



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION

NOAA/GOES-West Satellite

On March 1, the National Aeronautics and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) launched the Geostationary Operational Environmental Satellite (GOES)-18, also known as GOES-West. The satellite replaced GOES-17, and will work in tandem with GOES-16 (GOES-East). With advanced instruments, it will monitor weather systems and hazards (e.g., fires, hurricanes, volcanoes, space weather) over the western contiguous United States, Alaska, Hawaii, Mexico, Central America, and the Pacific Ocean. The new satellite includes an upgraded magnetometer and an improved cooling system.

ADMINISTRATION/WATER QUALITY

EPA/CWA Financial Capability Assessment

On February 23, the Environmental Protection Agency published its "Proposed 2022 Clean Water Act (CWA) Financial Capability Assessment (FCA) Guidance" in the *Federal Register* (87 FR 10193) for public comment. When finalized, it would replace the 1997 FCA Guidance. The guidance document describes the financial information and formulas EPA intends to use to assess the financial resources a community has available to implement control measures needed to meet CWA obligations. Section IV.g is intended to assist states and authorized tribes in the consideration of economic impacts to public entities for supporting revisions to designated uses, water quality standard variances, and antidegradation reviews for high quality waters.

Comments may be submitted no later than April 25 at www.regulations.gov under docket #EPA-HQ-OW-20-0426.

ADMINISTRATION/WATER RIGHTS

Interior/Indian Water Rights Settlements

On February 22, the Department of the Interior (DOI) announced that it would allocate \$1.7B this year from the Investment in Infrastructure and Jobs Act (IIJA) fund and

the Reclamation Water Settlement Fund (RWSF) toward Congressionally-authorized Indian Water Rights settlements, including: (1) Aamodt Litigation Settlement (Pueblos of San Ildefonso, Nambe, Pojoaque, and Tesuque); (2) Blackfeet Nation; (3) Confederated Salish and Kootenai Tribes; (4) Crow Nation; (5) Gila River Indian Community; (6) Navajo-Utah Water Rights Settlement and Navajo-Gallup Water Supply Project; (7) San Carlos Apache Nation; (8) Tohono O'odham Nation; and (9) White Mountain Apache Tribe.

The IIJA includes a total of \$2.5B to implement the Indian Water Rights Settlement Completion Fund, and the RWSF receives \$120M in mandatory funding annually from FY2020 to FY2029. DOI's press release noted that tribes may see additional investments this year "to address ongoing federal obligations such as operation, maintenance and repair costs under existing settlements" pending further Congressional action on the FY2022 budget. Secretary Deb Haaland said: "Water is a sacred resource, and water rights are crucial to ensuring the health, safety and empowerment of Tribal communities. With this crucial funding from President Biden's [IIJA], the Interior Department will be able to uphold our trust responsibilities and ensure that Tribal communities receive the water resources they have long been promised. I am grateful that Tribes, some of whom have been waiting for this funding for decades, are finally getting the resources they are owed."

The press release said: "Indian reserved water rights are vested property rights for which the United States has a trust responsibility. Federal policy supports the resolution of disputes regarding Indian water rights through negotiated settlements. Settlement of Indian water rights disputes breaks down barriers and helps create conditions that improve water resources management by providing certainty as to the rights of all water users who are parties to the disputes. As part of the implementation strategy, an Indian Water Rights Settlement Completion Fund Executive Committee has been established, comprised of the Commissioner of the Bureau of Reclamation, Chairperson of the Working Group on Indian Water Settlements, Director of the Bureau of Indian Affairs, Assistant Secretaries of Water and Science and Indian Affairs, and the Solicitor. The

Executive Committee will recommend future allocations of the remainder of the Completion Fund to the Secretary based on current project needs.” For more information, see: <https://www.doi.gov/pressreleases/tribes-receive-17-billion-president-bidens-bipartisan-infrastructure-law-fill>.

