



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER RESOURCES **State Department/Columbia River Treaty**

On May 17, representatives from the United States and Canada met in one of a series of informal discussions in 2022 about identifying critical issues and advancing negotiations on modernizing the Columbia River Treaty. The U.S. representatives presented a new proposal, "which included a framework for operations and addresses flood-risk management, hydropower co-ordination, ecosystem co-operation and Canadian operational flexibility." <https://news.gov.bc.ca/releases/2022EMLI0035-000826>

According to the U.S. State Department, in 2024, the current flood risk management provisions of the treaty will shift to a less-defined approach. It also marks the earliest date that the U.S. or Canada may provide ten years' written notice of the desire to terminate the treaty. https://www.state.gov/columbia-river-treaty/#nav_primary-nav

ADMINISTRATION/WATER QUALITY **EPA/CWA §404(c) Veto**

On May 26, EPA Region 10 published a new Clean Water Act (CWA) §404(c) Proposed Determination to prohibit and restrict the use of certain waters in the Bristol Bay watershed for the discharge of dredged or fill material associated with mining. Senators Lisa Murkowski (R-AK) and Dan Sullivan (R-AK) opposed EPA's use of the §404(c) veto authority to preemptively deny the Pebble Mine permit, despite also opposing the mine's activities.

The Senators' press release said: "EPA's Proposed Determination resumes a process initiated by the Obama administration that led to an initial Proposed Determination in 2014. The Trump administration withdrew that determination, allowed Pebble to go through environmental permitting, and ultimately rejected its application for a Clean Water Act permit in 2020. At the time, the Trump administration found that 'the project could have substantial environmental impacts within the unique Bristol Bay watershed and lacks adequate compensatory mitigation.' In 2021, a federal court vacated the Trump administration's decision to withdraw

the 2014 determination, enabling EPA to renew this effort."

Senator Sullivan said: "For reasons I have previously stated, I opposed the Pebble mine after the Trump administration's thorough, fair, and objective process which denied Pebble's permit application. While an extensive record and the law has dictated that Pebble Mine should not move forward based on the previous permit application, I have consistently opposed the EPA's pursuit of preemptive veto authority over resource development projects on state lands in Alaska. This is the wrong approach to providing certainty for Bristol Bay and stability for Alaska, and could threaten Alaskans' ability to responsibly develop our world-class resources in other parts of the state, for the benefit of our communities."

Senator Murkowski said: "I oppose the Pebble mine and supported the Trump administration's decision to reject its permit application in 2020. Pebble did not meet the high bar for development and is - as the late Senator Stevens said - the 'wrong mine in the wrong place.' I continue to stand firmly with the many Alaskans, including fishermen and Alaska Natives, who are against this project. Today's action by EPA is one way to further prevent the Pebble mine from moving forward. However, there is no guarantee that a future administration will not revoke it, and most Alaskans, myself included, have never supported a blanket, preemptive approach for any project. My concern has always been that this could be used as precedent to target resource development projects across our state. If we want long-term certainty for fisheries protection, the only lasting path involves bringing Alaskans together in a stakeholder-led process that seeks consensus and helps avoid years of further division. My goal is to help Alaskans come together to find that solution." <https://www.murkowski.senate.gov/press/release/murkowski-sullivan-pebble-is-the-wrong-mine-in-the-wrong-place>

WATER RESOURCES **Arizona/Colorado River**

On May 6, a joint Colorado River Shortage Briefing was held by the Arizona Department of Water Resources (ADWR), the Central Arizona Project (CAP), and the

federal Bureau of Reclamation (USBR). The purpose of the meeting was to provide the public with a comprehensive update on the hydrologic conditions and outline actions taken to help stabilize those conditions.

CAP General Manager Ted Cooke and ADWR Director Tom Buschatzke offered a presentation on the effect of the water shortage conditions in Arizona. They noted that actions already taken in 2022 have conserved about 812,000 acre-feet through combined efforts of tribes, irrigation districts, state and local water agencies, and the federal government, operating under the Colorado River Tier 1 guidelines, the Drought Contingency Plan, the 500+ Plan, and other actions. ADWR and CAP will continue to engage with stakeholders and hold a briefing on June 24 and August 24 in preparation for the new water year on October 1. A recording of the meeting is available at <https://new.azwater.gov/news/articles/2022-13-05>.

