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Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER RESOURCES
White House/Groundwater

On April 25, the President's Council of Advisors on Science and Technology (PCAST) announced it is collecting input from the public to address questions regarding total groundwater use, recharge, and storage across the United States. PCAST issued specific questions regarding methods for timely collection of data, effective modeling and prediction of groundwater changes, efficient scaling of groundwater recharge, ensuring clean and safe groundwater availability, community engagement, and strategies to limit groundwater overuse. They invited written submissions regarding any of these or complementary issues by July 1, which should be sent to pcast@ostp.eop.gov with "Groundwater" in the subject line.

The PCAST briefing reads: "In the western states especially, groundwater resources are being depleted at an alarming rate, mostly from agricultural withdrawal. The problem of groundwater depletion is exacerbated by climate change and precipitation variability and in many aquifers, groundwater withdrawal has outpaced natural and artificial recharge. There is a need to explore the consequences of artificial recharge and to identify successful recharge approaches that might be scaled across the country.... Groundwater is managed locally, with best practices that vary from state to state, but there is an opportunity to develop and scale approaches to restore clean water in every community." See https://www.whitehouse.gov/pcast/briefing-room/.

CONGRESS/WATER RESOURCES
Senate/WRDA 2024

On May 22, the Senate Environment and Public Works (EPW) Committee unanimously reported the Thomas R. Carper Water Resources Development Act of 2024 (WRDA 2024). Chairman Tom Carper (D-DE) said: "From protecting our communities in the face of increasingly powerful storms and intense droughts to keeping our waterways active at our ports, the work of the U.S. Army Corps of Engineers is the backbone of America's economy. I believe that bipartisan solutions are lasting solutions, and that's why Senator Capito and I worked together to consider the requests of all of our colleagues in the Senate...."

Ranking Member Shelley Moore Capito (R-WV) said: "The Army Corps of Engineers conducts critical work in communities across the United States by building out water resources infrastructure, including projects that manage risks posed by flooding. Every two years, the Environment and Public Works Committee supports the Corps in carrying out its civil works mission through the Water Resources Development Act." The bill authorizes 81 feasibility studies and eight new or modified construction projects, including projects for flood risk management, ecosystem restoration, and water supply in Arizona, California, Colorado, Kansas, Nevada, Texas, and Washington. It also directs the Corps to expedite the completion of several ongoing studies and projects from past WRDAs including projects in Arizona and California. The bill would also establish an emergency drought operations pilot program, allowing the Corps to modify dam operations in drought-stricken regions.

Colorado River/Hydropower/Klamath Project

On May 22, the House Committee on Natural Resources, Subcommittee on Water, Wildlife and Fisheries held a legislative hearing on four water infrastructure and drought-related bills including: (1) the Help the Hoover Dam Act (H.R. 7776), introduced by Rep. Suzie Lee (D-NV); (2) the Colorado River Salinity Control Fix Act (H.R. 7872), introduced by Rep. John Curtis (R-UT); (3) the Klamath Basin Water Agreement Support Act of 2024 (H.R. 7938), introduced by Subcommittee Chair Rep. Cliff Bentz (R-OR); and (4) the Rural Jobs and Hydropower Expansion Act (H.R. 8263), introduced by Rep. Lauren Boebert (R-CO).

In his opening statement, Chairman Bentz described H.R. 7938, which would implement provisions of the existing Klamath Power and Facilities Agreement (KPFA) authorizing the Department of Interior (DOI) to operate and improve infrastructure, including Keno Dam, which PacifiCorp will convey to the federal government. The bill also ensures that the Klamath Project and project sponsors are not financially responsible for any of the costs associated with Keno Dam unrelated to irrigation.

Bentz questioned witness Tracey Liskey, President of the Klamath Water Users Association, on the Keno Dam transfer. He noted that the original purpose of the dam was to regulate the flow of water on its way to dams that are now being removed. Bentz asked Mr. Liskey: "Would you think that it would be fair to impose upon the farmers the cost (some have estimated to be $100M) to upgrade Keno Dam with fish passage and to repair it in its dilapidated state left by PacifiCorp?" Liskey said: "No I would not. Keno Dam is mainly used to regulate for the fish…. That's a public good and that should be paid for by the public. These irrigators cannot afford that project."

