



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION/WATER RESOURCES** **Department of the Interior/Klamath Basin**

On February 11, the Department of the Interior (DOI) announced the conclusion of stakeholder engagement sessions on drought in the Klamath Basin that took place between January 24 and February 10 with federal and state officials, tribes, and local stakeholders. DOI said in its press release: “Over the past 20 years, the Klamath Basin has met unprecedented challenges due to ongoing drought conditions, limited water supply and diverse needs. The Bureau of Reclamation and U.S. Fish and Wildlife Service have diligently sought collaborative solutions for water availability with partners and those intimately connected to land and water conditions. Through this recent series of engagement sessions, the Department demonstrated its commitment to transparency and ongoing review of best practices as we continue to address climate change and work towards long term solutions in the Klamath Basin for current and future generations.... The sessions included focused discussions on critical path issues for the basin, including dam removal, Klamath Power and Facilities Agreement implementation, hydrology issues, and project and National Wildlife Refuge water supply. The discussions also focused on an overview and alignment regarding funding of aquatic habitat and water quality priorities, and water supply reliability in the Klamath Basin.”

On February 10, DOI Secretary Deb Haaland, Governor Gavin Newsom (D-CA) and Governor Kate Brown (D-OR) delivered remarks at the conclusion of the engagement process, calling for “enhanced coordination and more efficient decision making on water management, Tribal, fisheries, and related natural resources issues, particularly in times of sustained drought.” The Interagency Drought Relief Working Group, co-chaired by the Departments of the Interior and Agriculture, “is actively working to identify and disburse immediate financial and technical assistance for impacted irrigators and Tribes.”

The Investments in Infrastructure and Jobs Act provides \$162M to restore the Klamath Basin ecosystem and identifies opportunities to support water resilience and infrastructure. “Congressional leaders, including U.S. Senators Jeff Merkley (D-OR) and Ron Wyden (D-OR), and Representatives Cliff Bentz (R-OR), Jared

Huffman (D-CA), and Doug LaMalfa (R-CA) voiced their commitment to find economically and environmentally sustainable solutions for the basin and articulated a clear picture of the federal and state resources available to help develop these solutions.” See <https://www.doi.gov/pressreleases/interior-department-concludes-robust-klamath-basin-stakeholder-engagement-sessions>.

### **CONGRESS/ADMINISTRATION** **Farm Bill/Department of Agriculture**

On February 2, the House Agriculture Committee’s Subcommittee on Conservation and Forestry held a virtual hearing to review the Farm Bill conservation programs. Witnesses included: Terry Cosby, Chief, Natural Resources Conservation Service (NRCS); and Zach Ducheneaux, Administrator, Farm Service Agency (FSA). Cosby noted improved timing for FY22 advisory allocations of Farm Bill funds to the states, to ensure that states “have the time they need to set sign-up dates and work with their customers on accessing the financial or technical assistance that is right for them.”

Cosby provided updates on FY21 programs, including: (1) the Environmental Quality Incentives Program (EQIP) enrollment and the EQIP Conservation Incentives Contracts option pilot program across four states; (2) the Conservation Stewardship Program (CSP) enrollment and renewals, as well as the CSP Grassland Conservation Initiative; (3) new partnership projects under the Regional Conservation Partnership Program (RCP), including projects with Alternative Funding Arrangement components; (4) Agriculture Conservation Easement Program (ACEP) enrollments, including Wetlands Reserve Easements and five Wetland Reserve Enhancement Partnership projects to acquire and restore private wetlands; (5) planning and technical assistance provided under the Conservation Reserve Program (CRP); and (6) NRCS and FSA efforts with selected partners to support CRP Monitoring Assessment and Evaluation Projects.

Cosby said the U.S. Department of Agriculture (USDA) “is engaged in a whole-of-government effort to combat the climate crisis, and over the past year NRCS has announced several targeted initiatives through EQIP to advance this priority. These opportunities include targeted EQIP funds for climate-smart practices in FY21,

an 11-state EQIP cover crop pilot in FY22, and deployment of a nationwide EQIP Conservation Incentives Contracts program in FY22.” He noted that the cover crop pilot project is still accepting enrollment and will provide \$40M in addition to funding available through other conservation programs, “enabling states to offer a streamlined enrollment process....” He said that the NRCS and the Forest Service recently announced a \$48M investment in 41 projects to mitigate wildfire risk, improve water quality, and restore healthy forest ecosystems on public and private lands through the Joint Chief’s Landscape Restoration Partnership (LRP). Cosby noted that the USDA continues to use existing programs and funding, but the programs remain oversubscribed, with demand “well exceeding available funding.”

