



March 21, 2023

Mr. Michael L. Connor  
Assistant Secretary of the Army (USACE)  
Civil Works Headquarters  
441 G Street NW  
Washington, DC 20314

Sent via email: [michael.l.connor10.civ@army.mil](mailto:michael.l.connor10.civ@army.mil)

Re: Western Water Cooperative Committee  
2022 WRDA Implementation, Docket #COE-2023-0002-0001

Dear Assistant Secretary Connor:

As part of WRDA 2022, Congress created the Western Water Cooperative Committee (§8158). The purpose is to ensure that Corps “flood control projects in Western States [AK, AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY] are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of the Corps of Engineers projects and water rights and water laws in such States.” The membership of the Cooperative Committee includes the Assistant Secretary of the Army for Civil Works, the Chief of Engineers, two representatives from each Western State appointed by the governor and the attorney general, and one employee from each of the impacted regional offices of the Bureau of Indian Affairs.

As you know, the Corps owns and operates significant infrastructure in the West and has numerous federal priorities it considers. The Corps’ interpretations and implementation of its priorities sometimes conflict with the States’ water management laws and policies. We are hopeful the Committee will strengthen a spirit of cooperative federalism and practical problem-solving as water management continues to be critical to western states. Ideally, the Committee will provide an opportunity to: (1) facilitate ongoing state-federal communication; and (2) ensure that Corps policies and management of projects are consistent with Congressional intent to defer to Western States on matters of water allocation.

States are in the best position to protect and allow for the orderly and rational allocation and administration of the resource through state laws and regulations that are specific to their individual circumstances. The Conference of Western Attorneys General (CWAG) and Western States Water Council (WSWC) support the preservation of the States’ inherent right to develop, use, control, and distribute water, and supports legislation to require the Corps to comply with substantive and procedural state law as it relates to the States’ surface waters, including natural flows, similar to the Bureau of Reclamation. Nothing in any federal rule, regulation, directive, order, or policy should affect, erode, or interfere with the primacy of state laws relating to water allocation.

Water resources management must be recognized as a critical public policy priority given the importance of the resource to our public health, economy, food security, environment, and western way of life. An integrated, collaborative, and grassroots approach to water resources management is critical to the

efficient and environmentally sound use of our water resources. Rather than attempt to dictate water policy, the federal government should engage States early in meaningful consultation. We support efforts to foster cooperation and collaboration between the federal agencies and States in addressing how to coordinate our respective roles in water resource development and management.

The Cooperative Committee is required to meet at least once a year in one of the Western States at a place accessible to the public. We offer our assistance in planning, organizing, and communicating information about this meeting with our members and their respective state appointees.

We look forward to working with the Corps through the Western Water Cooperative Committee.

Sincerely,



Karen White  
Executive Director  
Conference of Western Attorneys General



Tony Willardson  
Executive Director  
Western States Water Council

cc: Robyn Colosimo - [robyn.s.colosimo.civ@mail.mil](mailto:robyn.s.colosimo.civ@mail.mil)