



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN STATES WATER COUNCIL Summer Meetings – West Fargo, North Dakota

On July 25-26, the State of North Dakota hosted meetings of the WSWC in West Fargo. Participants joined both virtually and in person. The WSWC adopted a new proposed position on state nutrient reduction strategies, and revised and re-adopted three sunseting positions: (1) supporting rural water supply projects and infrastructure needs; (2) supporting the ability of each western state to use available authorities to place appropriate conditions on water transfers to protect water quality; and (3) calling for substantive discussions regarding endangered species protections and state water rights.

During the Water Resources Committee, Charles Scaife from the Water Power Technologies Office (WPTO) at the Department of Energy (DOE) gave an overview on the development of an Energy-Water Resilience Strategy and requested feedback on what inclusions would benefit States. Aaron Snyder, U.S. Army Corps of Engineers (Corps) updated members on the Corps Water Infrastructure Financing Program (CWIFP), which received numerous letters of interest in its first round. The Corps plans to announce which proposed projects are invited to apply soon.

Erica Gaddis, SWCA Environmental Consultants, provided an overview of a state-federal collaboration, supported by WSWC and private grant funds, to develop a New Mexico Integrated Water Financing Plan, including recent workshops and discussions on financing needs and strategies for three demonstration projects: (1) accelerating small community drinking water system regionalization; (2) aquifer mapping and monitoring; and (3) the Upper Rio Grande Basin Riparian Conservation, Restoration, and Watershed Health Initiative. Aubrey Bettencourt, Netafim, provided an overview of modern precision agriculture measures and Netafim's available technology, services, and feature initiatives.

Andrew Nygren, North Dakota Department of Water Resources (NDDWR) reported on a water data survey conducted in May, engaging western state water resource agencies to identify data collection

methodologies and practices. Nygren recommended continuing to refine network technology such as PRESENS, real-time data acquisition, monitor developments in artificial intelligence (AI) to possibly assist with data quality control, and coordinating soil moisture datasets between agencies.

Ryan James provided an update on the Water Data Exchange Program (WaDE), Western States Water Data Access Analysis Tool (WestDAAT), Western Water Conservation Application Tool (WestCAT), and the Interoperable Western Water Data Hub. Future objectives for WaDE/WestDAAT include new regulatory and administrative boundary overlays and additional state agency time series records.

Duane DeKrey, Garrison Diversion Conservancy District provided an overview of the Red River Valley Water Supply Project (RRVWSP). He outlined the project history and needs, user outreach efforts, and construction progress. The project is expected to cost \$1.26B to serve nearly 50% of North Dakota's population. The Missouri River intake structure, the Sheyenne River discharge structure, and 1.2 miles of transmission pipeline have been constructed.

The Committee held roundtable discussions on: (1) the Congressional effort to make water supply and conservation Corps co-equal primary missions; and (2) the challenges facing small and rural water systems. Members discussed possible implications on the Corps involvement in water supply management and fish and wildlife conservation, and the success some States have had with the Bureau of Reclamation's rural water project funding.

During the Water Quality Committee, Peter Wax, North Dakota Department of Environmental Quality, addressed the members. He emphasized the importance of effective communication from scientists. He provided a geologic profile of North Dakota and outlined prevalent water quality issues including: (1) complex emerging contaminants; (2) sulfates, nutrients, and harmful algal blooms on the Drift Prairie; and (3) energy-related oil and brine spills to the west.

Mark Mayer, South Dakota Department of Agriculture and Natural Resources (DANR) talked about challenges with NPDES permits and efforts to lengthen permit terms. Mayer estimated that 10-year permits could save DANR approximately 3 FTEs. He argued that the change would promote efficiency and allow staff to spend more time on engagement and compliance, improve morale, and reduce staff turn-over.

