



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER QUALITY **EPA/WOTUS**

On October 13, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) announced a process for stakeholders to submit nomination letters for a slate of participants to potentially be selected for one of ten geographically focused roundtables. Each roundtable will allow stakeholders with a range of perspectives to engage and discuss their experiences with definitions of “waters of the United States” (WOTUS), including challenges and opportunities within their geographic areas. The roundtables will also provide an opportunity for the participants to discuss geographic similarities and differences, particular water resources that are characteristic of or unique to each region, and site-specific feedback about implementation. In response to robust interest in these regional roundtables, the agencies have extended the deadline for submissions to December 1. Interested parties may submit their self-nomination letters to WOTUS-outreach@epa.gov.

ADMINISTRATION/WATER RESOURCES **Corps of Engineers**

On November 4, the USACE held a partner session update on how the USACE Civil Works Directorate has been: (1) implementing the Administration's priorities in 2021; (2) enhancing partnerships and engagements; and (3) taking revolutionary actions to support future infrastructure efforts. They noted the unprecedented potential for \$30B - \$70B in funding for Corps projects between appropriations, disaster supplements, and the pending infrastructure bill. They emphasized the need to work together as true partners to execute the Corps' mission. Some partners expressed the need for more flexible interpretations of existing statutes and fewer layers of bureaucracy to accomplish project work in a more timely manner. <https://www.usace.army.mil/Missions/Civil-Works/Infrastructure/revolutionize/>

They also provided an update on the Corps Water Infrastructure Financing Program (CWIFP), noting that they recently started interagency coordination on the proposed rule prior to submission to the *Federal Register*

for public comment. The initial CWIFP appropriations include \$12M for credit subsidy and \$2.2M for administration of the USACE program. This will allow USACE to issue up to \$950M in loans focused on projects to maintain, upgrade and repair dams identified in the National Inventory of Dams owned by non-federal entities. <https://www.usace.army.mil/Missions/Civil-Works/Infrastructure/revolutionize/CWIFP/>

CONGRESS/ADMINISTRATION **Nominations**

On November 4, the Senate voted by voice to confirm Camille Touton as the Commissioner of Reclamation. The Senate also voted 92-5 to confirm Mike Connor as Assistant Secretary of the Army (Civil Works). Senator Kevin Cramer (R-ND) said: “After conversations with him...is clear Mr. Connor understands what North Dakota, and other western states need when it comes to states' water rights....I take Mr. Connor at his word when he says he understands the importance of his role and I appreciate his depth of experience with these issues. For these reasons I decided to vote for his confirmation today, and I look forward to working with him down the road.” www.cramer.senate.gov

CONGRESS/WATER RESOURCES **Extreme Weather Events/Floods/Precipitation**

On October 22, Senators Cory Booker (D-NJ) and Roger Wicker (R-MS) introduced the Providing Research and Estimates of Changes in Precipitation (PRECIP) Act (S. 3052) to update precipitation data in the U.S. and provide the National Oceanic and Atmospheric Administration (NOAA) with funding and guidance to conduct future research. The PRECIP Act would direct NOAA to study ongoing changes in precipitation that will help communities better prepare for extreme weather and flooding events. NOAA is to work with the National Academies of Science, Engineering, and Medicine to complete a consensus study on the best practices for estimating precipitation. S. 3052 was referred to the Commerce, Science, and Transportation Committee.

“We must take every step possible to protect our communities from the increasing frequency of disasters like the historic flooding and rainfall New Jersey

experienced this summer from the remnants of Hurricane Ida,” said Booker. “This bipartisan bill would provide NOAA with vital funding to consult with partner organizations and conduct studies to modernize and improve our nation’s precipitation data, which is needed now more than ever as communities in New Jersey and across the country face the realities of climate change and extreme weather. The new data will be especially useful as we invest in climate-resilient infrastructure to strengthen and safeguard our communities.” www.booker.senate.gov/news/press

“Flooding regularly puts American lives and property at risk, resulting in billions of dollars in economic losses each year,” said Wicker. “One threat from flooding is dam failure, and in Mississippi there are hundreds of state-regulated dams with a high hazard potential. Forty-two of these dams have failed and nine others have been drained. We need better data to help flood control managers improve dam safety and to update methods used to estimate the risk of failure.”

