



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION/WESTERN GOVERNORS** **Collaborative Conservation/USDA/DOI**

On February 3, the Departments of the Interior and Agriculture joined the Western Governors' Association (WGA) to launch a Task Force on Collaborative Conservation designed to enhance engagement across federal, state and local jurisdictions and focus on the strategic coordination necessary to meet natural resource management challenges and improve environmental outcomes for communities across the West. The Task Force will help coordinate historic investments in conservation programs and natural resource infrastructure projects to effectively respond to land, water and wildlife challenges. It will be an essential part of implementing President Biden's Bipartisan Infrastructure Law to enhance wildlife, rangeland and forest restoration, drought resiliency and mitigation, and wildland fire resilience. This Task Force will be an important forum for collaboration, but state and federal participants will maintain their commitments and responsibilities to consult with Tribal Nations and engage with key stakeholders on natural resource conservation and management priorities.

"Growing up in the high desert of New Mexico, I am no stranger to water scarcity, threats of wildfire and relying on the land. As climate change intensifies these environmental challenges, we have a unique opportunity to collaborate with our Western partners and advance our shared priorities, including implementing President Biden's infrastructure investments to bolster communities' resilience against more extreme weather," said Secretary of the Interior Deb Haaland. "I look forward to further coordinating with states and territories through this Task Force as we endeavor to conserve and protect our natural resources."

"As Western communities grapple with environmental challenges exacerbated by climate change, such as increasing drought and more frequent and intense wildfires, bolstering effective collaboration between the federal government, states and territories to respond to these issues is imperative," said Secretary of Agriculture Tom Vilsack. "This Task Force will be an important vehicle for enhancing cooperation between the Departments of Agriculture and Interior and our Western

partners on the conservation challenges impacting the region, as well as coordinating critical funding like the investments secured in the Bipartisan Infrastructure Law that will make a real difference for communities across the West."

"This is an important milestone in strengthening collaboration between western states and the federal government, and builds on efforts like the USDA-WGA Shared Stewardship Agreement," said Jim Ogsbury, WGA's Executive Director. "Western Governors appreciate the value of cross-boundary coordination between federal, state, local, Tribal and private landowners on issues like wildfire mitigation, invasive species control, and habitat restoration. The Task Force is designed to drive collective action on some of the biggest challenges we face on our western landscapes."

The Task Force will also contribute to the development of a conservation atlas to advance the America the Beautiful initiative, while supporting the voluntary stewardship efforts of ranchers, farmers and other private landowners and to keep working lands working ([www.doi.gov/pressreleases](http://www.doi.gov/pressreleases)).

A new partnership between the Biden administration and Western state governors aims to ease tensions between federal and state officials on a range of conservation policies, including wildfires and drought.

### **ADMINISTRATION/WATER RESOURCES** **Infrastructure**

On January 31, the Biden Administration released its Bipartisan Infrastructure Law guidebook with information on 2021 Investments and Infrastructure and Jobs Act (IIJA) funding available through more than 375 federal programs. The press release said "[T]he White House has also published an accompanying data file that allows users to quickly sort programs funded under the law by fields like agency, amount, recipient, or program name." Mitch Landrieu, Infrastructure Implementation Coordinator said: "This resource is a critical part of our extensive outreach to state, local, tribal and territorial governments to ensure the people of America can benefit from this once-in-a-generation investment."

The 465-page guide includes 39 pages on water infrastructure. It provides an overview of seven major programs: (1) the Drinking Water and Clean Water State Revolving Funds (\$23.43B); (2) Lead Service Lines (\$15B); (3) PFAS and Emerging Contaminants (\$10B); (4) Indian Water Rights (\$2.5B); (5) Indian Health Service Water and Sewer (\$1.8B); (6) Water and Sewer Tax (\$1.25B); and (7) Rural Water (\$1B). In addition, the Western Water program (\$7.1B) “appropriates funds to be spent on projects associated with water storage, groundwater storage, and conveyance projects, water recycling and reuse projects, water desalination projects and studies, watershed management, dam repair and replacement, repairing and replacing aging infrastructure, and WaterSMART grants.” Each program has a separate page with the funding amount, the period of availability, the funding mechanism, the recipients, a description, eligible uses, and the next milestone. Some critical information is still pending. “Future phases of the guidebook will update dates, key timelines for program implementation, best practices, case studies, and links to key resources developed by the White House and key partners.”

