



3/23/23 FP Newsletter

### **Reminder - New WOTUS Rule In Effect, Confusion Remains as U.S. Supreme Court Blocks Rule in Idaho and Texas**

A reminder that the new Waters of the United States (WOTUS) rule issued by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers went into effect on Monday, March 20, 2023 for most states including California. The new rule expands jurisdiction as it applies both the “relatively permanent” standard as well as the “significant nexus” test. Related legal activities are still ongoing. Although a federal judge in Texas stopped short of granting a nationwide injunction, the judge blocked the final rule in both Texas and Idaho. Additionally, stakeholders are still waiting for the U.S. Supreme Court to rule in the Sackett case.

### **White House Issues Guidance on Corridors and Connectivity**

During the White House Conservation in Action Summit held this week, the Administration made several announcements including, but not limited to, the issuance of new Council on Environmental Quality [guidance](#) to federal agencies on incorporating “ecological connectivity and wildlife corridors into federal planning and decision making.” The guidance also directs federal agencies to consider “connectivity and corridors across terrestrial, marine and freshwater habitats, as well as across airspaces, to sustain the tremendous biodiversity that exists in the U.S. and enable wildlife to adapt to fluctuating environmental conditions, including those caused by climate change.” This guidance is intended to assist the Administration’s America the Beautiful Initiative. The Administration also released the 2022 America the Beautiful [Annual Report](#).

Additionally, the Administration previewed an upcoming Bureau of Land Management regulation that will seek public input on a proposed rule intended to modernize the agency’s tools and strategies for managing America’s public lands. Read the White House fact sheet [here](#).

### **CAFB Supports Critical Firefighting Legislation**

CAFB has signed-on in support of H.R. 1586, the Forest Protection and Wildland Firefighter Safety Act of 2023 introduced by Rep. Doug LaMalfa (CA-1). The legislation would provide a critical Clean Water Act exemption that would ensure federal, state, local, and tribal firefighting entities may continue the use of fire retardant during wildfire incidents. Currently, the U.S. Forest Service and other agencies are operating under the assumption that a National Pollutant Discharge Elimination System permit is not required for the use of fire retardant because regulations specifically state that fire control is a non-point source silvicultural activity. Given the length of time it would take for the Forest Service to obtain such a permit, California Farm Bureau is also currently participating in litigation to allow for the ongoing use of fire retardant. The provisions of the Forest Protection and Wildland Firefighter Safety Act of 2023 are urgently important for the 2023 fire year.

## [Letter](#)

### **Secretarial Disaster Designation Issued for Drought**

On March 17, Secretary Vilsack designated 54 California counties as primary disaster areas due to recent drought. These counties suffered from a drought intensity value during the growing season of D2 Drought-Severe for 8 or more consecutive weeks or D3 Drought-Extreme or D4 Drought-Exceptional. In addition, four counties were declared as contiguous disaster counties. Secretarial disaster declarations make farm operators in primary counties and those counties contiguous to such primary counties eligible to be considered for certain assistance from the USDA Farm Service Agency if eligibility requirements are met. To view the designation, including a list of eligible counties, view the letter [here](#).

## [Vilsack Letter to Governor](#)

### **Biden Administration Proposes Rule to Expand School Lunch Access**

Yesterday, the Biden administration unveiled a new rule proposal that would lower the threshold for enrollment in the Community Eligibility Provision (CEP), which helps provide low-income students with free meals. The proposal would effectively lower what is known as the identified student percentage (ISP) participation threshold, which determines meal access for students. They estimate that 20,000 schools and 9 million students would be considered newly eligible from these lowered ISPs.

The president has placed a renewed emphasis on addressing hunger and nutrition challenges here within the US. With the expansion of many free meal programs during the pandemic, a new emphasis on these services has extended down to the state and local levels as well. Agricultural organizations have historically tried to partner with USDA and its subagencies in providing healthy fresh foods and drinks for such programs. Any expansion would require Congressionally-approved funding to grow, so it remains to be seen how those conversations will be received on the Hill. With the Farm Bill being in the early stages of crafting, nutrition programs will no doubt play a significant role as both parties debate which direction to go.

## [USDA Release](#)

### **USDA Announces Wildfire Defense Grants**

On Monday, USDA announced \$197 million for 100 project proposals that will benefit 22 states and seven tribes as part of the Community Wildfire Defense Grant program. Funded by the Bipartisan Infrastructure Law passed by Congress and signed by the President last year, the program is intended to assist communities, Tribes, non-profit organizations, state forestry agencies and Alask Native corporations plan for and mitigate wildfire risks. Grant proposals underwent a competitive selection process that included review panels made up of state forestry agencies and tribal representatives. The agency used the three priorities outlined in the Bipartisan Infrastructure Law to narrow down the communities in greatest need. These priorities included communities impacted by severe disaster, those with high or very high wildfire hazard potential or classified as low income. There were 33 project proposals in California in the first round. To view the list visit the program website [here](#).

### **USDA Feedback Survey Closes March 31**

USDA is continuing to accept responses to their nationwide survey focusing on gathering feedback about the Farm Service Agency, Natural Resources Conservation Service and Risk Management Agency through

March 31. Additionally, USDA is encouraging all farmers, ranchers, and forest managers to take the survey and would especially like to hear from prospective customers, both those who don't know about USDA or have yet to work with USDA as well as those who were unable to participate in the past. The survey is intended to help USDA enhance support, improve programs and services, increase access, and advance equity for new and existing customers.

[Survey](#)