

THE WEEKLY NEWSLETTER OF THE WESTERN STATES WATER COUNCIL

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CONGRESSIONAL UPDATE/WATER RESOURCES

Water Resources Development Act (WRDA)

On September 24, the Senate voted 81-12 to approve the conference report for H.R. 1495, clearing the \$23.2B measure for the President. However, he has said he will veto the bill due to its cost, despite heavy lobbying by Republicans, including Senator James Inhofe (R-OK), the ranking minority member on the Senate Environment and Public Works (EPW) Committee with jurisdiction over the mammoth bill. The bill authorizes hundreds of U.S. Army Corps of Engineer projects for flood control, navigation, hurricane protection and ecosystem restoration. The House approved the conference report in August, by a 381-40 vote. Therefore, it would appear the votes are there to override a veto. Congress has not passed a WRDA authorization since 2000.

Senator Barbara Boxer (D-CA), the EPW Chair, said, "Senator Inhofe and I share a commitment to shoring up our nation's infrastructure. We have a true partnership on this issue and we stood shoulder to shoulder to get this bill done.... This is a truly bipartisan bill that meets our communities' and our nation's water infrastructure needs and it does it in a fiscally responsible way. Some of the communities this bill will protect have waited years for these projects – and many of them are vital to protecting lives and communities from floods and storms. This bill makes a substantial commitment to protecting our nation's wetlands, navigation routes, and recreation opportunities. It is crucial to our country's economy.... If the President chooses to veto the bill, as he has threatened to do, we are committed – on a bipartisan basis – to move to override his veto."

Senator Mary Landrieu (D-LA) declared, "If we had passed a \$5 billion bill every two years, we are not out of step with where we should be. We spent \$120 billion in just one year in Iraq."

Senator Inhofe said, "The argument that no one will listen to, although I tried again on the floor today, is that authorization is not appropriation." He added that the overwhelming bi-partisan vote for the bill "...sends a clear message to the President: don't veto this critically important infrastructure bill.... The WRDA bill, which is actually WRDA 2002, 2004, 2006 and now 2007 all rolled into one, is long overdue.... As the most fiscally conservative member of the...Senate..., I have long argued that the two most important functions of the federal government are to provide for the national defense and...improve public infrastructure.... Hurricane Katrina in August 2005 was one wake up call as to the tragic consequences of ignoring our shortchanging our nation's infrastructure needs. The bridge collapse in Minneapolis last month is another example of why we cannot take our aging infrastructure for granted. Investments in infrastructure prior to any disaster can actually save us money. For instance, during this summer's flooding events in the Oklahoma-Texas-Arkansas region, Corps of Engineers projects prevented an estimated \$5.4 billion in damages. We must be willing to spend sufficient taxpayer dollars to properly maintain, repair and replace our critical infrastructure."

He went on to point out that "approximately 40% of the cost of this bill can be accounted for in just four locations – Louisiana, the Everglades, the Upper Mississippi River and Illinois Waterway System and California." The conference report includes several billion for southern Louisiana for flood damage reduction, hurricane and storm damage reduction and coastal restoration activities. There is about \$750M for the \$8B comprehensive Everglades Restoration Plan. It authorizes \$3.9B for the Upper Mississippi-Illinois Waterway, with \$2.2B for "desperately needed navigation improvements" and \$1.7B for an environmental restoration program. There is also \$444M for a flood damage reduction project at Folsom Dam in California. "Sacramento currently is the major metropolitan area with the most limited flood protection in the nation. Providing adequate flood protection in this area will not only benefit the people and businesses of Sacramento, but it will also help protect the drinking water supply for two-thirds of the population of the entire state."

"Finally," he said, "I would like to comment on the Corps Reform provisions...I know there are some who will complain that these provisions do not go far enough. There are others who will complain that these provisions go too far and will unnecessarily hamstring the Corps of Engineers and further delay infrastructure improvements. To me, that means the Conference Committee has probably done a pretty good job of putting in place a process that ensures the technical and scientific validity of Corps projects while also allowing us to find solutions to our water resources needs and problems in a less time-consuming and burdensome manner."

