

WESTERN STATES WATER

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THE WEEKLY NEWSLETTER OF THE WESTERN STATES WATER COUNCIL

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CONGRESSIONAL UPDATE/ENVIRONMENT

Platte River/Endangered Species Act

On October 10, the House Natural Resources Committee ordered reported H.R. 1462, authorizing the Secretary of Interior to participate in the Platte River Recovery Implementation Program and to modify Pathfinder Dam and Reservoir. Sponsored by Rep. Mark Udall (D-CO), it would allow water use and development along the Platte River to comply with the Endangered Species Act. It authorizes funding for the Interior Department to carry out its responsibilities under an agreement with Colorado, Wyoming, and Nebraska. The agreement's purpose is to assist in the conservation and recovery of several endangered or threatened species, including the whooping crane and the pallid sturgeon, in such a way that will allow existing water-related activities to continue and some additional water depletions to occur. "This agreement would not involve the creation of Federal water rights or require the grant of water rights to Federal entities," according to a Udall news release (10/10/2007).

"This bill protects endangered species without unnecessarily inhibiting the use of the basin of the Platte River for water-related activities," said Udall. "This common sense measure avoids unnecessary bureaucracy that could potentially tie up our ability to utilize a precious water source in Colorado."

The agreement is the result of fourteen years of negotiations, which last year culminated in the signing of an agreement by the governors of Colorado, Wyoming and Nebraska, joined by Secretary of the Interior Dirk Kempthorne. The program is modeled after a somewhat similar program for the recovery of several endangered species of fish in the Upper Colorado River Basin. Udall strongly supports that program because it enables Colorado and other participating states to meet the requirements of the Endangered Species Act while allowing continued development and use of water for other purposes.

The bill authorizes the Secretary of the Interior, through the Bureau of Reclamation and in cooperation with a Governance Committee under the Platte River Recovery Implementation Program Cooperative Agreement, to: (1) participate in the program; (2) carry out any projects or activities that are designated for implementation during the program's 13-year First Increment; (3) acquire interests in land, water and facilities from willing sellers; (4) transfer any acquired interests; and (5) accept or provide grants. It allows the program to be modified before the completion of the First Increment if the Secretary and the States of Nebraska, Wyoming, and Colorado determine that the modifications are consistent with program purposes. The Secretary's authority to implement the First Increment sunsets on September 30, 2020.

The bill also authorizes the Secretary, acting through the Commissioner of Reclamation, to: (1) modify Pathfinder Dam and Reservoir; and (2) enter into one or more agreements with the State of Wyoming to implement the Pathfinder Modification Project. Further, it authorizes the use of Pathfinder Reservoir storage for municipal, environmental, and other purposes, as described in Appendix F to the final settlement stipulation in *Nebraska v. Wyoming*.

A hearing on a companion bill, S. 752, was held on April 25, by the Senate Energy Committee's Water and Power Subcommittee (S. Hrg. 110-86).

CONGRESSIONAL UPDATE/WATER RESOURCES

SECURE Water Act

Also on October 10, Senator Jeff Bingaman (D-NM) introduced S. 2156, the Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act (SECURE Water Act). The bill has been referred to the Senate Energy and Natural Resources Committee which Bingaman chairs. "Water is a precious and scarce resource, especially in the Southwest," said Bingaman. "Much more needs to be done to ensure that sufficient supplies of quality water are available to meet the basic needs of Americans, as well as for economic and environmental uses. This bill will help our country begin to address this serious issue." Joining Senator Bingaman in sponsoring the bill are Senators Pete Domenici (R-NM), Tim Johnson (D-SD) and Maria Cantwell (D-WA).

Senator Domenici said, "In order to meet our water-related challenges head on, we must have an accurate and current assessment of where our resources stand now. This legislation will help us obtain a clearer picture by providing for better data collection and analysis of water in the West." (See WSW #1740)

WESTERN GOVERNORS/WATER RESOURCE

Water Policy/Water Planning/Climate Change

On October 10-12, the Western Governors' Association (WGA) and Western States Water Council (WSWC), in cooperation with a number of federal, state and local agencies, sponsored a conference in Salt Lake City entitled, "Water Policies and Planning in the West: Ensuring a Sustainable Future." Over 200 participated in plenary sessions, panel presentations and small group discussions designed to further delineate recommendations and specific action items consistent with the WGA/WSWC report, "Water Needs and Strategies for a Sustainable Future." The latter identified six areas, three of which were addressed by the conference: Water Policy and Growth; Water Planning and State Needs and Strategies (to meet future demands); and Climate Change (and water resources adaptation strategies).

