

Western States Federal Agency Support Team (WestFAST) is a collaboration between 13 Federal agencies with water management responsibilities in the West. WestFAST was established to support the Western States Water Council (WSWC) and the Western Governors' Association (WGA) in coordinating Federal efforts regarding water issues.

Membership:

Kevin Werner (Chair), NOAA
kevin.werner@noaa.gov

Patrick Lambert (Vice Chair), USGS
plambert@usgs.gov

Roger Gorke, EPA
Gorke.roger@epa.gov

Becky Fulkerson, Reclamation
rfulkerson@usbr.gov

Christopher Carlson, USFS
ccarlson@fs.fed.us

John D'Antonio, USACE
John.R.D'Antonio@usace.army.mil

Sonya Jones, USGS
sajones@usgs.gov

Paul (Doug) Curtis, BLM
pcurtis@blm.gov

Andrew Hautzinger, FWS
Andrew_Hautzinger@fws.gov

Mike Strobel, NRCS
michael.strobel@por.usda.gov

Roger Pulwarty, NOAA
roger.pulwarty@noaa.gov

Brad Doorn, NASA
bradley.doorn@nasa.gov

Marc Kodack, DOD
marc.d.kodack.civ@mail.mil

Ed Harvey, NPS
forrest_harvey@nps.gov

Roger Pierce, WestFAST Liaison
rogervpierce@wswc.utah.gov



WOTUS Ruling – Effective Date Amended (EPA 11/16/17)

The U.S. Environmental Protection Agency (EPA) and U.S. Department of the Army (Corps) published in the *Federal Register* a proposed rule amending the effective date of the 2015 rule defining “waters of the United States,” delaying it for two years. The agencies would delay the rule to allow time to reconsider the definition. In a courtesy call to WSWC on November 16 announcing the agencies’ proposed action, Michael Shapiro, EPA Acting Assistant Administrator for Water, noted that public comment on this proposal will be taken for 21 days from publication [on or before December 13]. The agencies plan to move quickly to take final action in early 2018. The 2015 rule, which redefined

Army, together with the Army Corps of Engineers, propose this rule with EPA to help continue to provide clarity and predictability to the regulated public during the rule making process. We are committed to implementing the Clean Water Act Section 404 regulatory program as transparently as possible for the regulated public,” said Mr. Ryan Fisher, Acting Assistant Secretary of the Army (Civil Works).

The agencies’ proposal is separate from the two-step process proposed to reconsider the 2015 rule. Step 1 would rescind the 2015 Clean Water Rule and recodify identical regulatory text that was in place prior to the 2015 change. The comment period for the Step 1 rule closed in September and the agencies are currently working to review the comments. The WSWC submitted comments on September 25 (see WSW #2263). The agencies are also in the process of holding listening sessions with stakeholders as they work to develop a proposed Step 2 rule revising the definition of “waters of the United States.”

For additional information and how to comment go to: www.epa.gov/wotus-rule



Flowing Water – Tes.com images

the scope of where the Clean Water Act applies, had an effective date of August 28, 2015, but is currently on hold pending a 6th Circuit’s nationwide stay. That stay may be affected by a pending Supreme Court case. The 2015 rule is also stayed in 13 states by a North Dakota district court. EPA and the Army say this action will provide a greater certainty and consistency to the regulated community.

“Today’s proposal shows our commitment to our state and tribal partners and to providing regulatory certainty to our nation’s farmers, ranchers and businesses,” said EPA Administrator Scott Pruitt on November 16. “This step will allow us to minimize confusion as we continue to receive input from across the country on how we should revise the definition of the ‘waters of the United States.’” “The

Agency Administration Confirmations and Hearings (WestFAST/ WSWC 11/16/17)

On November 16, the Senate confirmed Brenda Burman as the first female Commissioner of the Bureau of Reclamation. Ms. Burman is a veteran of the Bureau and her extensive experience on water



Brenda Burman confirmation Hearing – youtube.com

projects across the country will be an incredible asset for the Department. Burman is looking forward to working with Secretary Zinke, the Administration, and our



many partners, contractors, and customers to solve our most pressing water issues. From 2006 to 2008, Burman served as Reclamation's Deputy Commissioner for External and Intergovernmental Affairs and as a Deputy Assistant Secretary of Interior. Burman was working as the Director of Water Policy for Arizona's Salt River Project. She has also worked for the Metropolitan Water District of Southern California, The Nature Conservancy, and U.S. Senator Jon Kyl. She earned her Juris Doctor degree from the University of Arizona College of Law and a Bachelor of Arts from Kenyon College.