Rep. Lee explained that the federal government has collected $45M from Hoover hydropower contractors to support post-retirement benefits (PRBs) for Hoover Dam employees. Those funds have since become stranded as PRBs are now covered by The Civil Service Retirement and Disability Fund. H.R. 7776 would give the Bureau of Reclamation (USBR) clear authority to partner with contractors to use the money for operations, maintenance, and other authorized activities. Lee said: "Reclamation officials know that the cost of major plant investments at the Hoover Dam are the 'responsibility of Hoover contractors and will be included within future hydropower rates accordingly' but they emphasize that the funding released by this legislation can play an essential role in helping stabilize Hoover hydropower rates which are already facing increased pressure due to drought conditions on the Colorado River." Lee, as well as David Palumbo, Deputy Commissioner of Operations, USBR, assured the Subcommittee that the legislation had been crafted to ensure no impact to Hoover PRBs.

Rep. Curtis questioned Don Barnett, Executive Director of the Colorado River Basin Salinity Control Forum, and highlighted the significance of an agreement between the seven Colorado River Basin States on H.R. 7872. The bill would address funding imbalances for the Colorado River Basin Salinity Control Program related to spending from the Lower Basin Fund. The Program is currently funded by appropriations and power revenues, as well as the USDA's Natural Resources Conservation Service (NRCS) and the Environmental Quality Incentives Program (EQIP). At present, program costs are disproportionately shared between the Upper and Lower Basin States. The hearing memo reads: "The legislation reduces the reimbursable portion of operations and maintenance at three Bureau of Reclamation projects, freeing up $1.2 million in the Lower Basin Fund. Additionally, the legislation reduces the EQIP reimbursable portion from 30 percent to 15 percent. This change would save the Lower Basin Fund an additional $3.1 million. This legislation will ensure that the costs associated with salinity control units are shared equally across the Upper and Lower Colorado River Basins."

Curtis asked how the Forum was able to bring the Seven Basin States into agreement and why they were all supportive of H.R. 7872, under "such difficult water circumstances." Barnett responded that "improved water quality is better for everybody." He said: "We're going to work together on a basinwide basis and we're going to cooperatively solve the water quality issue."

Rep. Boebert explained that H.R. 8263 would amend the Reclamation Project Act of 1939 to give USBR the exclusive authority to develop hydropower within a project, simplifying the permitting process for non-federal project developers. Non-federal developers would need only authorization through USBR's Lease of Power Privilege and would not need a second permit from the Federal Energy Regulatory Commission (FERC).

WATER RESOURCES

California/Delta Conveyance Project/Water Supply

On May 16, the California Department of Water Resources (CDWR) released a report titled Benefit-Cost Analysis of the Delta Conveyance Project. The report models the frequency and size of future water supply shortages, as well as the economic impact of such shortages for urban customers, including consumer welfare. The report also estimates the value of improved water supply reliability to agriculture, improved water quality of water exported south of the Delta, and improved supply reliability against the risk of a severe seismic event.

The study estimates that for every $1 spent, the infrastructure modernization project would generate $2.20 in benefits. The report identifies the primary benefit as reducing the frequency of future water supply shortages for the State Water Project (SWP) urban contractors, which serve an area including businesses estimated to produce $2.3T in goods and services annually. The analysis examines costs such as construction and related expenditures, operations and maintenance, and remaining environmental impacts after mitigation. The report estimates a total benefit of nearly $3.8B against a total cost of $1.7B, resulting in a benefit-cost ratio of 2.20.

Karla Nemeth, CDWR Director said: "Twenty-seven million people rely on these surface water supplies that support a $2.3 trillion economy in California. There is a very real cost to doing nothing. It is vastly more efficient and economical to avoid declining supplies. Water shortages, mandatory restrictions, land fallowing and job loss all impact our state and local economies." Author Dr. David Sunding, UC Berkeley said: "The Delta Conveyance Project passes the benefit-cost test readily, with benefits that are more than double the cost. The project enables ongoing demands to be satisfied and water supply reliability to be maintained.