



Michelle Bushman <mbushman@swc.utah.gov>

Re: WSWC-CWAG Briefing on the Western Water Cooperative Committee

Tony Willardson <twillardson@swc.utah.gov>

Tue, Feb 28, 2023 at 10:14 AM

To: "Pokon, Emma K (DEC)" <emma.pokon@alaska.gov>, Tom Barrett <tom.barrett@alaska.gov>, "Pack, Julie A (LAW)" <julie.pack@alaska.gov>, Randy Bates <randy.bates@alaska.gov>

Cc: Michelle Bushman <mbushman@swc.utah.gov>

Dear Emma, Julie, Tom and Randy,

Attached please find a letter addressed to the Governor and Attorney General of your State, mailed yesterday on behalf of the Conference of Western Attorneys General (CWAG) and the WSWC regarding the new Army Corps of Engineers (Corps) Western Water Cooperative Committee, which Congress created as part of the 2022 Water Resources Development Act (WRDA).

The membership of the Cooperative Committee includes two representatives from each Western State appointed by the governor and the attorney general. The purpose of the Cooperative Committee is to ensure that "flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of the [Corps] projects and water rights and water laws in such States."

CWAG and WSWC will host a conference call on Friday, March 17, 2023, at 12:00 pm Mountain Time to provide additional information regarding the legislation and to facilitate discussions regarding state participation on the Committee. To participate on the Zoom call, please register at <https://westernstateswater.org/events/swc-cwag-briefing-wwcc/>.

Please let me know if you have any questions.

Thank you,

Tony

Tony Willardson
Executive Director
Western States Water Council
(801) 685-2555

 **Alaska.pdf**
182K



Michelle Bushman <mbushman@wswc.utah.gov>

Re: WCWC-CWAG Briefing Materials

1 message

Michelle Bushman <mbushman@wswc.utah.gov>

Mon, Mar 20, 2023 at 3:28 PM

To: Michelle Bushman <mbushman@wswc.utah.gov>

Cc: Tony Willardson <twillardson@wswc.utah.gov>, Steven Emmen <semmen@westgov.org>, Clive Strong <clive.strong@cwagweb.org>, "L., Verleger, Jennifer" <jverleger@nd.gov>

Bcc: adel.m.abdallah@gmail.com, "Cunningham, Julie" <julie.cunningham@owrb.ok.gov>, "Bradley, Jesse" <jesse.bradley@nebraska.gov>, "Gibson, Sara" <sara.gibson@owrb.ok.gov>, Jennifer Zygmont <jennifer.zygmont@wyo.gov>, Shellie Chard <shellie.chard@deq.ok.gov>, sshechter@agutah.gov, "Mackey, John" <jkmackey@utah.gov>, Leanna Littler-Woolf <lnlittler@utah.gov>, Jeff Cowley <jeff.cowley@wyo.gov>, ria.berns@ecy.wa.gov, renee.m.moulun@doj.state.or.us, Bonnie.Rogers@swca.com, "McGuigan, Charles" <charles.mcguigan@state.sd.us>, "Brown, Christopher" <chris.brown@wyo.gov>, douglas.e.woodcock@water.oregon.gov, megan.goltz@state.sd.us, James Macy <jim.macy@nebraska.gov>, cari-michel.lacaille@tceq.texas.gov, Eric Gronlund <eric.gronlund@state.sd.us>, john.rhoderick@env.nm.gov, "justin.lavene@nebraska.gov" <justin.lavene@nebraska.gov>, jessica.gordon@doj.ca.gov, Matt Unruh <matt.unruh@kwo.ks.gov>, eric.katz@doj.ca.gov, scott.campbell@ag.idaho.gov, kristen.mitchell@atg.wa.gov, Micheline Fairbank <mfairbank@water.nv.gov>, Bill.Mundell@azag.gov, ajwalsh@ag.nv.gov, Buck Smith <Buck.Smith@ecy.wa.gov>, Scott Steinbrecher <scott.steinbrecher@coag.gov>, zogaz@nmag.gov, courtney.crowell@oregon.gov, Earl Lewis <earl.lewis@ks.gov>, Michael.susini@state.nm.us, rose.minor@gov.wa.gov, daniel.burrows@ag.ks.gov, jay.rodriquez@ag.ks.gov, "Travnicek, Andrea" <atravnicek@nd.gov>, bkovacs@az.gov, Nakaila <nakaila.steen@state.sd.us>, janlee.rowlett@ag.ok.gov, michaela.lembeck@ag.ok.gov, kelly.rawalt@alaska.gov, Julie Groat <jgroat@wswc.utah.gov>

