



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **WESTERN GOVERNORS/WATER QUALITY**

#### **Alaska/Clean Water Act - §404**

On December 11, Alaska Governor Mike Dunleavy (R) announced that he would be seeking authority and funding from the state legislature to take over Clean Water Act (CWA) §404 permitting and state primacy to administer the Resource Conservation and Recovery Act (RCRA). Dunleavy's FY23 Budget included a \$4.9M request for permitting under CWA §404, and \$830,000 for hazardous waste mitigation under RCRA. It also included \$72.3M for clean water systems in rural communities, and \$6.9M for wastewater treatment plant maintenance. *E&E News* 12/10/21.

### **ADMINISTRATION/WATER RESOURCES**

#### **Interior Department/Colorado River Basin**

Interior Assistant Secretary for Water and Science, Tanya Trujillo, headlined the Colorado River Water Users Association's annual meeting in Las Vegas, Nevada on December 14-16. "There is an urgent need to minimize the impacts of drought and develop a long-term plan to facilitate conservation and economic growth, because drought doesn't impact just one community – it affects all of us, from farmers and ranchers to city dwellers and Tribes," she said. "To address this growing crisis, the Interior Department is helping lead the Biden-Harris administration's all-of-government approach to drought mitigation by coordinating with partners across the federal government, providing assistance to impacted communities, and developing long-term solutions to climate change."

Trujillo and other speakers highlighted the need for broad partnerships to address the impacts of climate change and water scarcity, including binational efforts with Mexico under the leadership of the International Boundary and Water Commission. The latest projections for this winter's snowpack and runoff will lead to worsening drought conditions. System reservoirs are now only about one-third full, serving as a "stark reminder we need to do more."

A highlight of the meetings, was the signing of a Memorandum of Agreement between the Interior Department and Arizona, California and Nevada water

agencies committing to invest up to \$200 million over the next two years to save 500,000 acre-feet of water, over and above existing Drought Contingency Plans, to reduce the risk of Lake Mead falling to critically low elevations in the months ahead. Interior officials also signed water conservation agreements with the Colorado River Indian Tribes (CRIT) and the Gila River Indian Community to help stabilize the elevation of Lake Mead.

Trujillo noted the Colorado River Compact, signed near her hometown of Santa Fe, New Mexico, has governed river management for 100 years. Like John Wesley Powell, as he navigated the unexplored river, "We do not know the future!" There are creative processes to be designed to meet ongoing challenges. "This week is only a beginning." Short term emergency actions must be taken, new river operating rules must be negotiated. There are unprecedented opportunities for creative use of increased federal funding for water reuse and other projects. She declared, "Climate change is real and we need to take innovative proactive actions."

U.S. Bureau of Reclamation Commissioner Camille Touton presented virtually. A native of Las Vegas, she attended her first CRWUA meeting 20 years ago. She noted that with rapidly dropping system reservoir storage there has been "no conflict, nor controversy, nor litigation, but orderly implementation of operating criteria..." due to the hard work of leaders in the basin – including the States, Tribes and Mexico. Operating changes are consistent with the rolling 24-month study. "The hydrology we have planned for but hoped would never happen is here." As a result, Reclamation and others across the West are facing serious challenges, not just in the Colorado River Basin. She also addressed the "once in generation" investment of \$8.3 billion in the Infrastructure Investment and Jobs Act, or commonly called Bipartisan Infrastructure Law (BIL), including rural water projects and WaterSMART grants. There is \$2.5 billion for an Indian Water Rights Settlement Completion Fund. Another \$300 million is for drought contingency plan projects in the Colorado River Basin. These investments will help us "confront the need for long-term adaptation" to climate change.

Touton declared, "Basin by basin we have been engaged to mitigate the impact of a drying landscape.

Last year's management for the moment, is the new normal. We are entering new and unpredictable territory." The West is facing hydrological deficits across the board. The Pecos, Dolores, Deschutes, and Klamath River Basins are dry. The Klamath Project for the first time since construction in 1908 has announced a 0% allocation for irrigators. The drought has also impacted fish, tribes and "peace in basin." Many areas have little or no snow. Last month's atmospheric river event in California raised runoff and inflow into Lake Shasta by only 2%. The current extended 24-month study for the Colorado River Basin showed supplies decreased by 1.5 million acre-feet compared to last month. "The basin is at a tipping point.... Our success in meeting the challenges in the basin today and tomorrow will only occur if we work together."

