



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN STATES WATER COUNCIL

Fall Meetings

The WSWC Spring Meetings (197th) were hosted by the State of South Dakota on September 14-16, in Deadwood. Participants joined both virtually and in person. The WSWC revised and re-adopted six sunset positions regarding: (1) State Clean Water Act Section 401 Certification Authority; (2) Clean Water Act Jurisdiction; (3) Federal Water and Climate Data Collection and Analysis Programs; (4) Drought Preparedness, Prediction and Early Warning Programs; (5) the Bureau of Program; and (6) States' Water Rights and Natural Flows. The WSWC also adopted a new position on Abandoned Hardrock Mines.

Hunter Roberts, Secretary of the newly merged South Dakota Department of Agriculture and Natural Resources (DANR), provided the host state presentation. He described many of South Dakota's natural resources and related industries, particularly agriculture, and the complex process of merging two departments to streamline regulatory programs, conservation, financial and technical assistance, and to become more efficient.

During the Water Resources Committee, speakers from several federal agencies offered updates on water and climate programs, as well as drought planning and response. Stephanie Santel, Environmental Protection Agency (EPA) Office of Water, talked about a guided decision support tool to quickly navigate a robust range of federal funding opportunities and financing programs based on water project needs, across multiple agencies. She talked about upcoming webinars focusing on building resilience for drinking water, wastewater, and stormwater utility owners and operators. She discussed recent efforts and tools to make their science and data more accessible to decisionmakers to support local action and form collaborative solutions.

Mike Strobel, Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA), noted that H.R. 4356 includes \$14.5M for the snow survey and water supply forecasting program, which represents a \$5M increase over the steady funding over the past decade. This could meet several program needs, such as expanding the number of sensors in the network, particularly at higher elevations lacking

coverage, improving data accuracy, monitoring the precipitation transition from snow to rain, improving modeling and forecasting, collaborating on remote sensing (satellite and fixed wing), and improving communication and accessibility to data. NRCS has also been coordinating programs across agencies to put together a national soil moisture monitoring network.

Chris Carlson, U.S. Forest Service (USFS), talked about wildfire impacts and working with partners to develop a ten-year strategy to increase hazardous fuels treatments and reduce wildfire risk to communities and their water supply. They are developing national and regional climate vulnerability assessments; coordinating the work of the USDA climate hubs to connect resource managers with actionable climate and drought information; and establishing a collaborative stream improvement program.

Brad Doorn, National Aeronautics and Space Administration (NASA), talked about budget increases for sub-seasonal to seasonal (S2S) precipitation forecasting models and observations and the big push on addressing wildfire needs. He talked about various missions and coordinating across agencies on water-related data, including soil moisture and OpenET. The Landsat 9 launch was delayed, but he confirmed that it still has the infrared imagery so important to water data and consumptive use.

Mindy Dalton, U.S. Geological Survey (USGS), provided an update on their integrated water science activities, including the selection of a fourth basin in the Pacific Northwest later this year for their Next Generation Water Observing System (NGWOS). They are working to improve our understanding of water availability and increasing water prediction capabilities, particularly when it comes to the onset, duration, and severity of droughts, and wildfire impacts on water quality.

Bob Wolf, Bureau of Reclamation (USBR), mentioned Indian water rights settlements, rural water projects, and dam safety as budget priorities. He talked about drought on the Colorado River and across much of the West, the WaterSMART program, and the pilot program on forecast informed reservoir operations to maximize the use of reservoirs for drought resilience. He also talked about funding for new storage reservoirs,

desalination and water recycling projects, drought disaster mitigation, and cooperative watershed management. David Raff, USBR, talked about the status of reservoirs during this drought, with hydropower pools threatened and water shortage declarations. He noted that their basin study program is addressing climate change, from project planning to construction to operation and maintenance.