The guidebook said: “The majority of the water funding will move through the State Revolving Fund programs. Water utilities, non-profits, drinking water providers, and other potential recipients should begin to work with local stakeholders and state program contacts to identify potential projects, with a focus on prioritizing projects serving disadvantage communities. The Environmental Protection Agency and other agencies will provide technical assistance to help these disadvantaged communities overcome barriers to receiving loans and grants for water improvements. Potential recipients of the lead service line funding are also encouraged to accelerate the development and use of lead service-line inventories, which can help guide the design of replacement projects eligible for these funds. Additional national program guidance will be issued soon to state water primacy agencies.” See <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/31/biden-administration-releases-bipartisan-infrastructure-law-guidebook-for-state-local-tribal-and-territorial-governments/>.

### **USBR/Colorado River/Drought**

On January 28, the Bureau of Reclamation (USBR) and Colorado River Upper Basin States presented their draft Drought Response Operations Plan for public review and comment. The 2019 Colorado River Drought Contingency Plan (DCP) included a Drought Response Operations Agreement (DROA) between the Department of the Interior and the Upper Basin States to develop a plan to protect critical water elevations at Lake Powell. The DROA establishes a coordinated and collaborative process for considering implementation of two potential

strategies: (1) working within the Glen Canyon Dam annual release volume by changing the timing of monthly water releases to temporarily retain more water in Lake Powell; and (2) increasing water releases from the upstream Colorado River Storage Project Act Initial Units of Flaming Gorge, Aspinall, and Navajo to improve the downstream elevation of Lake Powell.

The Drought Response Operations Plan includes: (1) a framework document naming various reservoirs upstream of Lake Powell, with provisions for the development of yearly plans in the event of drought; and (2) attachments with current hydrological information for each reservoir that would be updated annually to inform the drought operations in the yearly plan.

The initial page of the plan noted that it would be ready to implement as early as April 2022 if needed. “It does not contain specific Drought Response Operations for 2022 but instead describes the process and the decision-making framework the DROA Parties intend to follow as they develop a Plan for 2022 and the following years.... The DROA Parties request a review of this draft document now...as an initial opportunity to obtain input regarding the more durable process and decision-making framework provisions.” Following consideration of input, they will develop a plan for 2022 if needed. “No Plan can be developed until more information becomes known such as precipitation, snowpack, runoff, reservoir elevations, and other variables during the winter and spring of 2022.” <https://www.usbr.gov/dcp/droa.html>

### **PEOPLE**

On January 28, North Dakota Attorney General **Wayne Stenejem** passed away. Governor Doug Burgum said: “Like so many North Dakotans who treasured his friendship and admired him for his more than four decades of exceptional service to our state, we are absolutely devastated.... Wayne embodied public service, both as a dedicated legislator and the longest-serving attorney general in our state’s 133-year history. Attorney General Stenejem always put the safety and well-being of our citizens first. North Dakota is a safer place because of his unwavering commitment to law and order, his loyalty to his team members and his utmost respect for our men and women in uniform.”

**Brian Dunnigan**, former WSWC member, will be retiring from Olsson to enjoy the waterways he spent his time managing and protecting. His last day will be in mid-February. Brian joined Olsson in 2014 as Nebraska Water Resources team leader. Previously, Brian served as the Director of the Nebraska Department of Natural Resources. We congratulate Brian on his retirement, and express deep appreciation for his service and friendship, and wish him the best in his future endeavors.

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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.**