



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION EPA/Corps/WOTUS

On August 3, the Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) published their Request for Recommendations on Waters of the United States (WOTUS). The notice outlines the agencies' intention to initiate two new rulemakings, one to restore pre-2015 regulations, and a second one that will build on that regulatory foundation (86 FR 41911). The agencies are seeking written feedback on: (1) co-regulator and stakeholder experiences on implementation under the different regulatory regimes in recent years; (2) actions taken by states in response to changes in the jurisdictional scope; (3) science updates since EPA's 2015 connectivity report; (4) environmental justice concerns; (5) climate implications; and (6) the appropriate jurisdictional scope of tributaries, ditches, and adjacent waters. Comments are due by September 3, regulations docket #EPA-HQ-OW-2021-0328-0001. The agencies are hosting a series of public meetings in August. The agencies also intend to host a series of dialogues with state and tribal coregulators this fall to discuss both rulemakings.

ADMINISTRATION/WATER RESOURCES Department of the Interior/Colorado/Drought

Secretary of the Interior Deb Haaland was in Denver, Colorado, on July 22, to discuss the worsening drought conditions in the West and highlight Interior's efforts to support farmers, tribes, and communities impacted by ongoing water shortages during a roundtable at Denver Water's offices. "Drought doesn't just impact one community - it affects all of us, from farmers and ranchers to city dwellers and Tribes," said Haaland. "The Biden-Harris administration is taking action to provide relief to impacted communities now, while also making important investments that will help us wisely manage our shared resources across the West."

Interior and the U.S. Department of Agriculture were tasked with leading the Biden Administration's Drought Relief Interagency Working Group on April 21. At the time, Haaland declared, "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." On July 14, the Bureau of Reclamation distributed \$15 million in drought relief funds to irrigators in Oregon and California affected by the drought in the Klamath Basin. Earlier in the year, Reclamation awarded \$15 million for 18 drought resilience projects; \$42.4 million for 55 water efficiency projects throughout 13 states through its WaterSMART program; and \$800,000 to support development of local drought contingency plans.

During her Denver visit, Secretary Haaland also highlighted the Biden Administration's whole-of-government approach to addressing the drought and confronting climate change. The Interagency Working Group is also developing longer-term measures to respond to climate change and build more resilient communities while protecting the environment. She noted the bipartisan infrastructure framework, now working its way through the Senate, includes important investments that will provide much-needed funding for the western drought crisis by investing in water efficiency and recycling programs, tribal water settlements, and dam safety.

Assistant Secretary for Water and Science Tanya Trujillo joined Haaland. Trujillo had been crisscrossing the state of Colorado to hear directly from water users, irrigators, farmers, scientists and local leaders about how the federal government can support them. "We look forward to working closely with our partners in Colorado to address the many challenges we face, ranging from severe drought conditions on the Western Slope to landslides that have resulted from last year's wildfire.... Our shared priority is to support efforts to build resilient communities and protect our water supplies for people and the natural environment."

The President's FY2022 budget proposal includes a \$1.5 billion investment in the Bureau of Reclamation, with \$54 million for WaterSMART programs, working cooperatively with states, tribes, and local communities as they plan for and implement actions to increase water supply.

Jim Lochhead, Denver Water's CEO/Manager, welcomed Haaland and Trujillo to the utility's administration building, which itself is a model of urban water efficiency. The group also included Governor

Jared Polis (D), Rep. Diana DeGette (D-CO), Rebecca Mitchell, Director of the Colorado Water Conservation Board, and Colorado Commissioner of Agriculture Kate Greenberg.

Lochhead noted investments Denver Water is making in watershed health, through its From Forests to Faucets program that includes partners at the state and federal level, as well as water conservation, resiliency and sustainability. "The infrastructure that supplies our system isn't just the reservoirs and the treatment plants - it's the watersheds, forests, rivers and streams. And if those aren't healthy and vibrant and sustainable, then we can't meet our mission of supplying the 1.5 million people who live within our service area," he said.

With one-third of Colorado experiencing severe drought conditions, DeGette observed, "We're in a desperate situation in many places in the West and it's going to take collaboration that we've had for a long time between our state, local and federal partners to get something done." Greenburg stated, "It's important to make sure that agriculture is supported and remains foundational to our state and that we are bringing tools here to Colorado, to our producers, to help them meet the challenges ahead." Mitchell added that climate change and drought conditions are not limited to Colorado but affect the entire Colorado River Basin. "The only way we'll find success for the future of water is if we do it in a collaborative sense, and it's so important that the highest levels of the administration have come here to discuss that. We appreciate that and I'm confident that we'll be able to work together for all."

Governor Jared Polis (CO) participated in the roundtable discussion, with other Colorado water leaders. Last month, at the recommendation of Department of Natural Resource and State Drought Task Force, the Governor declared a drought emergency for western Colorado counties experiencing impacts from severe (D2), extreme (D3), and exceptional (D4) drought conditions. The State Drought Task Force continues to monitor evolving conditions and unmet and urgent needs from communities and regional liaisons. Further, an Agricultural Impact Task Force and a Municipal Water Task Force continue to meet as needed to recommend opportunities for incident mitigation to minimize potential impacts. The need for additional task forces, such as energy or wildlife response teams, are evaluated, as conditions evolve, through identified agency representatives.

MEETINGS

WSWC/NARF Water Rights Symposium

On August 24-25, the WSWC and the Native American Rights Fund (NARF) 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, those 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, all attendees must register in advance and pay the registration fee to join the meeting. Please note the August 16 early registration deadline. For a draft agenda, and further information, please see: <https://westernstateswater.org/events/2021-symposium-on-the-settlement-of-indian-reserved-water-rights-claims/>.

Western States Water Council - Fall Meetings

The WSWC will meet in-person on September 14-16, at the Holiday Inn Express and Suites in Deadwood, South Dakota. Please note the August 13 room reservation deadline. All meeting attendees must register in advance, whether attending in person or remotely via Zoom. For registration, reservations and further information, please see: <https://westernstateswater.org/events/wswc-fall-2021-197th-meetings/>.

Schedule of Meetings

Tuesday, September 14

- 8:00 am South Dakota Host State Presentation
- 8:45 am Water Resources Committee
- 12:00 pm Executive Committee
- 1:30 pm Legal Committee

Wednesday, September 15

- 8:00 am Water Quality Committee
- 11:00 am Field Trip

Thursday, September 16

- 8:00 am Full Council (197th) Meeting

PEOPLE

On August 6, Bureau of Reclamation Deputy Commissioner Camille Calimlim Touton named **Jacklynn (Jaci) L. Gould** as regional director for the Lower Colorado Basin Region. Gould has more than 29 years of experience with Reclamation. "Jaci brings a wealth of knowledge and experience to this vital position. She will lead a dynamic team of experts in the region who will be tackling a variety of issues in the Colorado River Basin," said Touton. "I am excited for her leadership." Gould said, "I am honored to be selected for this opportunity. The challenges we face as we address water, power, land and ecosystem resources throughout the Southwest in the interest of the American public are critical. I am committed to collaborative relationships and outcomes." Gould most recently served as deputy regional director. Over her career she has served in management positions in Reclamation's Great Plains Region, Eastern Colorado Area Office, and in the Upper Colorado Region's Albuquerque area office.

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.