



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / www.westernstateswater.org

Acting Chair - Jennifer Verleger; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

WESTERN GOVERNORS/ADMINISTRATION **State-Federal Relationship**

On February 9, the Western Governors' Association (WGA) sent a letter to President Joe Biden and Vice President Kamala Harris regarding the state-federal relationship and a desire to work effectively together, signed by WGA Chair Governor Kate Brown (D-OR) and WGA Vice Chair Governor Brad Little (R-ID). The letter congratulated Biden and Harris, and noted: "Western States are eager to work closely with you as authentic partners in the design and execution of programs and policies that affect our shared constituents and implicate state authority." It highlighted WGA Policy Resolution 2021-01, Strengthening the State-Federal Relationship, which states, "Each Executive department and agency should have a clear and accountable process to provide each state – through its Governor or their designees – with early, meaningful, substantive, and ongoing consultation in the development of federal policies that affect States." The letter went on to say, "We submit such consultation should commence immediately, both with respect to federal policies under review and those under development." <https://westgov.org/letters>

ADMINISTRATION/WATER RESOURCES **Reclamation/SECURE Water Act Report**

On January 22, the Bureau of Reclamation issued its *Water Reliability in the West – 2021 SECURE Water Act Report to Congress*. The 60-page report summarizes the findings from a more detailed 2021 *West-Wide Climate and Hydrology Assessment*, which will become available in March. Reclamation noted that the Congressionally-mandated report "...provides an assessment of climate change impacts to water uses in the West and adds a new set of West-wide information based in paleohydrology. This report describes our collaborative actions taken to increase the reliability of water and power deliveries since 2016, including: science and research, planning, infrastructure sustainability, efficient hydropower production, and on-the-ground actions to meet needs for irrigation, municipalities, power, Tribes, and the environment."

The report covers the eight major Reclamation river basins identified in the SECURE Water Act, and assesses the impact of changing conditions on

temperatures, precipitation, snowpack, streamflow, droughts, water demands, and groundwater. "Understanding how these changing conditions impact water uses that are central to Reclamation's mission helps us develop innovative approaches to meet these challenges." The report provided a discussion of potential climate impacts on the water supply and delivery systems, and collaborative innovations and strategies to maintain reliable water and power deliveries as conditions change over time. It included a discussion of uncertainties associated with climate change projections, but noted: "[A]verage temperatures are projected to increase across the West and annual precipitation is projected to increase in the Northwest, particularly in the Columbia and Missouri River Basins, and decline in the Southwest. In most river basins, snowpack is projected to decline as more winter precipitation falls as rain and warmer temperatures melt snow sooner. In some high elevation regions, snowpack may increase due to a projected increase in winter precipitation. Throughout the West, seasonal streamflow is projected to occur earlier in the year...."

Reclamation noted that they have initiated 27 WaterSMART basin studies in fifteen Western States, with seventeen completed and ten studies still underway. "Non-Federal partners cost-share to evaluate the impacts of climate change and identify a broad range of potential strategies to address current and future shortages.... These strong relationships with non-Federal entities across the West have built a technical foundation that directly contributes to many collaborative follow-on efforts, including eight water management pilots, two basin study updates, and many other efforts." One example given is the Colorado River Basin, where recent collaborative efforts have resulted in partner water contributions to increase the water elevation in Lake Mead by 35 feet, staving off water shortage actions for the immediate future. <https://www.usbr.gov/climate/>

WATER QUALITY **Clean Water Act//NPDES/Texas**

On February 12, the Environmental Protection Agency (EPA) published a notice that, as of January 15, the State of Texas had been approved to assume partial National Pollutant Discharge Elimination System (NPDES) program delegation for discharges from

produced water, hydrostatic test water and gas plant effluent (oil and gas discharges) within the state and three miles offshore (86 FR 9332). The program will be administered by the Texas Council on Environmental Quality (TCEQ). The program application was submitted by Governor Greg Abbott (R-TX) in October 2020. The Texas Legislature passed H.B. 2771 in 2019, which amended the Texas Water Code to transfer jurisdiction of oil and gas discharges from the Railroad Commission of Texas to TCEQ following EPA approval.