Texas/Drought

On May 27, the City of Austin announced that the combined water storage level of Lakes Travis and Buchanan was projected to drop below 1.4 million acre-feet, triggering the Stage 1 conservation measures of Austin's Drought Contingency Plan. The city has been in the Conservation Stage, the lowest stage of the Water Conservation Code, for the past three years. Stage 1 reduces the irrigation watering hours.

Kevin Critendon, Assistant Director at Austin Water, said: "While the changes in restrictions for Stage 1 are limited, Austin Water also views the declaration of Stage 1 as an opportunity, and obligation, to inform citizens about the current situation with drought and lake volumes. Although some rain has fallen in Central Texas this year, it doesn't always make its way into the streams and rivers that replenish the Highland Lakes." Austin Water is also exploring potential locations for a future aquifer storage and recovery project as part of its Water Forward plan, a roadmap for Austin's water future for the next 100 years. <https://www.austintexas.gov/news/aust-in-enters-stage-1-drought-contingency-plan-0>

WATER RESOURCES/WATER RIGHTS

Utah/Navajo Nation/Water Rights

On May 27, Governor Spencer Cox (R-UT), Navajo Nation President Jonathan Nez, and Secretary of the Interior Deb Haaland formally signed the Navajo-Utah federal reserved water rights settlement agreement. The press release said: "The settlement recognizes a reserved water right of 81,500 acre-feet for current and future water use within the Navajo Nation in Utah. The federal government will pay the Navajo Nation more than

\$210 million and the state of Utah will contribute \$8 million toward water projects on the Navajo Nation."

Governor Cox said: "Today we celebrate the opportunity to bring drinking water infrastructure to the Navajo Nation and water certainty for Utah, the fastest growing state in the country. Sometimes the most important work done by government is done quietly on issues that don't sound very exciting but which make a big difference in the lives of people. This is one of those times. I'm proud of the staff and leaders who have worked diligently and in good faith for many years to make this happen."

MEETINGS

Dividing the Waters/Upper Rio Grande Basin

On June 16, at 10:00 am to 12:00 pm Pacific, the National Judicial College's Dividing the Waters Program will host a webinar, "Dividing the Waters Series - Surface Water-Groundwater Conflicts: A Case Study Of Conjunctive Administration of Water in the Upper Rio Grande Basin." Topics discussed will include: Water Development in the Upper Rio Grande Basin; Interstate Conflicts and the Rio Grande Compact; State Supreme Court's Rejection of 1975 Proposed Groundwater Rules; Litigation over Attempted Export of Groundwater from the Basin; and Legislation Directing the Development of a Decision Support System and authorizing groundwater management directed toward insuring sustainability. For further information on the four-part webinar series, and to register see https://unr.zoom.us/meeting/register/tZEqdO-ppjMtGdyDWiPLoYBMU3TQ_bkakpko.

PEOPLE/ORGANIZATION

Interstate Council on Water Policy

The Interstate Council on Water Policy (ICWP) announced that **Beth Callaway** will begin June 1, as the Executive Director of the ICWP, replacing retiring **Sue Lowry**. Sue, a former WSWC member, retired as the Administrator of the Interstate Streams Division of the Wyoming State Engineer's Office in June 2016 to accept the position of Executive Director with ICWP. Sue will remain on board during June for a month of transition. Beth most recently served as the Senior Policy Advisor for water and natural resources in Wyoming Governor Mark Gordon's Administration, tracking federal policies and legislation and coordinating with Wyoming's Congressional delegation to communicate the State's water and natural resource interests to relevant federal agencies. We congratulate Sue on her retirement, and express deep appreciation for her service and friendship, and wish her the best in her future endeavors. We also congratulate Beth on her new position and look forward to working with her.