



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION

NOAA

On September 16, the Executive Directors of the Interstate Council on Water Policy (ICWP), Beth Callaway, National Water Supply Association (NWSA), Dave Mitamura, and Western States Water Council (WSWC), Tony Willardson, met virtually with Rick Spinrad, Administrator, National Oceanic and Atmospheric Administration (NOAA). All three emphasized the need for continuous engagement and collaboration between NOAA and the States, interstate organizations, and others, as well as the role of the "Water Subcabinet" in working with non-federal agencies toward addressing common challenges.

The West and the Nation face ongoing extreme weather volatility that has brought record or near-record events with drought, followed by floods, wildfires, and landslides, as well as coastal storm surges. These events threaten public safety and loss of life, as well as economic, social, and environmental damages, while taxing the capacity of our aging water infrastructure. This highlights the need for early warning systems - timely and accurate forecasts.

WSWC recently readopted Position #483 on Strengthening the Resiliency of our Nation to the Impacts of Extreme Weather Events highlighting: (1) maintaining and enhancing data gathering and monitoring; (2) advancing physical sciences research, and dynamical and statistical modeling; (3) addressing federal agency responsibilities; (4) increasing consultation with state, local and tribal governments; (5) improving collaboration and coordination among agencies at all levels; (6) improving communication capabilities; and (7) identifying and addressing gaps/overlap.

Administrator Spinrad noted the unprecedented federal commitment of resources with some \$3.3B for NOAA to address climate challenges, including an emphasis on resilience and adaptation, in addition to decarbonization. The discussion encompassed collaboration under NOAA's Precipitation Prediction Grand Challenge (PPGC) and specifically the need for improving seasonal-to-sub-seasonal (S2S) prediction

skill. Another topic of discussion was support for reauthorization of the National Integrated Drought Information System (NIDIS), with Veva Dehaza and Elizabeth Ossowski NOAA/NIDIS staff joining. The WSWC co-chairs the NIDIS Executive Council with NOAA and the U.S. Department of Agriculture. Spinrad specifically noted interest in better forecasts from the insurance and reinsurance industry, as well as the "catastrophic" bond market.

The value of Forecast Informed Reservoir Operations (FIRO) was also discussed along with the advances in observations and forecasting atmospheric river (AR) events. Better skill in longer-term forecasts offers tremendous potential benefits, including optimal reservoir operations and management. Similarly, maintaining existing and developing new monitoring and remote-sensing technologies to provide more timely data and better spatial coverage is critical for addressing flooding and drought impacts.

NOAA leadership has seen a number of recent changes and Dr. Spinrad committed to further engagement on issues important to the WSWC and other interstate organizations particularly towards planning, preparing for and avoiding, minimizing, and mitigating the impacts of extreme weather events. The Western Federal Agency Support Team (WestFAST) is one way NOAA collaborates with our States.

CONGRESS

California/Indian Water Rights

On September 15, Senators Alex Padilla (D-CA) and Dianne Feinstein (D-CA) introduced the Tule River Water Rights Settlement Act (S. 4870). The bill ratifies the 2007 settlement agreement and recognizes the Tule River Tribe's reserved water rights and quantifies the tribe's water right to 5,828 acre-feet/year of surface water from the South Fork of the Tule River. The bill would also transfer 10,000 acres of federal lands in the Sequoia National Forest into trust for the tribe to enable management of the headwaters of the watershed.

Neil Peyron, Chairman of the Tule River Tribe, said: "The bill captures decades of hard work on a real

solution in our drought-stricken homelands and is also beneficial to our neighbors, the downstream agricultural community, that depend on the South Fork of the Tule River.”

Senator Padilla said: “Water is a sacred and necessary resource for Tribal Nations and for all people. As California and the West continue to experience a historic megadrought, [S. 4870] would help provide water security to Tule River citizens now and for generations to come. It is long past time for the federal government to live up to its trust and treaty responsibilities to the Tule River Tribe. We must codify this water settlement and ensure the continued strength of Tribal Nations....”

Senator Feinstein said: “The Tule River Tribe - the second largest tribe in California with more than 1,900 members - often lacks enough drinking water during the summer and is forced to import bottled water for basic household needs.... I'm happy to support Senator Padilla's bill to codify a settlement between the Tule River Tribe, the Interior Department and downstream water users of the tribe's federally reserved water rights that date back nearly 150 years.”
<https://www.feinstein.senate.gov/public/index.cfm/pres-s-releases>

Regulatory Reform

On September 12, Senator Shelley Capito (R-WV) introduced the Simplify Timelines and Assure Regulatory Transparency (SMART) Act (S. 4815). The bill would codify various rules promulgated under the Trump administration, including NEPA procedures, WOTUS definitions, the Section 401 Certification Rule, and Corps rules on Nationwide Permits. It would also extend NPDES permits to ten years, expedite permitting and review processes and authorize the use of categorical exclusions, defer to states as the sole authority for regulating hydraulic fracturing on federal lands within the boundary of a state, and prohibit retroactive CWA §404 permit vetoes. Republican support for the bill includes 46 senators from 26 states.

Capito, Ranking Member, Environment and Public Works Committee, said: “...Republicans are introducing this legislation today to deliver solutions to the roadblocks, delays, and postponements of key infrastructure projects across the country. The START Act would provide regulatory certainty to states, expedite permitting and review processes, codify substantive environmental regulatory reforms, and expedite permitting of the critically important Mountain Valley Pipeline. Republicans are unified in working to deliver needed permitting reform, and this legislation is a blueprint for how we can help communities benefit from being able to finally get critical projects across the finish line.”

On September 21, Senator Joe Manchin (D-WV), Chair of the Energy and Natural Resources Committee released the Energy Independence and Security Act, an alternative permitting reform package to enable production from energy and minerals projects to reach domestic and international markets that need them most. Chairman Manchin secured commitments from Senate Majority Leader Chuck Schumer, House Speaker Nancy Pelosi, and President Biden to pass the bill before the end of the fiscal year on September 30.

WATER RESOURCES

Idaho/Infrastructure

On August 29, the Idaho Department of Environmental Quality (IDEQ) announced the award of \$75,810 to Idaho City and Fruitland to evaluate their drinking water systems and identify needed improvements. The planning grants are funded from the \$2M in American Rescue Plan Act (ARPA) funds that Governor Brad Little (R-ID) directed to IDEQ in 2021.

IDEQ also developed an approved grant list for drinking water and wastewater infrastructure projects in 63 small and rural communities under the Leading Idaho Project proposed by Governor Little, with \$300M appropriated by the Idaho Legislature. Governor Little said: “Water is our most valuable resource, and we absolutely must keep up the infrastructure to ensure water is clean and plentiful for this generation and future ones. That is why we made historic investments in water quality and quantity this year.... These investments...we made in water and other infrastructure needs at the state level help relieve the burden on local government to cover costs of projects, improving the chances property owners won't be burdened with the costs.” The Leading Idaho Plan also included \$175M for the Idaho Department of Water Resources for infrastructure projects to ensure a dependable water supply.

PEOPLE

Oregon

Tom Byler retired from state service effective September 13, after more than 27 years working for the State of Oregon, most recently as the Oregon Water Resources Department (OWRD) Director. He plans to continue working on water and natural resources issues. Tom was appointed to the WSWC in December 2014, and has served on the Executive, Legal, and Water Resources Committees, chairing the latter. We wish Tom all the best in his future endeavors.

Governor Kate Brown has appointed current Deputy Director of Water Management **Doug Woodcock**, to serve as acting director of the OWRD for the remainder of her term.

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.