On November 14, President Trump announced the nomination of Dr. Timothy R. Petty to be the Assistant Secretary for Water and Science at the U.S. Department of the Interior, overseeing the U.S. Geological Survey (USGS) and the U.S. Bureau of Reclamation (USBR). Tim currently serves as Deputy Legislative Director and Legislative Assistant on issues of water, natural resources, environment, science, technology and telecommunications and space for Senator James E. Risch (R-ID). Tim served as Acting Assistant Secretary and Deputy Assistant Secretary for Water & Science under President George W. Bush.

Many of President Trump Administration nominations are awaiting Senate confirmation, including five other Interior nominees: Joe Balash for Assistant Secretary for Land and Minerals Management; Susan Combs for Assistant Secretary of Policy, Management, & Budget; Ryan Nelson for Solicitor; Tara Sweeney for Assistant Secretary for Indian Affairs, and Steven Gardner for Director of the Office of Surface Mining Reclamation and Enforcement. In NOAA there are 4 senate confirmable positions in its headquarters, with one confirmed – Dr. Timothy Gallaudet, Assistant Secretary of Commerce for Oceans and Atmosphere Environmental Observation and Prediction, the number 2 job there, but without a number one, he is the Acting Under Secretary of Commerce for Oceans and Atmosphere. The other two other positions nominated, the Under Secretary, Barry Meyers who is currently CEO of AccuWeather Incorporated and the final position, Assistant Secretary of Commerce for Environmental Observation and Prediction Neil Jacobs is at Panasonic – Weather Forecasting and Instrumentation Division. Their confirmation hearings were on November 29th. At NASA Representative Jim Bridenstine has been nominated as administrator and has been cleared for Senate confirmation. Charles Bolden continues as acting NASA Administrator.

Supreme Court Refuses to Hear Agua Caliente Case (Water Deeply 11/30/17)

The United States Supreme Court let stand a California federal appellate court decision that could chart a new course for Native American tribal groundwater rights. In the case, Agua Caliente Band v. Coachella Valley Water District, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit had ruled on March 7 that the tribe's water rights include an aquifer that lies beneath the Palm Springs-based tribe's 31,500-acre reservation.

"The United States impliedly reserved appurtenant water sources, including groundwater, when it created the Tribe's reservation in California's arid Coachella Valley," the judges ruled. The court's decision is based on the Winters Doctrine, which springs from a 1908 Supreme Court decision that reserves the federal government's right to reserve sufficient water for Indian reservations' needs.

This decision is one part of a multifaceted case, but it is being closely watched across the West as it now affirms that tribes have a federally reserved right to groundwater.

The Agua Caliente case was the culmination of a struggle over nearly two-decades by the tribe of more than 400 members to ensure that their sole water source remains as clean as it was when Europeans first came to the arid region on the borders of the Mojave and Sonoran deserts. In 2013, the



The main recharge for the Coachella Valley on August 10, 2009, in Coachella Valley, California. (Brent Stirton/Getty Images)

tribe filed a suit against the Coachella Valley Water District (CVWD) and the Desert Water Agency, which together manage water resources for the region, to gain ownership and control of a portion of the aquifer.

The Agua Caliente tribe, one of many Cahuilla tribes in Southern California, has long been worried about dropping levels in the 65-mile-long aquifer – some 55ft over the past 40 years – a concern that the local water districts share. However, the tribe has also opposed the two local agencies' solution to overpumping by percolating untreated Colorado River water into the aquifer.

The water districts maintain that the river water meets federal standards. However, Agua Caliente disagrees and other water agencies are also concerned with water quality in the Colorado River. Some of the region's biggest water agencies – the Central Arizona Project (CAP), the Southern Nevada Water Authority and the Metropolitan Water District of Southern California – formed the Lower Colorado River Water Quality Partnership to address issues that impact Colorado River quality, including dissolved salts, selenium, phospho-



rus, nitrate, pathogens, pharmaceutical and personal care products, perchlorate, chromium 6 and uranium. In a [white paper](#), CAP officials determined that these contaminants could pose an “immediate or long-term threat to the river’s water quality.”

But CVWD board president, John Powell, Jr., said, “We believe that the claim about Colorado River being polluted is a false claim. Actually, bacteria is our main concern. But we have a tremendous quantity of sand media in our percolation ponds, which is filtering the bacteria out.”

