than actually constructing the physical infrastructure.

The Family Farm Alliance has long worked on finding ways to streamline the regulatory process, and worked closely with past administrations and Congress towards that end. In the past year, our members are becoming increasingly concerned about the number of environmental policies that are currently being re-written by this Administration. It appears the changes being contemplated could result in stricter requirements that would further slow down federal approvals on water projects that are already very time-consuming and challenging. We are concerned about the following administrative actions that could carry the risk of real potential harm for Western irrigators:

- Economic and Environmental Principles & Guidelines for Water and Related Resources Studies. The White House in December released a draft of new standards for federal water projects that for the first time put environmental goals on the same plane as economic development concerns. These proposed changes for federal water agencies may have a significant impact on new water project planning and federal funding in the future.
- ESA Administrative Revisions. The U.S. Fish and Wildlife Service is considering wide-ranging revisions to the 1973 Endangered Species Act (ESA), that could provide new definitions for some key provisions, including those addressing critical habitat and consultations between service biologists and other agencies over projects that could impact protected animals and plants. The problem here is, for many Western water users, the maze of requirements for ESA permits that can restrict activities or delay projects for months or years. My organization supported the administrative regulatory changes put forward prior to 2009 that would have streamlined the consultation process. It now looks like those changes have been reversed, with no apparent request for input offered to the regulated community.
- EPA Pesticide Restrictions. EPA is making a precedent-setting decision to impose pesticide restrictions that will essentially prohibit their use in large areas of the Pacific Northwest. The most serious deficiency in EPA's announced plan involves expansion of no-use buffer zones to every ditch, drain, canal, and irrigation furrow that might eventually drain from an agricultural field into salmon habitat.

- EPA Reconsideration of “Water Transfers Rule”. A 2008 U.S. EPA rule allows water transfers from one water body to another without Clean Water Act permits. The Justice Department in a recent document says EPA may abandon the rule, a move that would subject water transfers throughout the nation to pollution permitting requirements. This could have severe consequences in states like Colorado, where huge quantities of water are moved from one basin to another.

Many of the above administrative changes are drawing praise from environmental organizations that have been advocating them for some time. We can only hope that the Administration will give equal consideration to the concerns of agricultural organizations.