



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/ENVIRONMENT

Regulatory Review/Science & Technology/Climate

On January 20, President Biden issued a Memorandum for the Heads of Executive Department and Agencies on Modernizing Regulatory Review directing the Office of Management and Budget (OMB) "...in consultation with representatives of executive departments and agencies, as appropriate and as soon as practicable, to begin a process with the goal of producing a set of recommendations for improving and modernizing regulatory review. These recommendations should provide concrete suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations. The recommendations should also include proposals that would ensure that regulatory review serves as a tool to affirmatively promote regulations that advance these values. These recommendations should be informed by public engagement with relevant stakeholders."

President Biden also issued Executive Order (EO) 13990 (86 FR 7037), Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis on January 20. The EO recognizes the threat of climate change and directs executive agencies and departments to review regulations and other actions taken during the prior Administration that may conflict with national objectives. Biden's national objectives include: "...to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals."

Several EOs issued by former President Trump were revoked, including EO 13778, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" Rule (February 28, 2017).

This does not rescind the 2020 Navigable Waters Protection Rule (NWPR).

On January 27, President Biden signed EO 14008: Tackling the Climate Crisis at Home and Abroad. The EO directed federal agencies to implement policies and operations to ensure climate change resiliency and established climate as an essential element of U.S. foreign policy and national security. "It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure. Successfully meeting these challenges will require the Federal Government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including State, local, and Tribal governments."

Directives included: (1) require each agency to develop a plan to increase the resilience of facilities and operations to the impacts of climate change, (2) report on ways to expand and improve climate forecast capabilities, (3) invest in infrastructure that reduces climate pollution, and (4) procure renewable energy and zero-emission vehicles, among others. It committed to the goal of conserving at least 30% of lands and oceans by 2030 and launched a stakeholder process that includes States, Tribes, agricultural and forestry interests, fisherman, landowners and local officials. It also established a Civilian Climate Corps Initiative to create jobs in rural areas that help to conserve and restore public lands and waters. The EO placed a hold on entering into new oil and gas leases on public lands or offshore waters and launched a review of current leasing and permitting practices related to fossil fuel development on public lands and waters. Restriction on energy activities is not applicable to lands held in trust for Tribes, and the Secretary of the Interior is to consult with Tribes on further energy development on these lands. The EO also created the White House Office of

Domestic Climate Policy, to be led by the new National Climate Advisor and Deputy National Climate Advisor, and established the National Climate Task Force, to be comprised of leaders from 21 federal agencies and departments.

On the same day, Biden signed EO 14007: Establishing the President's Council of Advisors on Science and Technology (PCAST) to counsel the President on policy and innovation, as well as data and necessary information relevant to policy development. He also signed the Presidential Memorandum on Science Integrity and Evidence-Based Policymaking that direct agencies to make evidence-based decisions guided by the best available science and data. It also requires that every agency designate a senior career Scientific Integrity Official to oversee improvement of agency scientific integrity policies.

All EOs and memoranda can be found at <https://www.whitehouse.gov/briefing-room/>.

CONGRESS/WATER QUALITY **Clean Water Act/Non-point Source**

On January 22, Senators Amy Klobuchar (D-MN) and Marco Rubio (R-FL) introduced the Local Water Protection Act (S. 29) to amend the Clean Water Act (CWA) to reauthorize non-point source programs. The Senators introduced a similar bill last Congress along with a companion bill in the House. Their joint press release said: "Currently, states retain the primary role for addressing nonpoint source water pollution caused by snowmelt and rainfall runoff, which they do largely through voluntary means and financial incentives. However, according to the Governmental Accountability Office (GAO), available incentives have declined recently, leading to increased water pollution. The Local Water Protection Act would reauthorize \$200M annually for the voluntary grant fund to give local and state governments the flexibility to make conservation improvements aimed at decreasing water pollutants through partnerships within their communities." <https://www.klobuchar.senate.gov/public/index.cfm/2021/1/klobuchar-rubio-introduce-legislation-to-reduce-water-pollution-in-local-communities>.

WATER RESOURCES **Infrastructure**

On January 12, a national coalition of over 200 agricultural organizations and rural and urban water districts urged President Biden and congressional leadership to "address aging Western water infrastructure in any potential infrastructure or economic package." Led by the Family Farm Alliance, the California Farm Bureau, Western Growers, National

Water Resources Association, and the Association of California Water Agencies, the coalition included signatories from 15 western states, including Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

A press release stated the coalition "encouraged the federal government to invest in a diversified water management portfolio that enhances water supply and quality for urban and environmental uses while keeping water flowing to Western farms." Specific recommendations included: (1) water conservation; (2) water recycling, reuse and desalination projects; (3) new water storage facilities (surface and groundwater); (4) watershed management, fish passage and recovery and habitat restoration; (5) federal financing mechanisms for water projects; (6) loans for local districts operating and maintaining federally-owned irrigation projects; and (7) water quality improvements for rural communities.

The coalition also asked for "timely construction of water projects by streamlining the regulation and permitting processes," and to "encourage federal agencies to implement a more cooperative approach toward achieving multiple goals under existing environmental laws and regulations." See <https://www.wga.com/press-releases/national-coalition-pushes-investment-aging-water-infrastructure>.

MEETINGS **Western States Water Council - Spring Meetings**

The WSWC Spring (195th) Meetings will be held virtually on March 23-25, hosted by the State of Texas. The Executive Committee will meet virtually on March 5, to address sunseting resolutions, the FY2022 budget and other matters - then report to the Full Council. You must register in advance to join the meetings via webinar. For further information as it becomes available, see: <https://www.westernstateswater.org/events/wswc-spring-2021-195th-meetings/>.

Schedule of Meetings

- Tuesday, March 23 (Mountain Daylight Times)
 - 1:00 pm Meet and Greet
 - 1:45 pm Host State Presentation/Virtual Field Trip
- Wednesday, March 24
 - 9:00 am Water Resources Committee
 - 12:30 pm Water Quality Committee
- Thursday, March 25
 - 9:00 am Legal Committee
 - 12:00 pm WSWC Full Council Meeting

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.