The tribe was happy to hear Monday’s Supreme Court decision. “Because of the Supreme Court’s decision, the favorable rulings from the U.S. District Court and the 9th Circuit Court of Appeals recognizing and protecting the Reservation’s federal water right are now settled law,” Agua Caliente chairman Jeff Grubbe said in a statement.

The water districts were less pleased with the Supreme Court’s decision. “We are disappointed in the decision because we believe the water in this valley is a shared resources [sic] that belongs to everyone,” Powell said in a statement. “The Tribe has always had access to as much water as they requested, but now they have secured a water right that is superior to every other resident and business in the Coachella Valley.”

The districts have long argued that Agua Caliente isn’t as worried about water quality as it is about commercial uses for the water. [Link to full article.](#)

NASA Launches NOAA Weather Satellite (NASA/NOAA 11/16/17)

NASA has successfully launched for the National Oceanic and Atmospheric Administration (NOAA) the first in a series of four highly advanced polar-orbiting satellites, equipped with next-generation technology and designed to improve the accuracy of U.S. weather forecasts out to seven days.

The Joint Polar Satellite System-1 (JPSS-1) lifted off on a United Launch Alliance Delta II rocket from Vandenberg Air Force Base, California, at 1:47 a.m. PST Saturday. Approximately 63 minutes after launch the solar arrays on JPSS-1 deployed and the spacecraft was operating on its own power. JPSS-1 will be renamed NOAA-20 when it reaches its final orbit. Following a three-month check and validation of its five advanced instruments, the satellite will become operational.

“Launching JPSS-1 underscores NOAA’s commitment to putting the best possible satellites into orbit, giving our forecasters – and the public – greater confidence in weather forecasts up to seven days in advance, including the potential for severe, or impactful weather,” said Stephen Volz, director of NOAA’s Satellite and Information Service.

JPSS-1 will join the joint NOAA/NASA Suomi National Polar-orbiting Partnership satellite in the same orbit and provide meteorologists with observations of atmospheric temperature and moisture, clouds, sea-surface temperature, ocean color, sea ice cover, volcanic ash, and fire detection. The data will improve weather forecasting, such as predicting a hurricane’s track, and will help agencies involved with post-storm recovery by visualizing storm damage and the geographic extent of power outages.

“Emergency managers increasingly rely on our forecasts to make critical decisions and take appropriate action before a storm hits,” said Louis W. Uccellini, director of NOAA’s National Weather Service. “Polar satellite observations not only help us monitor and collect information about current weather systems, but they provide data to feed into our weather forecast models.”

JPSS-1 has five instruments, each of which is significantly upgraded from the instruments on NOAA’s previous polar-orbiting satellites. The more-detailed observations from JPSS will allow forecasters to make more accurate predictions. JPSS-1 data will also improve recognition of climate patterns that influence the weather, such as El Niño and La Niña.

The JPSS program is a partnership between NOAA and NASA through which they will oversee the development, launch, testing and operation all the satellites in the series. NOAA funds and manages the program, operations and data products. NASA develops and builds the instruments, spacecraft and ground system and launches the satellites for NOAA. JPSS-1 launch management was provided by NASA’s Launch Services Program based at the agency’s Kennedy Space Center in Florida.

“Today’s launch is the latest example of the strong relationship between NASA and NOAA, contributing to the advancement of scientific discovery and the improvement of the U.S. weather forecasting capability by leveraging the unique vantage point of space to benefit and protect humankind,” said Sandra Smalley, director of NASA’s Joint Agency Satellite Division.

Ball Aerospace designed and built the JPSS-1 satellite bus and Ozone Mapping and Profiler Suite instrument, integrated all five of the spacecraft’s instruments and performed satellite-level testing and launch support. Raytheon Corporation built the Visible Infrared Imaging Radiometer Suite and the Common Ground System. Harris Corporation built the Cross-track Infrared Sounder. Northrop Grumman Aerospace Systems built the Advanced Technology Microwave Sounder and the Clouds and the Earth’s Radiant Energy System instrument.