## **CONGRESS/WATER RESOURCES**

### **WaterSMART**

On December 9, Rep. Melanie Stansbury (D-NM) introduced the WaterSMART Access for Tribes Act (H.R. 6238). The bill authorizes the Secretary of the Interior to reduce cost-share requirements to implement drought and water projects if the Secretary determines that the tribe does not have sufficient funds to pay their share. Stansbury's press release noted that "fewer than five percent of the projects funded under WaterSMART since its inception in 2010 have been led by Tribes or Pueblos." Western co-sponsors of the bill include Rep.s Ruben Gallego (D-AZ), Jim Costa (D-CA), Jared Huffman (D-CA), Grace Napolitano (D-CA), Joe Neguse (D-CO), Steven Horsford (D-NV), Teresa Leger Fernandez (D-NV), and Tom Cole (R-OK). The WSWC submitted a letter of support.

Stansbury said: "For far too long, federal programs like the WaterSMART program have included cost-share requirements that have acted as a barrier to Tribes accessing crucial water infrastructure dollars. This bill addresses those barriers, and along with funding in the bipartisan infrastructure law and Build Back Better Act, will help unlock millions of dollars to support Tribal water needs. Addressing these needs is crucial to responding to drought and the lasting impacts of climate change and decades of underinvestment in Tribal water needs." Cole said: "Abundant, safe and reliable supplies of water are critical to quality of life for tribal communities. By removing certain financial barriers, tribes will have more opportunities for improving water infrastructure and conservation practices. These WaterSMART initiatives will not only ensure access to clean drinking water but greatly improve the lives and health of current and future generations." <https://stansbury.house.gov/media>

### **Infrastructure/Water Technology**

On November 30, Senators Mark Kelly (D-AZ) and James Risch (R-ID) and Rep's Ruben Gallego (D-AZ)

and John Katko (R-NY) introduced the Water Infrastructure Modernization Act (S. 3282 and H.R. 6088). The bills authorize "a five-year, \$50M EPA grant program to help municipal water systems and publicly owned wastewater treatments systems make investments in smart water technologies, like pipeline monitoring, real-time leak detection technologies, smart meters, and other technologies that use artificial intelligence and intelligent optimization tools. As a result, this bill would not only work to modernize water networks but also lower up-front costs, decrease ongoing operating costs, and improve the delivery of safe and reliable water supplies for families and businesses across the country."

Senator Risch said: "Access to clean drinking water and wastewater treatment technologies is important for all communities, but the challenges rural areas face weren't taken into account when federal regulations on water systems were written. This bill will help ensure communities throughout Idaho have access to the clean drinking water and modernized water treatment systems they need." Rep. Gallego said: "There is no clearer indicator than the bathtub ring at Lake Mead that shows just how quickly we need to act if we want to tackle the water shortage crisis. That is why it is so important that we invest in technologies that increase our water efficiency. If we are going to meet this challenge, we need to start thinking of new ways to approach water infrastructure...."

## **CONGRESS/WATER RIGHTS**

### **Colorado River Tribes/Water Leasing**

On December 2, Senator Mark Kelly (D-AZ) introduced the Colorado River Indian Tribes Water Resiliency Act (S. 3308). The Arizona-specific bill would authorize CRIT, subject to the approval of the Secretary of the Interior, to enter into water lease, exchange, or storage agreements of less than 100 years for Colorado River water allocated to CRIT. Any person entering into an agreement would be subject to applicable state and federal laws. Section 5 of the bill addresses storage agreements, and authorizes entities such as the Arizona Water Banking Authority to store water at underground facilities located within the Lower Colorado River Basin in the State of Arizona. According to CRIT, it was established in 1865 and has senior rights to 717,000 acre-feet of water from the Colorado River.

Gila River Indian Community (GRIC) Governor Stephen Roe Lewis said he intends to work with the Arizona delegation and other tribes to include more than just CRIT in S. 3308. On December 10, Lewis signed an agreement with the Bureau of Reclamation for \$72M to accelerate the construction of GRIC's irrigation project. The project was approved by Congress in 2004 as part of GRIC's water rights settlement, and received increased funding in the BIL.

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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.**