



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION

Army Corps of Engineers/WOTUS/Tribes

On April 20, Acting Assistant Secretary of the Army for Civil Works, Jaime Pinkham, issued a memorandum with the subject line "Rescission of Previous Guidance – Tribal Consultation Associated With Approved Jurisdictional Determinations (AJD)." The memo rescinded guidance issued January 4, 2020 by former Assistant Secretary R.D. James that directed Corps districts not to consult with tribes on AJDs, regarding Waters of the United States (WOTUS). Pinkham issued the memo to comply with President Joe Biden's January 26, 2020 memorandum, *Tribal Consultation and Strengthening Nation-to-Nation Relationships*.

Pinkham's memo states, "[President Biden's] memorandum directs all Federal agencies to engage in regular, meaningful, and robust consultation with Tribal Nations. The Army's Civil Works program has a long history of productive consultation with Tribal Nations on its projects, rules, and regulatory permit actions, and the Army Civil Works program is committed to maintaining and enhancing its record on consultation." He added, "Among my first priorities are to review the existing USACE Tribal Consultation Policy to ensure it is consistent with, and fulfills, the commitments announced in the President's January 26th memorandum. I will ensure any consultative requirements associated with the review and issuance of Approved Jurisdictional Determinations are included in a revised and updated policy."

ADMINISTRATION/WATER RESOURCES

Bureau of Reclamation/Drought

On April 21, the Bureau of Reclamation (USBR) announced a cost-matching award of financial assistance to five entities in California, Nebraska, and Utah to develop or update drought contingency plans. The \$808,912 was made available through the WaterSMART Drought Response Program. The California entities include: (1) the City of Burbank in Los Angeles County (\$175,000 to address drought and increased water demands); (2) East Valley Water District in Highland (\$200,000 to increase water supply reliability and improve management of declining local groundwater and imported water supplies); and (3) Pala Band of

Mission Indians near Temecula (\$111,000 to identify drought mitigation and response actions to help with reoccurring drought episodes). The Nebraska Department of Water Resources will receive \$200,000 and partner with the Platte Basin Coalition to develop a drought contingency plan for the Upper Platte River Basin to improve resiliency and water supply reliability. The Washington County Water Conservation District in Utah will receive \$122,912 to prepare a drought contingency plan together with local communities for the Virgin River Watershed. <https://www.usbr.gov/newsroom/#/news-release/3832>

Drought/National Climate Task Force

On April 21, National Climate Advisor Gina McCarthy convened the third meeting of President Biden's National Climate Task Force, with a key focus on the severe drought occurring in the West. The Task Force was briefed by Commerce Secretary Gina Raimondo and National Oceanic and Atmospheric Administration (NOAA) Senior Scientist Dr. Roger Pulwarty. The White House readout stated, "In areas like the Klamath Basin in southern Oregon and northern California, lake levels today are lower than occurred during the Dust Bowl. As has been shown in previous years, severe drought conditions can set the stage for worsening wildfire seasons, which in 2020 alone caused \$16.6 billion in damages. The early, severe drought situation is just the latest manifestation of the pervasive and pernicious impacts that climate change is having on American communities."

"In response, [McCarthy] requested that Secretary of Agriculture Tom Vilsack and Secretary of the Interior Deb Haaland form an Interagency Working Group to address the needs of drought impacted communities. The Working Group also will explore opportunities to improve our nation's resilience to droughts and other severe climate impacts that are upending Americans' lives and economic livelihoods."

In an April 21, press release from the Department of the Interior, Secretary Haaland stated: "Water is a sacred resource. This Interagency Working Group will deliver a much-needed proactive approach to providing drought assistance to U.S. communities, including efforts to build long-term resiliency to water shortages. We are

committed to using every resource available to our bureaus to ensure that Tribes, irrigators and the adjoining communities receive adequate assistance and support.” Secretary Vilsack said: “In the United States, intense droughts threaten major economic drivers in rural communities such as agriculture and recreation, disrupts food systems and water supplies, endangers public health, jeopardizes the integrity of critical infrastructure, and exacerbates wildfires and floods. With our interagency Working Group, we will collaborate with Tribes, agricultural producers, landowners, and rural communities to build regional resilience to drought.”

