



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER RESOURCES **Bureau of Reclamation/Colorado River**

On August 15, the U.S. Bureau of Reclamation (USBR) released the Colorado River Basin 24-Month Study and announced 2024 operating conditions for Lake Powell and Lake Mead. According to the press release, “Based on projections..., Lake Powell will operate in a Mid-Elevation Release Tier with 7.48 million acre-feet [Maf] released in water year 2024. Consistent with existing agreements, Lake Mead will operate in a Level 1 Shortage Condition - an improvement from the Level 2 Shortage Condition announced last year - with required shortages by Arizona and Nevada, coupled with Lower Basin Drought Contingency Plan water saving contributions. Mexico’s water delivery will be reduced consistent with Minute 323.” These conditions are based on the 2007 Guidelines and are subject to change as the expected SEIS for Near-term Colorado River Operations is finalized. <https://www.usbr.gov/newsroom/news-release/4603>

The announcement noted that Lake Mead’s release in 2023 is projected to be the lowest in 30 years, approximately 1.5MAF lower than an average normal year, reflecting extensive, ongoing conservation efforts in the Lower Basin states funded in part by the Biden Administration’s historic Investing in America agenda, as well as above-normal inflows from the lower basin below Hoover Dam, and conservation measures in Mexico. Investments in system conservation and improved hydrology this year have provided an opportunity to recover some reservoir storage. At the same time, the Colorado River system continues to face low elevations, with Lake Powell and Lake Mead combined at 36% of capacity.

USBR Commissioner Camille Calimlim Touton said, “The above-average precipitation this year was a welcome relief, and coupled with our hard work for system conservation, we have the time to focus on the long-term sustainability solutions needed in the Colorado River Basin. However, Lake Powell and Lake Mead - the two largest reservoirs in the United States and the two largest storage units in the Colorado River system - remain at historically low levels. As we experience a warmer, drier West due to a prolonged drought,

accelerated by climate change, Reclamation is committed to leading inclusive and transparent efforts to develop the next-generation framework for managing the river system.”

Also on August 15, USBR closed the 60-day scoping period for the environmental impact statement (EIS) for the development of post-2026 operations for Lake Powell and Lake Mead. The USBR is reviewing the input received and expects to release a scoping report in Fall 2023. Among comments by the public, basin Tribes, federal agencies, non-governmental organizations and other stakeholders, the USBR received comments from both Upper and Lower Division Basin States. The States collectively agreed that engagement from all seven States, as well as basin Tribes, is essential to ensure the effectiveness of post-2026 Operations. They also agree that post-2026 operations should: (1) hold the Law of the River as a foundation; (2) ensure consistency with the 1922 Colorado River Compact; (3) meet delivery obligations to Mexico; (4) address imbalances in supply and demand; (5) provide predictable operations while maintaining flexibility; (6) be interim in duration; (7) not modify Initial Units and records of decision; and (8) be narrow in scope.

The Upper Colorado River Commission (UCRC) commented: “While forecasting may be necessary in some situations, the Post-2026 Operations must primarily focus on responding to actual conditions and rebuilding and protecting storage.” UCRC also said the No Action Alternative cannot include the extension of 2007 Guidelines or the Drought Contingency Plans (DCPs), and must acknowledge that upon expiration of the 2007 Guidelines, the operating criteria will revert to those used to model baseline conditions in the Final Environmental Impact Statement for the Interim Surplus Guidelines of December 2000.

The Lower Division States Governors’ Representatives stated that Post-2026 Operations should “...[incorporate] a broad range of hydrology to address the potential impacts of climate change.” They also noted that provisions regarding an Intentionally Created Surplus from the 2007 Guidelines and DCP should be extended beyond 2026, and should be included in the No Action Alternative. They commented

that alternatives considered in the Post-2026 SEIS should “manage Lake Powell and Lake Mead operations to reduce the risk of reaching critical elevations in either reservoir.” As part of that recommendation, they suggested Reclamation should evaluate alternative triggers for releases, potential improvements to Glen Canyon Dam, and development of conservation programs, including a framework for augmenting Colorado River supplies. <https://www.usbr.gov/ColoradoRiverBasin/index.html>

