



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN GOVERNORS

Winter Meeting

On December 10, the Western Governors' Association (WGA) held its Winter Meeting virtually. The meeting focused on state responses to COVID-19 and wildfire, and included discussions on broadband access, technology, and healthcare. The Governors also formally approved five policy resolutions: (1) Strengthening the State-Federal Relationship (2021-01); (2) Utilizing State Data in Federal Decision Making (2021-02); (3) National Forest and Rangeland Management (2021-03); (4) Species Conservation and the Endangered Species Act (2021-04); and (5) Wild Horse and Burro Management (2021-05).

The resolution on state-federal relationships notes that: "Where authority has been delegated by the federal government to the states, states should be granted the maximum administrative discretion possible and should be treated as partners and co-regulators." On utilizing state data: "Western Governors recognize the crucial role that state data can serve to inform the decision-making processes of federal agencies. The Governors urge the federal government to consult with states and state agencies as partners – rather than ordinary stakeholders – in the development and implementation of policies, programs, and strategies to more effectively and consistently incorporate state data into federal decision making. Federal agencies must recognize the existence and limitations of state privacy and data stewardship laws, regulations, and policies. They must also work with states to develop strategies to encourage effective state-federal data sharing while appropriately protecting data under state law."

WGA Chair and Oregon Governor Kate Brown opened with a keynote on her Chair policy initiative Electric Vehicles Roadmap Initiative. As highlighted in the event press release, "the Governor noted that an emphasis on the expansion of electric vehicles enables the use of energy sources such as solar, wind and water that are 'found right here in the West.' And she added, 'facilitating electric vehicles isn't a political imperative, it's an economic one.'"

Brown then moderated a panel featuring Governors: Jared Polis (CO); Brad Little (ID); Kevin Stitt (OK); Gary

Herbert (UT); and Lou Guerrero (Guam) on state responses to COVID-19. The Governors highlighted the challenges they have faced leading through the pandemic and shared lessons about what has and has not worked in the approach to their responses. Following this discussion, Alex Azar, Secretary of Health and Human Services, outlined the Administration's work in collaboration with states in response to the COVID-19 pandemic. Specifically, he focused on improvements in testing, supply chain, data, and the development of COVID treatments and vaccines. He also noted the importance of streamlining the process to promote and distribute vaccines to their communities.

Governor Little moderated a panel on Wildfire Response in the West, featuring Governors Steve Bullock (MT), Mark Gordon (WY) and Polis. The Governors discussed the importance of collaboration in addressing the increasing threat of wildfire to lives and property, and noted the challenges and opportunities for improving forest management practices. Chief Kim Zagaris, Western Fire Chiefs Association, highlighted the critical need to work with local building code authorities to implement policies that would reduce the risk of structures burning as wildfires become increasingly destructive.

The meeting also included discussions with guests Brad Smith, President of Microsoft, on broadband availability and how technology has enabled the COVID-19 response; and Dr. Sanjeev Arora, founder of Project ECHO, a virtual training and mentoring platform for doctors to share specialized knowledge and resources. <https://westgov.org>

ADMINISTRATION

Corps of Engineers/Water Supply Rule

On December 3, Lieutenant General Scott A Spellmon, Commanding the U.S. Army Corps of Engineers (Corps), released a memorandum on Improving Internal Processes for Review of Requests for Water Supply Withdrawals at Corps' reservoirs. The purpose is to "take steps to accelerate, simplify, and better integrate the processing of requests for withdrawals of water" from Corps projects. "This memorandum does not add or change substantive policies regarding implementation of relevant Corps

authorities. Personnel in the field are directed to streamline and accelerate review to the extent feasible consistent with applicable laws, regulations, and guidance, as well as “eliminate unnecessary complexity.” Commanders are also directed to ensure personnel work together to evaluate requests in a coordinated manner. Major Subordinate Commands (MSC) are to report on progress within 90 days. Simultaneously, the Corps rescinded Policy Guidance Letter No. 26 related to easements to support water supply storage agreements and surplus water agreements, to align with the updated policy and guidance, and announced a new memorandum would be forthcoming concerning an easement template.