Governor Jon Huntsman welcomed participants and admitted when he was first elected, "I knew very little about water policy." However, he noted he realized now that one of the "most pressing and hostile issues in the region is water." In Mandarin Chinese, he quoted a saying, "Together we get smart. Together we work. Together we move forward." He referred to the many great civilizations or city states built around water resources, and noted the Western U.S. is one of the fastest growing regions. In addition to Utah's Wasatch Front, he mentioned Arizona's Maricopa County and Clark County in Nevada. Growth and urbanization have for the first time put more people in cities than rural areas worldwide. He challenged the conference to bring out "good ideas" for policymakers that are "facing unprecedented demands" for water. He referred to the WGA/WSWC water report and its recommendations, highlighting the need for bottom-up "smart" planning, a "heavy dose of water conservation," a new paradigm for identifying appropriate water projects, the settlement of Indian water right claims, rehabilitating our aging infrastructure, good science and good data, balancing environmental and economic water needs, and facing the water-related challenges due to climate change.

Vice Admiral Conrad Lautenbacher, Administrator of the National Oceanic and Atmospheric Administration (NOAA), spoke next. He praised collaborative NOAA, WGA and WSWC efforts, including work on the National Integrated Drought Information System (NIDIS). He noted the record breaking weather in 2007, including the dearth of precipitation in the Southwest, particularly Los Angeles, and record heat in Salt Lake City. He discussed NOAA products to help monitor and respond to drought, including the Drought Monitor and other tools to assess threats and pinpoint areas of severe drought. He highlighted some of the global short-term, inter-annual and decadal patterns that contribute to drought, and efforts to improve prediction and early warning information in order to help water managers and others make operational decisions. NOAA is working on the NIDIS implementation plan and moving forward with a number of pilot programs, including one in the Colorado River Basin. A web-based portal to access drought information is expected to be up in November.

Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator addressed the conference, thanking the WGA and WSWC for their collaboration in advancing environmental protection. He specifically noted watershed protection as one area of interest, and elaborated on EPA efforts to promote Good Samaritan legislation to deal with the threat to water quality in the West from abandoned hardrock mines. He noted water quality is not just a challenge for EPA, but also state and local governments. He also addressed the issue of sustainable water and wastewater infrastructure, and EPA efforts to improve asset management. While the State Revolving Fund (SRF) program has stretched federal investments, he suggested, "We all need to step up to the plate." Other financial mechanisms will be critical in meeting looming future investment needs.

He also mentioned the need to educate the public, as we too often take clean and inexpensive water supplies for granted. Water is the "lifblood of the Nation," and water rates need to reflect its value. Another topic he touched on was "green" efforts to promote water conservation through EPA's recent WaterStar program, improvements in energy and water use in federal buildings, and better stormwater management through the use of permeable concrete (and other urban surfaces) and innovative landscaping. Lastly, he announced a new initiative to develop regulations as part of the Underground Injection Control program to sequester greenhouse gas emissions.

Commissioner Bob Johnson addressed the conference on Thursday evening. He spoke of the significant Reclamation accomplishments, as well as challenges facing the agency. He began with a focus on the Colorado River and Reclamation's role in facilitating agreement among the Basin States, the improving relationship and cooperation between Reclamation and the Corps of Engineers on a number of fronts, citing as an example, the work relative to Folsom Dam in California, the "Managing for Excellence" efforts to improve how Reclamation carries out its mission, the new authority to assist rural communities in meeting water supply needs, and the ongoing efforts to address critical areas in the West under the 2025 program. He noted the continuing challenges associated with the ongoing drought in the West. Like EPA Administrator Johnson, he also underscored the need for Reclamation to maintain the extensive water infrastructure in the West. Commissioner Johnson took the opportunity to express his desire to enhance the relationship between Reclamation and the western states, whose input he saw as a critical component in developing and carrying out Reclamation programs. A summary and powerpoint presentations from the meeting will be prepared and posted online in the near future.

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.