The task force also discussed the role of conservation in addressing climate change, with several actions taken by cabinet secretaries. Notably, Vilsack announced he would reopen enrollment in the Conservation Reserve Program (CRP), one of the world’s largest voluntary conservation programs. As stated in White House readout, he noted there will be “higher payment rates, new incentives, and a more targeted focus on the program’s role in climate change mitigation – devoting \$300M or more annually to this effort.” USDA has a goal to enroll an additional four million acres into the program. Vilsack also announced \$330M will be invested in 85 Regional Conservation Partnership Program (RCP) projects and \$25M for On-Farm Conservation Innovation Trials.

Haaland announced \$78M in grants have been approved by the Migratory Bird Conservation Commission, which will aid in restoring and conserving nearly 500,000 acres of wetlands or associated upland habitats important for birds.

CONGRESS/WATER RESOURCES **Wildfire/Watersheds**

On April 20, Senators Michael Bennett (D-CO) and Ron Wyden (D-OR) introduced the Outdoor Restoration Partnership Act. Their press release said: “This legislation will provide direct support to local, collaborative efforts to restore habitat, expand outdoor access, and mitigate wildfire. It will also spur federal investment in areas at high-risk of wildfire, with high priority wildlife habitat, or in the wildland-urban interface – where homes and businesses meet wildland vegetation -- to build climate resilience in the West.”

The bill would establish an Outdoor Restoration Fund for local collaborative efforts “to restore forests and watersheds, reduce wildfire risk, clean up public lands, enhance wildlife habitat, remove invasive species, and expand outdoor access.” It would make \$20B directly available to state and local governments, tribes, and others “to support restoration, resilience, and mitigation projects across public, private, and tribal lands.” Another \$40B would be invested in targeted projects in partnership with states and tribes to improve forest and

watershed health. Representatives Jason Crow (D-CO) and Mike Simpson (R-ID) will introduce companion legislation.

WATER RESOURCES/WATER QUALITY **Water Reuse Action Plan**

On April 15, the Environmental Protection Agency (EPA) released its latest quarterly update on the Water Reuse Action Plan (WRAP), documenting activities from January through March 2021. As noted in their update, February 2021 marked WRAP’s one-year anniversary. Since its release, more than 100 action leaders and collaborating partners have collectively completed 165 out of 359 implementation milestones.

Notably, three new WRAP actions were introduced this quarter: (1) Action 1.5: Develop Case Studies of Successful Low-Input Water Reuse Solutions to Meet Local Water Needs (led by the Environmental Council of the States); (2) Action 4.7: Evaluate and Optimize Low-Input Treatment Methods to Remove Pharmaceutical Residues from Treated Wastewater Used for Irrigation (U.S. Department of Agriculture); and (3) Action 5.5: Quantify the National Volumes of Water Potentially Available for Reuse for Municipal Wastewater and One Additional Source of Water (led by EPA, WaterReuse and the Water Environment Federation). There is also one new proposed action, Action 7.7: Life-Cycle Analysis to Support Cost-Effective Enhanced Aquifer Recharge, which would fund research through the EPA Science to Achieve Results (STAR) Program. <https://www.epa.gov/waterreuse/national-water-reuse-action-plan-quarterly-update>

PEOPLE

Arizona Governor Douglas Ducey has appointed **Amanda Long-Rodriguez**, Management Plans Coordinator, Arizona Department of Water Resources (ADWR) as an alternate member to the WSWC, replacing former WSWC member **Kyle Miller**. **Tom Buschatzke**, Director; **Ayesha Vohra**, Deputy Counsel; **Kelly Brown**, Deputy Counsel, ADWR (alternate); and **Trevor Baggio**, Director, Arizona Water Quality Division, will continue to serve as members.

With the merger of the South Dakota Departments of Environment and Natural Resources and Agriculture to the new Department of Agriculture and Natural Resources (SDANR), South Dakota Governor Kristi Noem has appointed **Nakaila Steen**, Natural Resources Engineer, and **Kelli Buscher**, Engineer Manager, Surface Water Quality, SDANR (alternate) to the WSWC. **Hunter Roberts**, Secretary; **Jeanne Goodman**, Director, Division of Environmental Services (alternate); and **Eric Gronlund**, Chief Engineer, Water Rights Program, SDANR (alternate) will continue to serve as members.

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.