



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

Chair - Jon Niermann; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

WESTERN GOVERNORS

WGA Winter Meeting – Teton Village, Wyoming

Wyoming Governor Mark Gordon, Chair of the Western Governors' Association (WGA), kicked off the WGA's 2023 Winter Meetings on November 6-8, by discussing the importance of collaboration when addressing the West's energy and environmental challenges. "I want to point out that the majority of minerals in the nation, most of the energy, many of the water issues, and many of the natural resource issues are represented on this panel of governors.... If we can continue our work together, there is a lot we can accomplish." He included federal partners in calling for collaboration. <https://westgov.org/meetings/details/2023-winter-meeting>

Governor Gordon was joined by WGA's Vice Chair, Michelle Lujan Grisham (NM), and Governors Katie Hobbs (AZ), Jared Polis (CO), Brad Little (ID), Joe Lombardo (NV), and Spencer Cox (UT). The governors participated first in a conversation with U.S. Secretary of the Interior Deb Haaland and the Director of the U.S. Office of Management and Budget, Shalanda Young. Young focused on investing public funds wisely, particularly mentioning the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act, as well as the Administration's focus on disadvantaged communities, many of which are in the West. She also described Bidenomics as building from the middle out and the bottom up with federal programs, while noting economic growth in the last quarter was 4.9%.

Secretary Haaland said, "The challenges we face are real, but the solutions we're creating together are bringing us closer to the future our communities deserve. Whether it's the rapid deployment of the technologies we need to decarbonize the West, or collaboration to protect the lands, waters, and wildlife we all cherish, the West has undeniable potential. It's this potential we must harness for the bold change we need, but the progress we make will ultimately rely on ongoing partnerships in the states represented here today." She called for an equitable, sustainable future through conservation and remediation of legacy pollution that endangers our environment, including precious water resources.

Haaland also addressed drought in the West, and particularly the Colorado River Basin. Few thought that the Administration, States and Tribes could reach an agreement on system operations, but she referred to an historic proposal committing to measures that will conserve at least 3 million-acre-feet of water through the end of 2026. The announcement, on October 25, refers to consensus actions to protect Glen Canyon and Hoover Dam operations, system integrity, and public health and safety. This has led to the release of a revised draft Supplemental Environmental Impact Statement (SEIS) and initiation of a 45-day public comment period. <https://doi.gov/pressreleases/biden-harris-administration-announces-next-steps-protect-stability-and-sustainability>

U.S. Secretary of Agriculture Tom Vilsack gave an in-depth presentation about threats facing rural agricultural communities. He noted that since 1981, the U.S. has lost 437,300 farms and 141.1 million acres of farm and ranch land. Small farms are disappearing, with farm income concentrated in larger and larger farms. In 2019, only 50,000 farms reported income of over \$500,000 that accounted for 89% of all farm income. Some two million farms shared the remaining 11%. Of note, 50% of farms didn't make any money at all. Further, for small farmers, 40% of their income came from off-farm sources.

"Are we okay with losing 141,000,000 acres of farmland? Are we okay with the heavy concentration of farm income?" Vilsack asked rhetorically. "If we are, we need to say that, and we need to make sure that people understand the consequences of shrinking rural communities and the significant role that they play in the life and the values of this country." He outlined options to diversify income opportunities for small farms with climate-smart strategies, ecosystem services markets (including water-related services), promoting local and regional food business centers, cooperative processing plants, biofuels, and federal food buying programs.

Vilsack's keynote was followed by a roundtable discussion examining how technology and controlled environment agriculture can diversify production, particularly as it relates to leafy greens, significantly increasing yields and improving the quality of produce

while reducing water usage. Some produce can reach the table without ever being touched by human hands. "Farmers have always selected plants for the environment, but now we can select the environment," said Dr. Sasha Preuss, the Vice President of Plant Science at Plenty. "We're at the dawn of this industry and we're going to be able to push down the costs."

Other areas of focus and discussion included public lands management and the West's National Parks, wildlife migration corridors, infrastructure permitting and the National Environmental Policy Act, and a session with Department of Education Secretary Miguel Cardona.

