



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION** **USDA/CSP/EQIP**

On October 8, the U.S. Department of Agriculture (USDA) released the final rule for its Conservation Stewardship Program (CSP) (85 FR 63993). The USDA's press release said: "The rule makes updates to the popular conservation program as directed by the 2018 Farm Bill and integrates feedback from agricultural producers and others.... The final rule better aligns CSP with [the Natural Resources Conservation Service's (NRCS)] Environmental Quality Incentives Program (EQIP) through common applications, contracting operations, conservation planning, conservation practices, and related administrative procedures. EQIP is a voluntary conservation program that helps promote agricultural production and environmental quality by providing producers financial and technical assistance to implement structural and management conservation practices on working agricultural lands."

The following changes were made to the final CSP rule: (1) emphasis added to enhancing soil health as a way that program participants can achieve program goals; (2) language modified pertaining to locally led conservation by specifying that NRCS will solicit input from the State Technical Committees and by adding new Tribal Conservation Advisory Councils, and specified that these entities (together with local working groups) will develop state-level technical, outreach and program materials; (3) definitions amended for "enhancement," "management-intensive rotational grazing," and "resource-conserving crop;" (4) provided clarity to producers by adjusting language related to the set-aside for historically underserved producers; (5) language adjusted for early start waivers to align with EQIP and reflect that the provision applies only to new conservation activities; and (6) allowed for more than one contract renewal but extended the two-year program ineligibility period to those applying but not selected.

The following updates in the interim CSP rule (published November 2019) were retained in the final rule: (1) increased payment rates for adoption of cover crop rotations; (2) new supplemental payment for advanced grazing management; (3) one-time payment created for developing a comprehensive conservation plan; and (4) specific support for organic and

transitioning to organic production activities. <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/releases/?cid=NRCSEPRD1666438>

### **ENVIRONMENT**

#### **Endangered species/Salmon**

A study recently published in the journal *Fish and Fisheries* has found that declines in Chinook salmon survival may not be as strongly tied to the presence of dams, aquaculture or other anthropogenic activities as currently thought. Scientists from Kintama Research Services conducted an assessment across the west coast of North America of Chinook smolt-to-adult ratios (SAR) and found that declining survival rates of Chinook were similar across the coast, regardless of whether dams were present on the natal streams or not. They suggest that this means larger ocean processes, potentially linked to changes in climate, are likely to be a stronger driver of Chinook declines than activities happening along the coasts or rivers that support salmon populations. The authors call for "a joint systematic review by major funding agencies to further assess the broader consistency and comparability of SAR data with our findings," and believe it can have profound implications for salmon conservation strategies.

The authors note that monitoring methodology may not be adequately capturing upstream survival of smolts and adults, and also call for a coast-wide review of the quality and consistency of these methods. They also discuss the implications of accurate methods for determining survival for hatchery management, which has become increasingly expensive as stock supplementation has become an important fisheries management strategy. "In Puget Sound, where the reported survival of subyearling (Fall) Chinook has fallen to significantly lower survival levels than the Snake River, the cost of hatchery operations to yield one sport-caught adult Chinook has increased from \$55 (USD) per fish in the 1970s to \$768 (yearlings) and \$392 (subyearlings) in the 1990s."

Finally, the authors note the importance of more carefully considering the role of harvest in survival rates. They found that differences in the methodology used to calculate survival rates on different areas of the coast could have implications for the US-Canada Pacific

Salmon Treaty (Treaty). The SAR is the percentage of fish that return to a natal water as adults, calculated from population census counts. There are two primary methods for determining SAR using two different methods of recapture – passive integrated transponder (PIT) tags and coded wire tags (CWTs). CWT is used over a greater spatial extent than PIT tags; however, PIT tag data is used to inform survival rates for the Columbia River Basin and has management requirements based on abundance per the Treaty. PIT tags do not take into account harvest, which the authors note has significantly increased since 1998, potentially underestimating the true SAR by 10-25% for yearling salmon, and 300-400% for subyearlings. If harvest is not accurately accounted for, survival rates could be higher than generated by PIT tag data estimates, which could affect management actions based on the Treaty. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/faf.12514>