<charles.mcguigan@state.sd.us>, "Brown, Christopher" <chris.brown@wyo.gov>, douglas.e.woodcock@water.oregon.gov, megan.goltz@state.sd.us, James Macy <jim.macy@nebraska.gov>, cari-michel.lacaille@tceq.texas.gov, Eric Gronlund <eric.gronlund@state.sd.us>, john.rhoderick@env.nm.gov, "justin.lavene@nebraska.gov" <justin.lavene@nebraska.gov>, jessica.gordon@doj.ca.gov, Matt Unruh <matt.unruh@kwo.ks.gov>, eric.katz@doj.ca.gov, scott.campbell@ag.idaho.gov, kristen.mitchell@atg.wa.gov, Micheline Fairbank <mfairbank@water.nv.gov>, Bill.Mundell@azag.gov, ajwalsh@ag.nv.gov, Buck Smith <Buck.Smith@ecy.wa.gov>, Scott Steinbrecher <scott.steinbrecher@coag.gov>, zogaz@nmag.gov, courtney.crowell@oregon.gov, Earl Lewis <earl.lewis@ks.gov>, Michael.susini@state.nm.us, rose.minor@gov.wa.gov, daniel.burrows@ag.ks.gov, jay.rodriquez@ag.ks.gov, "Travnicek, Andrea" <atravnicek@nd.gov>, bkovacs@az.gov, Nakaila <nakaila.steen@state.sd.us>, janlee.rowlett@ag.ok.gov, michaela.lembeck@ag.ok.gov, kelly.rawalt@alaska.gov, Julie Groat <jgroat@wswc.utah.gov>

Thanks to all who attended our WSWC-CWAG briefing Friday on the new Western Water Cooperative Committee.

As noted during our call, we are mailing the attached cover letter and template appointment letters to the Western Governors and Attorneys General. The template appointment letter is attached here as a MS Word document for ease of editing. Please send up the chain to your respective Governors/Attorneys General as appropriate.

The completed appointment letters (and any questions) may be emailed to:

Michelle Bushman at WSWC: mbushman@wswc.utah.gov

Clive Strong at CWAG: clive.strong@cwagweb.org

Steve Emmen at WGA: semmen@westgov.org

Many thanks for all you do!

On Thu, Mar 16, 2023 at 2:54 PM Michelle Bushman <mbushman@wswc.utah.gov> wrote:

Thank you all for registering for tomorrow's briefing on the Western Water Cooperative Committee established in WRDA 2022. An agenda for the meeting is attached.

The meeting web page has been updated to include reference materials that may be useful as we discuss them during the briefing, including the legislative language in WRDA, letters of support for the creation of the Committee, policy positions from our Western State organizations, and materials relating to the 2016 proposal and 2020 withdrawal of the Corps Water Supply Rule. <https://westernstateswater.org/events/wswc-cwag-briefing-wwcc/>

I have also included a draft of a letter to Assistant Secretary Mike Connor regarding the new Committee, which we intend to submit as a joint comment letter to the [WRDA 2022 Implementation Docket](#)

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Michelle Bushman

Associate Director and General Counsel

Western States Water Council

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(801) 685-2555

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Associate Director and General Counsel

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2 attachments



Letter to Governor and AG re Western Cooperative Committee Final.pdf

52K



Appointment Letter Template to Connor Final.docx

14K



Michelle Bushman <mbushman@swc.utah.gov>

Western Water Cooperative Committee - confirming contact information/update

1 message

Michelle Bushman <mbushman@swc.utah.gov>

Thu, Aug 31, 2023 at 1:36 PM

To: "Pack, Julie A (LAW)" <julie.pack@alaska.gov>, jennifer.currie@alaska.gov, Tom Buschatzke <tbuschatzke@azwater.gov>, Vanessa.Hickman@azag.gov, Eric Katz <eric.katz@doj.ca.gov>, Scott Steinbrecher <scott.steinbrecher@coag.gov>, scott.campbell@ag.idaho.gov, Earl Lewis <earl.lewis@ks.gov>, jay.rodriguez@ag.ks.gov, michael.russell@mt.gov, Tom Riley <tom.riley@nebraska.gov>, "justin.lavene@nebraska.gov" <justin.lavene@nebraska.gov>, GOtt@ag.nv.gov, sydney.lienemann@env.nm.gov, Zachary Ogaz <zogaz@nmag.gov>, "Travnicek, Andrea" <atravnicek@nd.gov>, "L., Verleger, Jennifer" <jverleger@nd.gov>, "Cunningham, Julie" <julie.cunningham@owrb.ok.gov>, jennifer.lewis@oag.ok.gov, Ivan.K.GALL@water.oregon.gov, renee.m.moulun@doj.state.or.us, Eric Gronlund <eric.gronlund@state.sd.us>, "McGuigan, Charles" <Charles.McGuigan@state.sd.us>, Jon Niermann <jon.niermann@tceq.texas.gov>, Teresa Wilhelmsen <teresawilhelmsen@utah.gov>, wcrowther@ag.utah.gov, stephen.north@atg.wg.gov, ria.berns@ecy.wa.gov, "Brown, Christopher" <chris.brown@wyo.gov>, brandon.gebhart1@wyo.gov
Cc: Tony Willardson <twillardson@swc.utah.gov>, Patricia Salazar <psalazar@agalliance.org>, Tania Maestas <tania.maestas@agalliance.org>

Dear Governor and Attorney General WWCC Appointees:

Gib Owen from the Office of the Assistant Secretary of the Army for Civil Works reached out to us this week to fill in some blanks in the attached spreadsheet. We've filled in some missing names, contact information, and titles. Will you please take a look at your own information and shoot me a quick email to either confirm it is accurate or let me know of any changes?