The 2024 WGA Annual Meetings will be held June 10-12, at Olympic Valley, California near Lake Tahoe.

ADMINISTRATION/WATER QUALITY

EPA/BIL/Lead

On November 7, the Environmental Protection Agency (EPA) announced the Get the Lead Out (GLO) Initiative, backed by the BIL funding, and in partnership with the Department of Labor. It impacts 200 underserved communities with help in identifying and removing lead service lines by providing technical assistance to develop replacement plans and secure funding. EPA aims to address the 9.2M lead service lines in the U.S., primarily in older homes, disproportionately impacting low-income families. EPA will work with communities to develop Lead Service Line (LSL) Inventories, Community Engagement Plans, LSL Replacement Plans, and State Revolving Fund (SRF) Applications. Additionally, EPA will develop tools and case studies to share information and best practices with States and Tribes, water system managers, and community leaders. This initiative expands EPA's existing water technical assistance portfolio. www.epa.gov/waterta

Radhika Fox, EPA Assistant Administrator, noted that lead pipes are most commonly found in older homes, indicating a disproportionate impact on families with fewer resources to remove them. She said: "That's why this new initiative is so critical – it will provide the kind of assistance that's needed to accelerate the removal of lead where it's needed most. Thanks to President Biden's Investing in America agenda, EPA is positioned to help connect more communities to historic federal funding through the Bipartisan Infrastructure Law and move our country closer to President Biden's goal of getting 100% of lead pipes out of water-once and for all."

CONGRESS/WATER RESOURCES

Groundwater/ESA/Border Water Issues

On October 25, the House Natural Resources Committee's Subcommittee on Water, Wildlife and

Fisheries held a hearing to examine the Transboundary Aquifer Assessment Program Act (H.R. 5874), which would amend 42 U.S.C. 1962 to reauthorize the Transboundary Aquifer Assessment Program (TAAP) for an additional 10 years. Introduced by Rep. Juan Ciscomani (R-AZ) and Rep. Melanie Stansbury (D-NM), it would also enable the designation of additional priority aquifers along the Arizona-Sonora border.

Sharon Megdal, Director of the Water Resources Research Center (WRRRC) at the University of Arizona, one of the TAAP hosting organizations, testified in favor of the bill. TAAP's research facilitates understand the four priority aquifers and water management across state and national borders. Megdal expressed the need for continued transboundary assessments, especially aquifer modeling. "With sound, verifiable information in hand, water users, water managers, and policy makers are better equipped to make decisions to support the long-term viability of their economies and communities along the border." Ciscomani said: "Since its conception the TAAP program has made tremendous strides in expanding our understanding of our water resources and consequently has improved our water diplomacy efforts with Mexico."

The Subcommittee also discussed H.R. 520, introduced by Rep. Tom McClintock (R-CA), which would amend the Endangered Species Act of 1973 (ESA) to require that artificially propagated species not be distinguished from naturally propagated individuals under the ESA. It would also require that the Secretary authorize the use of artificial propagation for any mitigation required under the ESA. McClintock expressed concern about the removal of dams and fish hatcheries for the sake of salmon species that were successfully propagating in captivity. "This bill very simply says that captive breeding programs need to be recognized by the ESA as legitimate contributors to efforts to preserve the biodiversity and population of the species."

Gary Frazer, U.S. Fish and Wildlife Service (FWS), opposed H.R. 520, citing a number of concerns including lack of important clarifying language, and ecological differences between captive- and wild-bred stocks. He said the FWS would welcome a further discussion of the intent of the legislation and the current use of controlled propagation to support species recovery in the wild.

ORGANIZATIONS

In October, the **Instream Flow Council** and **American Fisheries Society** released its final Training Research and Development Center to Support Instream Flow and Water Level Conservation Feasibility Assessment Report. See: https://www.instreamflowcouncil.org/wp-content/uploads/2023/10/IFWLC_Feasibility-Report-2023.10.pdf.

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.