The PRECIP Act is supported by the American Society of Civil Engineers, Association of State Dam Safety Officials, Association of State Floodplain Managers, American Public Works Association and others.

The WSWC (Position #459) supports NOAA leading federal efforts toward developing 21st century national PMP standards for estimating extreme rainfall in order to provide consistent requirements for ensuring public safety; and has recommended the Congress address this issue and authorize and fund necessary steps to update federal PMP standards, including a National Academies of Science, Engineering and Medicine (NASEM) study of the current state of the practice and options for extreme rainfall estimation, in order to provide NOAA clear direction toward development of 21st century national standards for estimating extreme rainfall (including PMP).

Tribal Water Infrastructure/OpenET

On November 4, the House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a remote hearing on the following bills: (1) H. Res. 320 recognizing the critical importance of access to reliable, clean drinking water for Native Americans and Alaska Natives and confirming the responsibility of the federal government to ensure such water access; (2) H.R. 4832 to establish the Open Access Evapotranspiration (OpenET) Data Program; (3) H.R. 5001 to authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basin; and (4) H.R. 5345 to authorize the Director of the United States Geological Survey to establish a regional program to assess,

monitor, and benefit the hydrology of saline lakes in the Great Basin and the migratory birds and other wildlife dependent on those habitats. Witnesses included Tanya Trujillo, Assistant Secretary for Water and Science, Department of the Interior; Bidtah Becker, Associate Attorney, Navajo Tribal Utility Authority; Rebecca Mitchell, Director, Colorado Water Conservation Board; Sara Porterfield, Water Policy Associate, Trout Unlimited; and Rep. Joel Ferry, Utah House (Dist. 1). The WSWC submitted written testimony supporting various provisions of all four bills. See <https://westernstateswater.org/testimony/2021/house-hearing-on-water-resources/>.

Trujillo testified in support of all four bills, with recommendations for some improvements. In support of H. Res. 320, she noted that seven federal agencies provide some sort of funding for tribal drinking water or sanitation projects over twenty different programs. The primary agencies include: “Indian Health Service through its Sanitation Facilities Construction Program; EPA through its Drinking Water Infrastructure Grants, Tribal Set Aside programs; Department of Agriculture’s Rural Development Program; and Bureau of Reclamation as directed by Congress.” She said: “The Department supports the goal of the Resolution to encourage a ‘whole of government’ approach to take advantage of the strengths of each relevant agency.... There is an existing Federal Infrastructure Task Force, chaired by EPA and made up of the agencies listed above, which is focused on improving access to safe drinking water and basic sanitation to Tribal communities. The Resolution would elevate the work of the task force to support involvement of high-level representatives from departments and agencies with authority to provide water infrastructure that will work to remove barriers, optimize funding, and make immediate and tangible progress on meeting this objective.”

In support of H.R. 4832, Trujillo noted that the U.S. Geological Survey (USGS) has been actively working to improve ET estimation techniques since the 2009 SECURE Water Act. She said the USGS applies the Secure Surface Energy Balance operationalized method across the continental U.S. to produce daily ET estimates at a 30-meter resolution, which is available online. USGS has been actively engaged with the OpenET team to help develop a prototype system, and believes that satellite-based methods of determining ET should be combined with other methods to validate and augment the satellite data. She recommended a modified two-phase approach: (1) three to five years of research and engagement with partners and stakeholders to identify the most beneficial data and delivery mechanisms; and (2) operational production and delivery of ET data across the nation. https://naturalresources.house.gov/hearings/remote-water-legislative-hearing_november-4-2021-

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.