Gib said: "We are nearing a point where Army will be able to standup the Western Water Cooperative Committee. We have been working to identify funding to facilitate the efficient operation of the committee and been working with the Department of Defense to determine if the Federal Advisory Committee Act (FACA) was applicable to the committees actions."

Thanks for your patience!

--

Michelle Bushman

Deputy Director and General Counsel
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Western Water Committee 1 September 23.v2 MB edits.xlsx

22K



Michelle Bushman <mbushman@wswc.utah.gov>

Update: Western Water Cooperative Committee

Michelle Bushman <mbushman@wswc.utah.gov>

Fri, Sep 29, 2023 at 10:53 AM

To: Tom Buschatzke <tbuschatzke@azwater.gov>, Justin Lavene <justin.lavene@nebraska.gov>, Scott Campbell <scott.campbell@ag.idaho.gov>, Eric Gronlund <eric.gronlund@state.sd.us>, Teresa Wilhelmsen <teresawilhelmsen@utah.gov>, Stephen North <stephen.north@atg.wa.gov>, Eric Katz <eric.katz@doj.ca.gov>, Ivan Gall <ivan.k.gall@water.oregon.gov>, Scott Steinbrecher <scott.stenbrecher@coag.gov>, "Lienemann, Sydney, ENV" <sydney.lienemann@env.nm.gov>, Jon Niermann <Jon.niermann@tceq.texas.gov>, Vanessa Hickman <Vanessa.Hickman@azag.gov>, "McGuigan, Charlie" <Charles.McGuigan@state.sd.us>, Anna Pakenham Stevenson <anna.pakenhamstevenson@mt.gov>, Julie Pack <julie.pack@alaska.gov>, Adam Sullivan <asullivan@water.nv.gov>, Michael Russell <michael.russell@mt.gov>, Brandon Gebhart <brandon.gebhart1@wyo.gov>, Zachary Ogaz <zogaz@nmag.gov>, Wendy Crowther <wcrowther@agutah.gov>, Gregory Ott <gott@ag.nv.gov>, Julie Cunningham <julie.cunningham@owrb.ok.gov>, Jennifer Lewis <jennifer.lewis@oag.ok.gov>, Jay Rodriguez <jay.rodriguez@ag.ks.gov>, Ria Berns <ria.berns@ecy.wa.gov>, Jennifer Verleger <jverleger@nd.gov>, Jennifer Currie <jennifer.currie@alaska.gov>, Andrea Travnicek <atravnicek@nd.gov>, Chris Brown <chris.brown@wyo.gov>, Earl Lewis <earl.lewis@ks.gov>, Tom Riley <tom.riley@nebraska.gov>

Cc: Jim Rizk <Jim.Rizk@tceq.texas.gov>, Joaquin Esquivel <joaquin.esquivel@waterboards.ca.gov>, Kelly Romero-Heaney - DNR <kelly.romero-heaney@state.co.us>, "Weaver, Mathew" <mathew.weaver@idwr.idaho.gov>, "Billings-Ray, Kellie" <Kellie.Billings-Ray@oag.texas.gov>, Udland Lisa <lisa.udland@doj.state.or.us>, Tony Willardson <twillardson@wswc.utah.gov>, Patricia Salazar <psalazar@agalliance.org>, Clive Strong <clive.strong@cwagweb.org>, Tania Maestas <tania.maestas@agalliance.org>

Dear WWCC appointees:

I received the following update from Gib Owen at the Office of the Assistant Secretary of the Army for Civil Works.

The Department of Defense notified him this week that the WWCC will be subject to FACA*. Accordingly, he has identified a Designated Federal Officer and an alternate within the Corps HQ and they are preparing to take the required FACA 101 and ethics training. Once they have completed their relevant forms, he will seek approval from the Secretary of Defense.

Gib has also started working with the Secretary of the Army staff on a FACA charter for the WWCC, and he hopes to get that approved by the Secretary of the Army in the next couple of weeks. He noted that because the Governors and Attorneys General have already appointed members to the WWCC, he is working on an expedited process to get approval from the Secretary of the Army and Secretary of Defense for those members. (Typically, FACA requires a Federal Register notice that seeks nominations, then the Assistant Secretary for Army (Civil Works) makes recommendations, then the Secretary of the Army seeks approval from the Secretary of Defense.)

*Note: WSWC and CWAG argued to the Assistant Secretary of the Army that the WWCC is not subject to FACA under the provisions of the Unfunded Mandates Reform Act (UMRA) regarding state, local, and tribal government input (2 USC § 1534). These provisions clearly exempt the WWCC from the FACA requirements. Notably, the UMRA applies where: (1) meetings are held exclusively between federal officials and elected state officials, or their designated employees with authority to act on their behalf; and (2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

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Michelle Bushman

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