



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION/CONGRESS**

#### **Interior - Nominations**

On June 17, the Senate voted 88-9 to confirm Tommy P. Beaudreau as Deputy Secretary of the Department of the Interior. Senator Joe Manchin (D-WV), Chairman of the Senate Energy and Natural Resources Committee, declared: "I'm pleased to join my Senate colleagues in voting to confirm Mr. Beaudreau.... During his confirmation hearing, he clearly demonstrated that he understands the role of the Department...in striking the balance in its dual mission of preserving and protecting our national parks and public lands and providing a large part of the energy and mineral resources that we need to power the nation. I am pleased he received strong bipartisan support...and look forward to working with him to protect our public lands and ensure the responsible use of all our natural resources."

### **ADMINISTRATION/WATER RESOURCES**

#### **USDA/Drought**

On June 10, the U.S. Department of Agriculture (USDA) announced \$41.8M in assistance through the Environmental Quality Incentives Program (EQIP) to help agricultural producers in drought-stricken Arizona, California, Colorado, and Oregon. USDA's Natural Resources Conservation Service (NRCS) will make this funding available through Conservation Incentive Contracts, a new option available through EQIP under the 2018 Farm Bill. The new contracts address high-priority conservation and natural resource concerns, including recovering from drought and wildfires, building resiliency, and mitigating climate change impacts.

The 5- to 10-year contracts are only available in select pilot states in FY2021, but after refining the implementation process, the contracts are expected to be available nationwide in FY2022. The NRCS will set aside \$11.8M specifically for drought-related practices, including forest management, grazing and stock water systems, wildlife habitat, and cover crops. Applications are due July 12 through local USDA Service Centers. <https://www.nrcs.usda.gov/wps/portal/nrcs/news/national/newsroom/releases/>

### **CONGRESS/WATER QUALITY**

#### **Infrastructure**

On June 9, the House Committee on Transportation and Infrastructure ordered reported H.R. 1915, the Water Quality Protection and Job Creation Act by a vote of 42-25. The legislation would authorize significant funding for water infrastructure, Clean Water State Revolving Funds (CWSRF), and several other programs.

Over the next five years, the legislation authorizes: (1) \$50B to address wastewater infrastructure and water quality challenges; (2) \$40B for the CWSRF; (3) \$2B for municipalities for sewer overflow and stormwater reuse grants; (4) \$2.5B for states' water pollution control programs; (5) \$1B for pilot projects related to watershed discharge management, stormwater management, nonpoint source pollution, integrated water resources plans and improving treatment works resilience to natural disasters; (6) \$1B in grants for alternative source water projects; (7) \$1B in grants to implement treatment standards for per and polyfluoroalkyl substances (PFAS) and other emerging contaminants; and (8) \$2.5B in wastewater infrastructure assistance for tribes.

The bill also creates a Water Reuse Interagency Working Group "to develop and coordinate actions, tools, and resources to encourage water reuse across the United States, including through the implementation of the National Water Reuse Action Plan, consistent with the mission of each Federal agency that is a member of the working group."

The \$50B for wastewater infrastructure was added through an amendment. Several other amendments from Republican sponsors were considered, but none received enough votes. Committee Chair Peter DeFazio (D-OR) expressed interest in working through concerns in a future conference committee to reconcile the House and Senate (S. 914) versions of the bill.

In his opening statement, DeFazio said: "This bill represents a renewal of the federal commitment to invest in our wastewater infrastructure and address local water quality challenges, and it's long overdue. This amendment authorizes the largest investment in wastewater infrastructure since the advent of the federal

Clean Water programs.... This funding will go a long way toward getting our systems into a state of good repair, but we will still need to continue aggressive investments in our infrastructure if we want to ensure it is resilient to the impacts of climate change.”

## **WATER RIGHTS**

### **Grazing**

On June 15, the Western States Water Council published its report on Stock Water Rights for Grazing Livestock on Federal Lands. The report compiles information and lessons learned from a series of workshops and presentations hosted by WSWC and the Western Federal Agency Support Team (WestFAST) since 2018.