To learn more visit: <http://www.jpss.noaa.gov/> and/or <https://www.nesdis.noaa.gov/jpss-1>



Upcoming Meetings:

NASA and WSWC Partner for WIMS Workshop

(WSWC 11/27/17)

The WSWC will hold a [Water Information Management Systems \(WIMS\) Workshop](#) January 16-18, 2018 at the Jet Propulsion Lab (JPL) in Pasadena, California. Jointly hosted by WSWC and NASA's Western Water Applications Office (WWAO), this WIMS focuses on water use reporting/permitting systems, IT-related adjudications topics, use of cloud computing and big data, an overview of advances and recent projects pertaining to remote-sensing techniques and open water data platforms and trends. It will convene at 1:00 p.m. on January 16th, with a full day on January 17, and a half-day the morning of January 18, concluding around 12:30 pm. The intent is to engage member state IT program staff to discover their needs and highest priorities regarding water data acquisition, quality control, and publication. The working draft agenda is available on the workshop webpage. **Please register by December 22, 2017.** While there is no fee to attend, security information is required to be admitted to the JPL facility. An optional tour of the lab facilities will be held Tuesday morning from 9:15 am - 11:30 a.m.

The WSWC Spring (186th) Meetings and Washington, DC Roundtable, cosponsored with the Interstate Council on Water Policy will be held in Arlington, Virginia on March 14-15, 2018. A meeting with the WestFAST Principals is scheduled for March 16th at NOAA Headquarters in Washington, DC.

For further information, please see:

<http://www.westernstateswater.org/upcoming-meetings/>.

Instream Flow Council Flow 2018 - Conference in Colorado: Managing Rivers, Reservoirs, and Lakes in the Face of Drought - Practical Tools and Strategies for Sustaining and Protecting Ecological Values of Water Fort Collins, Colorado April 24-26, 2018

Federal News (Control click to articles)

11/01: [SRP, Reclamation Partnership Turns 100](#)

11/01: [BOR to Provide Limited Public Access at Imperial Dam](#)

11/02: [Reclamation Releases Schedule for Stanislaus River Pulse Flows Beginning Nov. 3](#)

11/03: [Delta Cross Channel Gates Continue Weekday Closures in November](#)

11/06: [Reclamation Seeks Comments in Preparation of Environmental Documents for the North Bay Water Reuse Program Phase 2](#)

11/8: [Eyes on the Coast - Video Cameras Help Forecast Coastal Change](#)

11/8: [USGS Helps Restore Public Safety in Puerto Rico Under Harsh Conditions](#)

11/9: [La Nina Moves in For the Winter](#)

11/13: [Snowpack and Late Storms Boost Irrigation and Storage](#)

11/13: [Partnership Advances Water Supply Efforts](#)

11/13: [Reclamation Proposes 24-Month Interim CVP Water Service Contract Renewal for Placer County Water Agency](#)

11/14: [New Map of Worldwide Croplands Supports Food and Water Security](#)

11/15: [Bureau of Reclamation Announces WaterSMART Cooperative Watershed Management Program Funding Opportunity for 2018](#)

11/16: [Fisheries Scientists to Reap Benefits from New NOAA Satellite](#)

11/16: [USDA Offers Assistance to Protect Privately-Owned Wetlands, Agricultural Lands and Grasslands](#)

11/16: [Bureau of Reclamation Announces Fiscal Year 2018 Drought Response Program Funding Opportunities](#)

11/17: [Globe had 3rd Warmest Year to Date and 4th Warmest October on Record](#)

11/17: ["Finally!" Secretary Zinke Welcomes Confirmation of Reclamation Nominee](#)

11/18: [Mexico's Yucatan Peninsula Reveals a Cryptic Methane-Fueled Ecosystem in Flooded Caves](#)

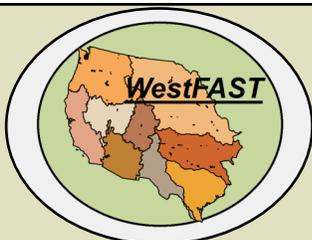
11/18: [Return to the Alaska Wilderness: USGS Scientists Visit One of North America's Fastest-Moving Faults](#)

11/20: [Reclamation Amending Agreement to Acquire Water for East Bear Creek Unit](#)

11/21: [Thanksgiving Week Forecast: Fair Weather Expected for Much of U.S.](#)

11/21 <https://www.usda.gov/media/press-releases/2017/11/21/usda-provides-more-10-million-help-caribbean-area-farmers-recover>

11/29: [USDA Helps Rural Communities Restore Water Systems Damaged by Disasters](#)



WestFAST News is published monthly. To get an Agency Announcement published or to get added to the WestFAST News distribution list contact:

Roger V. Pierce, WestFAST Federal Liaison

Email: rogervpierce@wswc.utah.gov

Phone: 801-685-2555

Check out the WestFAST Web Site: <http://www.westernstateswater.org/westfast>