CONGRESS

National Dam Safety Reauthorization Act

On August 1, Representative Chuck Edwards (R-NC) introduced the National Dam Safety Reauthorization Act (H.R. 5104), with Representatives Kim Schier (D-WA) and Dan Newhouse (R-WA) included among five cosponsors. The bill would extend the National Dam Safety Program (NDSP) through FY2028. The NDSP is a partnership of States, federal agencies and stakeholders encouraging and promoting the establishment and maintenance of effective federal and state dam safety programs to reduce the risk to human life, property, and the environment from dam related hazards.

Coordinated through the Federal Emergency Management Agency (FEMA), the program keeps a National Inventory of Dams and provides funding for dam engineering research, state dam safety agencies, and safety inspector training programs. Without reauthorization, the NDSP would expire at the end of September. <http://www.fema.gov/emergency-managers/risk-management/dam-safety>

Edwards, representing North Carolina’s 11th District said, “NC-11 is home to more than 750 dams, each of which are vital to flood control, water conservation, irrigation and recreation for Western North Carolinians. I’m introducing the National Dam Safety Program Reauthorization Act with my House and Senate colleagues to invest in WNC’s dam safety and keep our citizens safe for years to come.”

Schier noted: “The National Dam Safety Program is a huge win for states like Washington to maintain the function and structural integrity of our dams. This legislation will ensure that dams across the country are up to code and not a threat to public safety.”

Newhouse said: “The Four Lower Snake River Dams are integral to flood control, navigation, irrigation, agriculture, and recreation in Central Washington and throughout the Pacific Northwest - to put it simply, we cannot afford to lose them.” <https://www.congress.gov/bill/118th-congress/house-bill/5104>

WATER QUALITY/ORGANIZATIONS

Clean Water Act - SRFs/CIFA

On August 21, a coalition of organization lead by the Council of Infrastructure Financing Authorities (CIFA) wrote House and Senate leadership urging them to fund the Clean Water and Drinking Water State Revolving Funds (SRFs) to the maximum authorization in federal law, \$3B each, for fiscal year 2024. CIFA noted that SRFs deliver affordable financing for state-run clean water and drinking water infrastructure around the Nation. Federal money allows SRFs to issue subsidized loans to fund infrastructure projects which are otherwise infeasible. Increasing need for SRF funding is evidenced by the Environmental Protection Agency’s (EPA) 2023 Drinking Water Needs Survey and Clean Watershed Needs Survey, as well as the increasing financial challenges water utilities are facing. CIFA said that SRFs are a fiscally responsible method of funding water infrastructure projects. Additionally, short-term federal funding through the Infrastructure Investment and Jobs Act (IIJA) has limitations on which projects it can fund. CIFA also noted that “nearly one-third of IIJA funding, to-date, has been used to offset cuts to annual federal funding due to congressional earmarks which, historically, were funded in addition to the SRFs, rather than in lieu of the SRFs” which undermines the “landmark law, which was to extend affordable financing for water infrastructure to more communities than ever before.” The WSWC was one of 18 organizations joining the letter.

PEOPLE

On August 22, the Colorado Department of Natural Resources and the Colorado Water Conservation Board (CWCB) announced the appointment of **Lauren Ris** as the next CWCB Director. Ris had been serving as the Acting Director since June, when Rebecca Mitchell was appointed as the State of Colorado’s first full time commissioner to the Upper Colorado River Commission. Previously Ris served as the Deputy Director. She holds a B.A. in English and Environmental Science from Willamette University and an M.S. in Natural Resource Policy and Conservation Biology from the University of Michigan.

Elysse Ostlund Campbell has joined the WSWC as our new Policy Analyst. Her previous positions included working as a paralegal at Woodward Law LLC; an intern at the Bureau of Indian Affairs (BIA), Office of Indian Gaming, reviewing NEPA documentation; as a field technician for the United States Forest Service and with SWCA Environmental Consultants. She holds a B.S. in Environmental Science from Brigham Young University.

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.