



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / [www.westernstateswater.org](http://www.westernstateswater.org)

Chair - Jennifer Verleger; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

### **WESTERN GOVERNORS/WATER RESOURCES** **California/Drought/Floods**

On March 24, Governor Gavin Newsom (D-CA) issued an Executive Order terminating several drought emergency provisions, such as ending the requirement that local water agencies implement level two of their drought contingency plans. However, he retained other emergency provisions to enable drought response and recovery efforts to continue. Governor Newsom said: "The weather whiplash we've experienced in the past few months makes it crystal clear that Californians and our water system have to adapt to increasingly extreme swings between drought and flood."

The same day, the California Department of Water Resources (CDWR) increased delivery allocations from the State Water Project from 35% up to 70% of the requested water supplies for 29 public water agencies serving 27 million Californians. CDWR Director Karla Nemeth noted that the State has gone from extreme drought to 19 atmospheric rivers since late December. "It really demonstrates that in times of plenty, we need to move as much water into storage as is feasible."

### **New Mexico/Land of Enchantment Legacy Fund**

On March 23, Governor Michelle Lujan Grisham (D-NM) signed a bipartisan bill (SB9) creating The Land of Enchantment Legacy Fund with \$100M to support existing programs that prioritize land and water stewardship, forest and watershed health, outdoor recreation, infrastructure, soil restoration, agriculture, working lands, historic preservation, and wildlife species protection. Governor Grisham said: "After years of hard work by a broad coalition of legislators, state agencies, community organizations and non-governmental organizations, I'm proud that we are prioritizing funding for conservation efforts now more than ever before." <https://www.governor.state.nm.us/>

### **North Dakota/Disaster Declaration**

On March 21, Governor Doug Burgum (R-ND) signed an Executive Order declaring a statewide winter

storm disaster for central, northwestern, and northeastern North Dakota. The State has experienced significant snowfall this winter, and conditions of fog, ice, wind, and freezing temperatures through half of January impacted power lines and the ability of state, local, and tribal agencies to respond to weather-related emergencies. Governor Burgum also sent a letter to President Biden and the Federal Emergency Management Agency requesting a federal disaster declaration.

### **North Dakota/Tribal Water Projects**

On March 28, Governor Burgum signed HB1385, authorizing the State Water Commission (SWC) to enter into agreements with federally-recognized tribes. The bill expands eligibility to tribes as sponsors under the North Dakota Department of Water Resources Cost-Share Program for water development projects, including water supplies, flood protection, and other water management efforts. Burgum said: "Providing tribal nations with the opportunity to work directly with the SWC on cost-share requests will better meet the needs of both tribal and non-tribal residents and ensure that all North Dakota citizens and communities have similar access to state resources that support local investments in critical water infrastructure."

### **ADMINISTRATION/WATER QUALITY** **EPA/PFAS**

On March 29, the Environmental Protection Agency (EPA) published a proposed rule (88 FR 18638) that would establish a National Primary Drinking Water Regulation (NPDWR) and health-based Maximum Contaminant Level Goals (MCLG) for six Per- and Polyfluoroalkyl Substances (PFAS): perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexane sulfonic acid (PFHxS), perfluorobutane sulfonic acid (PFBS), and hexafluoropropylene oxide dimer acid and its ammonium salt (GenX Chemicals).

EPA is proposing to regulate PFOA and PFOS at a level they can be reliably measured, which is 4 parts per

trillion (4.0 nanograms/Liter). The proposed rule would place limits on any mixture containing one or more of PFNA, PFHxS, PFBS, and/or GenX Chemicals. For these latter four PFAS, water systems would use an approach called a hazard index to determine if the combined levels of these PFAS pose a potential risk. Public water systems would be required to notify the public and take actions to reduce the levels of these PFAS in drinking water if they exceed the proposed regulatory standards. This could include removing these chemicals through various types of treatment or switching to an alternative water supply that meets the standard. Technologies capable of reducing PFAS in drinking water include granular activated carbon (GAC), anion exchange resins (AIX), reverse osmosis (RO), and nanofiltration (NF).

EPA will hold a public hearing on May 4, to present the proposed requirements and to receive public comment. Comments may be submitted by May 30, to [www.regulations.gov](http://www.regulations.gov), docket #EPA-HQ-OW-2022-0114.

### **ADMINISTRATION/WATER RESOURCES** **Reclamation/California**

On March 28, the Bureau of Reclamation announced increases in water allocations for the federal Central Valley Project water users in California to reflect recent increases in reservoir water storage and Sierra Mountain snowpack. Irrigation contractors are increased from 30% up to 80% of their contract request totals, and municipal and industrial water contractors are increased from 75% to 100% of their historic use.

### **Reclamation/Snow Forecasting**

On March 13, Reclamation announced an \$11.75M grant funding opportunity for emerging technologies or improvements to existing technologies to monitor snow for subsequent water supply forecasting that enables improved water management. Eligible applicants include water districts, irrigation districts, water associations, universities, state agencies, private sector entities, non-governmental organizations, and any combination of these entities. Applications are due May 12 to [www.grants.gov](http://www.grants.gov) under funding opportunity #R23AS00079.

### **CONGRESS/WATER QUALITY** **Congressional Review Act/WOTUS**

On March 29, the Senate passed House Joint Resolution 27 by a vote of 53-43, disapproving the 2023 Waters of the United States (WOTUS) rule under the Congressional Review Act. The resolution was passed by the House on March 9, by a vote of 227-198.

Senator Shelley Moore Capito (R-WV), who introduced an identical companion resolution in the Senate, said: “By voting to overturn President Biden’s waters rule, we are sending a clear, bipartisan message that Congress, even a divided one, will defend working Americans in the face of executive overreach. I’m proud to lead my colleagues in standing up for farmers and ranchers, landowners and builders, and energy and infrastructure workers across the United States. I urge President Biden not to overrule the will of a bipartisan majority in Congress, and instead draft a new rule that doesn’t unfairly penalize millions of Americans and jeopardize future growth in our country.”

### **WATER RESOURCES** **Columbia River Treaty**

On March 24, President Biden and Canadian Prime Minister Justin Trudeau announced that the two nations would intensify their work on modernizing the Columbia River Treaty in the coming months to support a healthy and prosperous river basin. “We will focus on flood risk management, power generation, and environmental benefits that are shared equitably by both countries and the Indigenous peoples and Tribal nations, communities, and stakeholders in this watershed. The Columbia River is a vital shared resource that underpins many lives and industries on both sides of the border and the watershed requires our attention and prompt coordination.” The State Department will host a virtual listening session about treaty regime modernization on April 19. (See [www.whitehouse.gov](http://www.whitehouse.gov) and [www.state.gov](http://www.state.gov))

### **MEETINGS** **WestFAST/Pumped Storage Hydropower**

On April 12, the Western Federal Agency Support Team (WestFAST) will host the second in a series of webinars, titled “Permitting and Processes for New Pumped Storage Hydropower Systems.” The webinar will provide a high-level overview of the various permitting processes and issues involved in developing a new pumped storage hydropower project. Topics will include the Federal Energy Regulatory Commission (FERC) licensing process, environmental issues and compliance requirements, the U.S. Bureau of Reclamation’s lease of power privilege process, and findings from the National Renewable Energy Laboratory (NREL) on steps to help navigate these different procedures. Presenters include: Emily Carter, FERC; Clark Bishop, Reclamation; Bo Saulsbury with the Pacific Northwest National Laboratory; and Aaron Levine, NREL. See <https://westernstateswater.org/events/permitting-and-processes-for-new-pumped-storage-hydropower-systems/>.

---

**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.**