On February 8, the House Agriculture Subcommittee on General Farm Commodities and Risk Management held a virtual hearing to review farm policies with Robert Bonnie, USDA Undersecretary, Farm Production and Conservation. Regarding severe drought in the West, he noted that FSA lowered the drought intensity threshold to trigger assistance for water hauling expenses, and invested \$15M in a block grant for “producers in the Klamath Basin to reduce irrigation demand in parts of California and Oregon.”

Bonnie said that USDA’s discretionary financial resources and agency expertise have been historically underappreciated in efforts to deal with climate change, and that the agency is seeking to harness those resources and focus on partnerships to develop an ambitious plan for climate action. “Our efforts are based on voluntary, incentive-based approaches. Our plan centers on leveraging our existing programs, on creating new opportunities and markets for climate smart agriculture and forestry, on ensuring rural America plays a key role in our transition to cleaner sources of energy, and helping producers and communities adapt to the impacts of climate change – adverse weather, increasingly severe drought, storms, and flooding. We’ve developed an Action Plan for Climate Adaptation and Resilience that identifies the most significant risks that climate change poses to the agriculture and forestry sectors and lays out Department-scale actions to best prepare our stakeholders to address these current and future climate change threats. We’re also investing in research and development to make sure that we have the innovative technologies, data and quantification tools required to best position producers in this effort.” USDA is working on Partnerships for Climate Smart Commodities to finance climate-smart farming and forestry through partner-led, large scale pilot projects.

NRCS funding in FY20 and FY21 included: (1) \$330M for RCPP, plus \$75M in RCPP Alternative Funding Arrangements; (2) \$41.8M through EQIP to help agricultural producers mitigate the impacts of drought; (3) \$21M in collaboration with DOI’s WaterSMART

Initiative to improve water conservation and drought resilience; and (4) \$46M through the Joint Chief’s LRP.

## **WATER RESOURCES** **Kansas/Legislature**

On February 12, the Kansas House Committee on Water introduced a large bill (HB 2686) that would, among other things, create a new Kansas Department of Water and Environment (KDWE). The duties and powers of the Kansas Water Office, Kansas Department of Health and Environment, Division of Environment, Kansas Department of Agriculture, Division of Conservation, and Division of Water Resources would be transferred to the KDWE.

The bill would create a new board to oversee the state water plan fund and a new water and environment maintenance fund. It would modify procedures for groundwater management districts, increase water protection fees, authorize the Chief Engineer to issue certain orders without review by the Secretary of Water and Environment (formerly Agriculture) and establish civil penalties for violations of the obstructions in streams act. For further information, see <https://kwrconsulting.com/bl/og/hcow2022/summary-of-hb-2686-the-mega-water-bill/>.

## **New Mexico/Produced Water**

On January 12, the New Mexico Produced Water Research Consortium published a paper on the major challenges, concerns, and priorities for research and development needed to put produced water to use outside the oil and gas industry, titled “A Gap Analysis and Research Plan for the Reuse of Produced Water Addressing the Technical, Economic, and Health and Safety Risks of Fit-for-Purpose Reuse.” The introduction noted that any wastewater reuse process requires analytical characterization, health and safety testing, and risk analysis to support guidance and regulations, to define and measure “safe use” of produced water.

The paper was prepared in response to the New Mexico Legislature’s 2019 Produced Water Act (HB 546). Topics addressed in the 50-page plan include: (1) improved produced water quantity and quality sampling, analysis, and data access; (2) produced water pre-treatment/treatment costs, performance testing, and analysis; (3) toxicity testing standards development and risk analysis; (4) socio-economic, environmental, and ecological cost/benefit analysis; (5) health and safety compliance monitoring of fit-for-purpose applications; (6) regulatory agency cooperation and collaboration; (7) water and energy infrastructure planning and development; and (8) public education and outreach. For further information, see <https://nmpwrc.nmsu.edu/wp-content/uploads/sites/83/2022/01/NMPWRC-Research-Plan-1-12-22-Final.pdf>

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