Senator Russell Feingold (D-WI) opposed the Conference Report saying, "[T]he American people deserve meaningful reforms to ensure that the projects the Corps builds are safe, appropriate, environmentally responsible, and fiscally sound. The urgency and necessity could not be clearer. Unfortunately, the conference report includes weak reforms.... [T]he conference report we are about to vote on has been stripped of important safeguards that would ensure accountability and prevent the Corps from manipulating the process.... I am particularly troubled by the changes made to the bill's independent review provision during negotiations between the House and the Senate.... Under the conference report, the supposedly 'independent' review is not independent. The review process is run by the Corps rather than outside the agency... The Corps' Chief of Engineers is given significant authority to decide the timing

of review, the projects to be reviewed, and whether to implement a review panel's recommendations, and apparently even has the ability to control the flow of information received by the review panel. The Corps was not given the authority to determine the scope of the review....” The independent review provision sunsets after seven years.

Feingold also points out, “[T]he conference report gives the Corps fairly broad discretion to decide what projects get reviewed. It expands the House’s loophole allowing the Corps to exempt projects that exceed the ‘mandatory’ \$45 million cost trigger. The Corps can exempt Continuing Authority Program projects, certain rehabilitation projects, and, most egregiously, projects that it determines are not controversial and only require an Environmental Assessment rather than a full-blown Environmental Impact Statement. It is this very decision – whether to do an EA or and EIS – that is often in need of review. Furthermore, a project’s economic justification, engineering analysis, and formulation of project alternatives are critical elements that should be looked at for all major projects, not just those with significant environmental impacts. The conference report also prevents review of most ongoing studies.... The conference report also eliminates the requirement that a review is mandatory if requested by a federal agency.... I am pleased that the conference report contains some modest reforms, but we can do much better than that. In fact, we did much better than that when we passed the Senate bill not long ago. Congress needs to get this right – the stakes are too high.”

Fiengold added, “I also want to express my concerns with the cost of the bill, which has ballooned to \$23.2 billion...and is a significant increase from the approximately \$14 to \$15 billion cost of the House and Senate versions. Nearly \$1 billion of the additional costs is for nineteen projects added during conference.... My colleagues have...stood...and said the cost of bill does not matter because WRDA is merely an authorizing bill and not an appropriations bill. We will sort out priorities later.... There is already a \$58 billion backlog of construction projects previously authorized, and with only \$2 billion annually appropriated for project construction, this means that the nation’s most pressing needs face significant competition for funding and likely delays. Furthermore, this bill authorizes a significant number of projects and studies that are beyond the Corps’ primary mission area. The Corps cannot be everything to everyone, and Congress needs to discipline itself and set priorities.... Rather than overriding a veto, I hope that Congress will use that veto...to re-think the flawed mindset that resulted in this bill....”

WESTERN STATES WATER COUNCIL

Water Information Management Systems

On September 24-26, the Washington Department of Ecology and WSWC co-hosted the 13th annual Water Information Management Systems (WIMS) Workshop in Seattle. Over 40 water resources and information technology specialists participated, representing twelve states, four federal agencies and three universities. Ken Slattery, Washington’s Water Resources Program Manager, welcomed everyone and highlighted water and information management needs and challenges in the state. Thereafter, Mike Norris and Ward Staubit, with the U.S. Geological Survey (USGS), and Gene Lilly, with the U.S. Army Corps of Engineers, discussed ongoing efforts to better characterize western water resources, in cooperation with the states (via a conference call). An informal roundtable discussion followed. Jeremiah Miller presented an online demonstration of Washington water information, including its water rights data base, with points of diversion, place of use, hydrographic features, etc. All diversions in fish critical basins are metered.

Many interesting points were made at the workshop. Kansas has a mandatory annual water use filing requirement, with a \$50 fine for late filings and \$250 fine for failure to file. Wyoming is tying its seven major water basin plans into a finished framework, and all their information will be on the internet and available to the public. They are now mapping all irrigated lands using GIS, and spending \$5-\$6M on a new indepth look at their ground water resources. Texas has already spent \$56M characterizing its water resources. Oregon has undertaken an inventory of potential surface water storage and ground water resources, and is assessing its existing and future water needs and conservation opportunities. Jody Eimers, USGS, outlined the findings in the federal Subcommittee on Water Availability and Quality report (WSW #1739). Chuck Hennig and John Osterberg, Bureau of Reclamation, discussed research on evapotranspiration. Phil Pasteris, National Water and Climate Center, highlighted SNOTEL system needs and data, and briefly discussed progress on the National Integrated Drought Information System. Eva Optiz, CDM, explained how the Corps IWR-Main models future municipal water use. Dr. Alan Hamlet, University of Washington, talked about climate change impacts on water. The presentations will be posted on our website.

The WESTERN STATES WATER COUNCIL is an organization 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.