WATER RESOURCES/ENERGY **Lower Klamath Project/FERC**

On March 3, the Federal Energy Regulatory Commission (FERC) published notice in the *Federal Register* (87 FR 12445) of the availability of the draft Environmental Impact Statement (EIS) for the removal of the Lower Klamath Hydroelectric Project located in Oregon and California. The draft EIS, which may be accessed through FERC’s eLibrary, “documents the views of governmental agencies, non-governmental organizations, affected Indian Tribes, the public, the applicants, and Commission staff.” FERC said: “The primary issues associated with license surrender and removal of project works are: potential effects on aquatic biota, including Chinook salmon, Endangered Species Act-listed coho salmon and suckers, and other fish and wildlife species; adequacy of measures proposed to restore vegetation on formerly inundated lands; effects on riverine and reservoir-based recreation; effects on local property owners due to effects on waterfront access, wells, firefighting/prevention, slope stability, reservoir aesthetics, and property values, as well as effects on traffic, emergency response times, air quality, and noise during construction; effects of dewatering on culturally important sites and removal of historic project features; and socioeconomic effects on disadvantaged communities.”

The deadline to comment on the draft EIS at FERC’s eComment system is April 18. See <https://www.ferc.gov/news-events/news/ferc-staff-issues-draft-environmental-impact-statement-hydropower-license>.

MEETINGS **WaterReuse Symposium**

The 37th Annual WaterReuse Symposium will take place on March 6-9 in San Antonio, Texas, with a virtual on-demand option available March 21-April 30. The virtual option will enable access to all six plenary sessions and four tracks of technical sessions in any order. The event page said: “This year’s theme, Water Reuse: Shaping Our Past & Charting Our Future, is a call to action for the water reuse community to tap into innovation and address the urgency of our changing Earth, including floods, fires, droughts, and pandemics.”

For further information, see <https://watereuse.org/news-events/conferences/37th-annual-watereuse-symposium/>.

Western States Water Council

The WSWC Spring (198th) Meetings and Washington Roundtable will be held in Crystal City, Virginia on April 5-7, at the Doubletree Hotel. This event is co-sponsored jointly by the Interstate Council on Water Policy (ICWP), and the National Water Supply Alliance (NWSA). Registration and payment are required for all members and non-members to attend. **Please note the cut-off date for our hotel room block and the early registration fee deadline is March 7.** For further information on the meetings, including registration see: <https://westernstateswater.org/events/2022-wswc-spring-198th-meetings-and-washington-roundtable/>.

Schedule of Meetings

(Times listed are Eastern Daylight Saving Time)

Tuesday, April 5

- 8:00 am Joint ICWP-NWSA-WSWC Water Planner’s Conference
- 12:15 pm WSWC Executive Committee
- 1:30 pm Joint Water Planner’s Conference (cont.)
- 4:30 pm WSWC Water Resources Committee
- 5:30 pm WSWC Water Quality Committee
- 6:30 pm Joint Reception sponsored by Burns & McDonnell

Wednesday, April 6

- 8:00 am Joint ICWP-NWSA-WSWC Roundtable
- 12:00 pm Joint Luncheon
- 1:30 pm Joint Roundtable (cont.)
- 4:30 pm WSWC Legal Committee
- 5:30 pm WSWC 198th Full Council

Thursday, April 7

- 9:00 am Water Subcabinet/WestFAST Principles
- 12:00 pm Congressional Visits

White House/Infrastructure School

As part of the infrastructure program guidance, the White House launched an Infrastructure School webinar series to go more into depth into each of the twelve chapters of the Bipartisan Infrastructure Law guidebook. EPA will host a water infrastructure investment webinar on March 15 at 4pm ET, with registration available at: https://pitc.zoomgov.com/webinar/register/WN_S2xQ3YRJTH6tEVoGLc59w. DOI, FERC, and the Department of Agriculture (USDA) will host another webinar looking at programs supporting resilience on March 17 at 4pm ET, with registration available at: https://pitc.zoomgov.com/webinar/register/WN_wE8HdtekTqWKMwhkvilYEw. For further information, see <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/23/fact-sheet-biden-%E2%81%A0harris-administration-delivering-results-100-days-into-infrastructure-implementation/>.

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.