ADMINISTRATION/WATER QUALITY **WestFAST/Salinity**

On December 8, the Western Federal Agency Support Team (WestFAST) hosted a virtual panel with presentations on Salinity in the Western United States. Presenters included Bob Boyd, Bureau of Land Management (BLM); Marcie Bains, Bureau of Reclamation (USBR); Erika Mancha, Texas Water Development Board (TWDB); Mike Abate, U.S. Army Corps of Engineers (Corps); Carleton Bern, U.S. Geological Service (USGS); Zhuping Sheng, Texas A&M University; Don Barnett, Colorado River Basin Salinity Control Forum; and Daniel Deeds, USBR. The speakers discussed a host of issues related to the challenges associated with salt in water resources in the West and their economic costs. Salt causes damages to many sectors, including: agriculture; residential; commercial; groundwater storage; water utilities; recycled water; and industry. These damages can be in the form of increased costs for treatment, limits to crop yield and crop type that can be grown, deteriorated pipes and appliances, and increased water use and operation and maintenance costs. There are both natural and anthropogenic sources of salt from geologic formations, atmospheric deposition, groundwater discharge, agricultural runoff and return flows, industrial wastewater discharge, municipal/domestic wastewater discharge, stormwater runoff and acid mine drainages.

Speakers highlighted specific regional challenges that they face in their work related to salinity. These included understanding and addressing natural and anthropogenic sources of salinity; mitigating the impacts on different sectors, primarily agriculture which experiences most of the economic impacts from salinity (roughly \$300M per year); managing salt across the landscape through the movement of water; improving desalination technology and deployment; and recognizing where to adapt to the salt conditions versus trying to mitigate the impacts.

A common theme across presentations was the focus on collaboration to address salinity. Many

stakeholders are affected in different ways, and both centralized approaches (e.g. forums such as the Colorado River Basin Salinity Control Forum) and decentralized approaches (e.g. farmers who implement conservation practices or fallowing) are necessary. Science, research and technology development also play an important role in helping to understand the sources and sinks of salt, how it moves across the landscape and how that affects water management, and for developing treatment technologies and other solutions that can reduce the impacts of salinity. www.westernstateswater.org/westfast for the recording

WATER RESOURCES **Colorado/Demand Management**

On November 18, the Colorado Water Conservation Board (CWCB) approved its Demand Management Feasibility Investigation Step II Work Plan. The CWCB is investigating the feasibility of a potential Demand Management program for the State, which would provide for temporary, voluntary, and compensated reductions in the consumptive use of water in the Colorado River Basin. When the seven Colorado River Basin States finalized the Drought Contingency Plan (DCP) in 2019, the Upper Basin States committed to considering the feasibility of a Demand Management program. Colorado sees the potential program as a way to protect Colorado’s water users by helping to avoid or mitigate the impacts of a mandatory Colorado River Compact administration scenario.

The CWCB’s initial work plan in 2019 was designed “to identify and analyze key threshold issues,” while this Step II work plan will “analyze key outstanding questions and priority issues.” Questions include: “whether Demand Management is achievable, whether it is worthwhile from Colorado’s perspective, and whether it is advisable to make a feasibility determination?” Included within these broad questions are issues of funding source reliability, verifiable and trackable water conservation, legal viability, relative risk and available mitigation measures, whether the program protects water users, whether it is proportional and equitable, whether a meaningful amount of water can be stored, whether the program would be compatible with the broader Colorado River strategy, whether it is the most appropriate program, and whether it fits within operations?

The Step II work plan also includes provisions for stakeholder briefings, workshops, progress reports, public outreach, ongoing discussions with tribal nations, and engagement with Colorado’s Interbasin Compact Committee. Tasks include development of a draft framework for a program, learning from existing programs and projects, and continuing to assess a potential large-scale Demand Management pilot program. <https://cwcb.colorado.gov/focus-areas/supply/demand-management>

The WESTERN STATES WATER COUNCIL is a government entity 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.