The Executive Summary notes: “Grazing and water rights are inextricably linked, because grazing stock must have accessible water to drink. Many conflicts over grazing on federal land – and any associated water rights – stem from who controls the right to access and use the water. One critical issue is how western states define water rights.” Ownership of water rights is affected by state definitions of beneficial use, priority dates in a system of prior appropriation, the “use it or lose it” doctrine, and permit changes as landowners and stock owners make adjustments over time.

Laws, policies, and perspectives on stock water rights vary from one state to another, from one federal agency to another, and sometimes from one district to another within the same agency. Positive relationships between stock owners and government employees, and understanding different perspectives and legal constraints, can be critical elements in reducing conflicts.

The report recommendations included additional educational workshops and webinars, developing state-federal memoranda of understanding, having a state co-applicant process that involves both the grazing allotment permittee and the federal landowner, engaging with each other through federal collaborative action and dispute resolution programs, and work to ensure more accurate data on stock water rights and points of diversion. <https://westernstateswater.org/publications/2021/stock-water-rights-for-grazing-livestock-on-federal-lands/>

## **MEETINGS**

### **WSWC/NARF Water Rights Symposium**

On August 24-25, the WSWC and the Native American Rights Fund will hold their 17th Biennial Symposium on the Settlement of Indian Reserved Water Rights Claims. Due to COVID19 travel restrictions and concerns, the symposium will be hosted virtually. The Symposium will address several topics related to negotiated water rights settlements most recently

authorized in the 116th Congress, the Administration’s policy on Indian water rights settlements, and getting settlements through Congress. While the symposium is being held virtually, attendees must register in advance and pay the registration fee to join the meeting. For a draft agenda, and further information, please see <https://westernstateswater.org/events/2021-symposium-on-the-settlement-of-indian-reserved-water-rights-claims/>.

## **PEOPLE**

On June 8, U.S. Department of Agriculture (USDA) Forest Service Chief **Vicki Christiansen** announced her retirement effective August 2021, after a 40-year career as a professional forester, wildland firefighter and land manager including 11 years of service at the Forest Service. In a USDA press release, Agriculture Secretary Tom Vilsack stated: “Chief Christiansen’s contributions to the USDA Forest Service cannot be overstated. In her more than three years as Chief, she has provided steady, thoughtful leadership through multiple challenges, including increasingly challenging fire and hurricane seasons, strains on agency budgets and workforce, and the COVID-19 pandemic. Through it all, she has led with empathy, integrity and professionalism, advancing the agency’s work on shared stewardship, climate change, and partnerships while supporting record visitation and improving agency culture around safety and an inclusive work environment.” Secretary Vilsack plans to announce the next Chief later this month, as well as a timeframe for a thoughtful transition. The position does not require Senate confirmation. <https://www.fs.usda.gov/news/releases/usda-forest-service-chief-christiansen-announces-retirement>

A June 9 press release from the Central Arizona Project (CAP) announced that **Brenda Burman**, the immediate past U.S. Bureau of Reclamation (Reclamation) Commissioner, will join CAP on July 7, as Executive Strategy Advisor and a member of the senior management team. As the first woman Reclamation Commissioner, she faced challenges including long-term drought on the Colorado River and in the West, aging infrastructure, climate change, and increasing environmental concerns. Brenda has more than 25 years’ experience working with diverse partners to find durable, innovative solutions for water, energy, and environmental challenges. She has worked in private legal practice, as counsel for former U.S. Senator Jon Kyl (R-AZ), as a senior water advisor for the Nature Conservancy, and in senior positions with the Salt River Project and the Metropolitan Water District of Southern California. She holds a Juris Doctor degree from the University of Arizona College of Law. Brenda’s career demonstrates a commitment to finding collaborative solutions to secure reliable water supplies and balancing the needs of cities, agricultural users, tribal communities, and the environment.

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**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.**