Russell Kaiser and Alex Porteous, Environmental Protection Agency (EPA), presented on mapping wetlands post-Sackett. Porteous talked about EPA's efforts to improve wetlands mapping and provided a walkthrough of an online story map created by the Interagency Working Group on Advanced Mapping and Analytics. He also introduced the Water Quality Portal hosted by the National Water Quality Monitoring Council. Christina Carpenter (AK) described Alaska's Human Health Criteria (HHC) Working Group activities, particularly in regards to the State's higher fish consumption rates. Leslie Connelly (WA) chronicled the Washington's efforts to adopt its HHC criteria.

Aaron Vollmer, AE2S, talked about 3M's PFAS-related settlement with the State of Minnesota and plans for Woodbury's new permanent treatment plant. Michelle Bushman provided an update on WSWC's participation in a Federal Mining Dialogue quarterly meeting. EPA's Office of Mountains, Deserts, and Plains requested to hear from the Western States at a later meeting on water quality issues surrounding the cleanup of abandoned hardrock mines. Staff will reach out to the intermountain States to discuss opportunities to engage with EPA further.

During the Legal Committee, Aaron Carranza, NDDWR, talked about sovereign lands and the aims of NDDWR's Regulatory Division and Sovereign Lands Team. He highlighted Corps recent assertions that it doesn't require State Sovereign Land Permit authorization. He also outlined important and ongoing litigation related to sovereign lands.

Justin Wolfe, Florida Department of Environmental Quality, and attorney Jeffrey Wood, Baker Botts, discussed Florida's legal challenges after assuming CWA §404 authority. Wolfe explained how and why Florida chose to pursue §404 authority. Wood provided an overview of the litigation and ongoing appeal.

Nicole Klobas, Arizona Department of Water Resources, gave a Colorado River operations update. She discussed efforts to balance demands on the river, especially during low flow years. She outlined the operations alternatives that have been proposed. Ryan Smith, Brownstein Hyatt Farber Schreck, gave an overview of the Northeastern Arizona Indian Water

Rights Settlement Act. He explained the advantages of the settlement and the progress the Navajo Nation has achieved. He highlighted that efforts in Congress to approve the settlement have enjoyed bipartisan support from Arizona's congressional delegation.

Tanya Trujillo (NM) and Jon Niemann (TX) provided an overview of the U.S. Supreme Court's recent decision rejecting the Texas-New Mexico-Colorado Rio Grande Settlement. Trujillo said she did not believe the decision necessarily impacts settlements broadly, and Niemann acknowledged that States may want to seriously consider fighting U.S. intervention in future cases.

Michelle Bushman summarized the request for input by the President's Council of Advisors on Science and Technology (PCAST) on National Groundwater Use and WSWC's comments. Multiple States including Idaho, Montana, Nebraska, Nevada, Oregon, Utah, and Wyoming expressed interest in a workshop on groundwater. Bushman provided an update on the Indian Water Rights Settlement Completion Fund and noted the shift in Congress, Administration, and tribes from project-based settlements to more funds-based settlements. She suggested updating the WSWC position on Indian water rights settlements to allow support for fund-based settlements.

In the Full Council Meeting, Tony Willardson provided an overview of WestCAT, the timeline of its development, and its main users and uses. Mike Eberle, U.S. Forest Service, provided a report on WestFAST. Tim Newman, U.S. Geological Survey, gave a status update on Landsat Next. NASA recently awarded the Landsat Next imaging instrument contract to Raytheon. Recent House and Senate language is clearly supportive of Landsat Next, but the decrease in NASA Earth Science Division appropriations is cause for concern.

Andrea Travnicek (ND) moderated a panel on international boundary water challenges and opportunities. Panel members included Jesús Luévano Grano, Comisión Internacional de Límites y Aguas, Lance Yohe, U.S. Commissioner, International Joint Commission, Raquel Rancier (OR), John Simpson (ID), Tanya Trujillo (NM), and Nicole Klobas (AZ). The panel discussed the difficulties posed by changes in administration, lack of federal negotiator engagement with states, the nuances of different geographies, and the benefits of established processes for communication.

Prior to the meetings, our North Dakota hosts arranged a full day field trip with stops that included the Fargo Regional Water Reclamation Facility; Grand Farm; and Fargo-Moorhead Diversion.

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.