Veva Deheza, National Oceanic and Atmospheric Administration (NOAA), talked about the National Integrated Drought Information System (NIDIS) program and advancing research and developing innovative technologies and decision support tools to help water managers respond to drought. The Southwest Drought Virtual Forum is scheduled for September 21-22 and 28-29. She talked about whether these severe, long-term droughts are becoming the new normal in the West. She also talked about efforts to partner with tribes to improve drought resilience, and a partnership between NIDIS and NOAA's Climate Prediction Center to improve S2S outlook.

Roger Gorke, EPA, talked about the National Drought Resilience Partnership (NDRP) and efforts to address funding, regulatory barriers, and cross-agency collaboration on the federal side to better assist states, tribes, regional and local entities to build long-term drought resilience.

Lorraine Flint, Earth Knowledge, Inc. (USGS retired) gave an overview of the USGS Basin Characterization Model. It is a regional water balance model with unique capabilities to assess basin-wide conditions for water resource managers (e.g., aquifer recharge, soil moisture, runoff, snowpack, vegetation, evapotranspiration, seasonal streamflow, wildfires, and climatic water deficits).

Jim Schneider, Olsson (former Nebraska Department of Natural Resources director), provided a presentation on Open Source, Inter-Connected, Cloud-Based Water Management. He noted that simply having data available doesn't necessarily answer water management questions. He talked about models and data that can automatically communicate in the cloud, and creating applications for managing water data beyond the old databases and emailed spreadsheets.

The Legal Committee held a Wild and Scenic Rivers Workshop with case studies from Idaho, Alaska, and Wyoming presented by Clive Strong, Conference of Western Attorneys General; Kim Sager, Alaska Department of Natural Resources; and Sue Lowry, Interstate Council on Water Policy.

Stephen Bartell, U.S. Department of Justice, talked about the resolution of water rights claims for wild and scenic rivers, and noted the critical importance of federal

agencies and states working together. Roy Smith, Bureau of Land Management (BLM), shared presentations on: (1) river management standards and their implications for water rights; and (2) data analysis and scientific approaches to quantify reserved water rights. Mike Eberle, USFS, talked about the role of the Interagency Wild and Scenic Rivers Coordinating Council, and provided information about various useful tools and documents they have created over the years that are available on their website.

The Legal Committee then heard a presentation from Eric Gronlund, DANR, on how South Dakota manages and evaluates fully appropriated aquifers. Arianne Singer, New Mexico Interstate Stream Commission spoke about some recent troubling interpretations of New Mexico water law and Congressionally-approved Indian water rights settlements in their state court of appeals.

During the Water Quality Committee, EPA Assistant Administrator Radhika Fox expressed appreciation for the work the state regulators do to support EPA programs. She talked about the priorities of water infrastructure, the rulemaking to define "waters of the United States," and changes to the CWA 401 state certification rule.

The Committee then heard a presentation from Trevor Baggione, Arizona Department of Environmental Quality, on Arizona's National Pollutant Discharge Elimination System (NPDES) tools and the impact of the recent decision of the U.S. District Court of Arizona vacating and remanding the Navigable Waters Protection Rule.

Roger Gorke provided updates on federal baseline water quality standards for tribes, as well as upcoming rulemaking on protecting tribal treaty reserved rights. Chris Carlson gave a presentation on an upcoming WestFAST Wildfire and Water Resources Webinar Series, and requested feedback from states.

During the Full Council meeting, Robyn Colosimo provided updates from the Office of the Assistant Secretary of the Army for Civil Works. She noted that the current iteration of the infrastructure bill presents unprecedented opportunities to advance Corps programs. They anticipate an upcoming rulemaking on the benefits formula for civil works projects, to include economic, environmental, and social benefits. She briefly addressed WOTUS rulemaking with EPA. She said they have no plans currently to advance a new iteration of the water supply rule, as they tried to address as much of the withdrawn rule using the Corps' existing authority and discretionary policy.

The WSWC Spring Meetings (198th) are scheduled to be held in Washington, DC on April 5-7, 2022 at the Doubletree Hotel - Washington DC Crystal City.

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.