## **ORGANIZATIONS**

### **Interstate Council on Water Policy**

On October 6, 8, 13, and 15, the Interstate Council on Water Policy (ICWP) held its virtual annual meeting. Five states (including Texas, Utah and Wyoming) presented information about their water planning programs and how they are using technology for communicating information about water resources and infrastructure to the public and the legislatures, for ensuring quality control of data input by water users, for tracking water use changes during wet and dry periods, and for modeling and forecasting water use. Another panel of three states talked about the need for reliable data in groundwater management. They talked about interagency cooperation to share data, enabling 3D models from well logs, using the Mesonet and LiDAR data for flood decision support, and networks of water users reporting different types of water withdrawals, soil moisture, and observation wells.

Joseph Redican, Deputy Planning Chief, U.S. Army Corps of Engineers, reported that there has been an increase in the number of Chief's reports since 2018, and the utilization of those reports to get projects authorized in the Water Resources Development Act (WRDA) bills. The Corps is reviewing the changes in the recent NEPA rule and determining if they need any rulemaking to implement the rule.

Tim Petty, Assistant Secretary, Department of the Interior, addressed current water and science activities. Don Cline, Chad Wagner, Mindi Dalton and Becci Anderson, U.S. Geological Survey, provided an update on water science priorities, changes in stream gage resources over time and the need to cut gages under a flat budget, Water Use Data and Research (WUDR) grants that have been awarded and how the data is being used, and updates to the National Hydrography Dataset (NHD) including a high resolution build of NHD+. Veva Deheza, National Integrated Drought Information

System (NIDIS), reported on the expansion of the Drought.gov website. Tom Graziano, National Weather Service, talked about upgrades to the National Water Model, and the Hydrologic Ensemble Forecast System to enable forecast lead times from one hour to one year.

Congressional staff from the House Transportation and Infrastructure Committee, Camille Touton, and Senate Environment and Public Works Committee, Brian Clifford, provided updates on WRDA and efforts to conference the different versions, anticipating that it will pass during the lame duck session. Although Congressional visits aren't occurring due to COVID restrictions, staff are becoming proficient at remote work and they are open to virtual constituent interactions. They expressed appreciation for subject matter experts in the states and their willingness to work with staff when legislation is introduced.

Julia Anastasio, Association of Clean Water Administrators, provided an overview of recent water quality topics of interest to states, including the new Navigable Waters Protection Rule, the Clean Water Act §401 rule, the Corps Nationwide Permits, and the *County of Maui v. Hawaii Wildlife Fund* Supreme Court decision. <https://icwp.org/event-summaries/interstate-council-on-water-policy-2020-annual-meeting-summary-4-sessions-held-virtually-oct-6-8-13-15-2020/>

## **WATER RESOURCES/WATER RIGHTS**

### **Idaho/Clark Fork-Pend Oreille River Adjudication**

On October 23, the State of Idaho, on behalf of the Idaho Department of Water Resources (IDWR), filed a petition to commence the Clark Fork-Pend Oreille River Basins adjudication, with the Idaho 5<sup>th</sup> District Court in Twin Falls, Idaho. The petition said: "The public interest and necessity would be served by a general adjudication of the Clark Fork-Pend Oreille River basins water system because the adjudication would provide a complete and accurate recording of existing water rights, thereby helping the state and its residents better understand and manage Idaho's water resources." The court scheduled a hearing for January 21, 2021.

The IDWR press release said: "A water rights adjudication allows older undocumented water rights to be documented, reaffirms existing permits and licenses, removes unused water rights from water right records, and helps the state and its residents manage Idaho's water resources...." The adjudication will review all water rights held by local, state, and federal governments, Native American tribes, and private property owners. The petition includes a request to allow water users the option of deferring the filing of small domestic and stockwater claims. IDWR currently has 2,700 water rights on record, and anticipates that about 9,000 water rights claims may be filed in the adjudication. This will be Idaho's third adjudication in Northern Idaho. <https://idwr.idaho.gov>

**The WESTERN STATES WATER COUNCIL is an organization of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.**