In a press release, TCEQ Commissioner Emily Lindley said, "TCEQ looks forward to working on permits pursuant to this program delegation. For the past year and a half, staff worked tirelessly to make sure our application was complete and accurate. This delegation will serve Texans well." EPA Regional Administrator Ken McQueen said, "After a rigorous review process, we are pleased to announce that the state of Texas will take responsibility for this Clean Water Act program. This action will help Texas administer a process for the regulated community without unnecessary and duplicative permitting processes and ensure the best environmental and economic outcomes." <https://www.tceq.texas.gov/news/releases/tceq-to-administer-clean-water-program-epa-announces>

WATER RESOURCES/ENVIRONMENT **Colorado River**

On February 5, researchers at Utah State University released a report as part of The Future of the Colorado River Project, titled "*Alternative Management Paradigms for the Future of the Colorado and Green Rivers.*" As stated by the authors, "The objective of the White Paper is to encourage wide-ranging and innovative thinking about how to sustainably manage the water supply, while simultaneously encouraging the negotiators of new agreements to consider their effects on ecosystems."

The report described 24 alternative management paradigms, and assessed five of these using the Bureau of Reclamation's Colorado River Simulation System (CRSS) modeling tool and, when appropriate, a reservoir temperature release model. The authors intentionally developed a wide range of approaches "that some might consider radical due to existing and assumed physical or management constraints" in order to provoke new ways of thinking and identify innovative solutions to meet the challenges associated with current and future water supply and consumptive use in the Colorado River Basin." The approaches are grouped into three categories: (1) changes in the rules of water-supply allocation and/or accounting; (2) changes in the operating rules of existing infrastructure; and (3) changes in infrastructure.

The authors simulated future conditions based on three historical, severe drought events recorded in tree rings. They then developed hydrologic scenarios based

on climate change projections from the International Panel on Climate Change (IPCC). These were combined in various ways to examine the sustainability of the river under various consumptive use scenarios.

The authors also proposed the use of a new metric – total water stored in Lake Powell and Lake Mead – to focus attention on the availability of the stored water supply. "While this approach may challenge existing perspectives of Compact obligations between the Upper and Lower Division States, it recognizes that all water which enters the Lake Powell and Lake Mead system is effectively used for the same purpose – supplying water to the Lower Basin...."

The report found, "The Colorado River can be sustainably managed only if consumptive water uses are matched to available supplies, which will require Upper Basin limitations and substantially larger Lower Basin reductions than are currently envisaged." They also suggest that "in the case of reasonable and probable climate change conditions, aggressive commitments to water conservation by both the Upper and Lower Basins will become critical in the next 25 years to maintain the combined reservoir storage greater than 15 million acre-feet...." Policies prioritizing storage in Lake Powell or Lake Mead do not make significant impacts on downstream water supply security, and a Compact Call would place the Upper Basin states at substantial risk under decreasing water supplies and increasing consumptive use. Finally, the report demonstrates that "reoperation of Glen Canyon Dam to better match the natural pattern of spring snowmelt flood is possible, but the reliability of stable hydropower generation would be significantly affected." For more information, see <https://qcnr.usu.edu/coloradoriver/futures>.

PEOPLE

Governor Laura Kelly announced the Kansas State Senate confirmed her nominee **Connie Owen** as the new Kansas Water Office (KWO) Director. Owen replaces **Earl Lewis**, who is now the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. We congratulate both Connie and Earl on their appointments and look forward to working with them.

Ward Scott left his position as WGA Policy Advisor on February 12, to return to private law practice. He joined WGA in 2016 where he focused on water, agriculture, and environmental policy, as well as building stronger state-federal relationships. We wish him well in the future! **Kevin Moss**, a Policy Advisor who joined WGA in 2018, will take over the water policy responsibilities, and he has indicated that he looks forward to working with the WSWC. He is a native of Washington, D.C. and holds a B.A. in Environmental Science from Colorado College.

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.