



# Western States Water

**Addressing Water Needs and Strategies for a Sustainable Future**

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## **WESTERN GOVERNORS** **Gubernatorial Elections**

Out of fifteen gubernatorial races in the West, five incumbents won re-election: Doug Ducey (R-AZ), David Ige (D-HI), Pete Ricketts (R-NE), Kate Brown (D-OR), and Greg Abbott (R-TX). Several western governors were term-limited or chose not to run for re-election. Ten new governors were elected. Alaska Governor Bill Walker (I-AK) withdrew from the race late in October, and Mike Dunleavy (R-AK) was elected. In Kansas, Laura Kelly (D-KS) will replace Jeff Colyer (R-KS). Idaho Governor Butch Otter (R-ID) did not run for re-election, and Lieutenant Governor Brad Little (R-ID) has elected to take his place. The remaining incumbent governors were termed out, and the following governors have been elected to take their place: Gavin Newsom (D-CA), Jared Polis (D-CO), Steve Sisolak (D-NV), Michelle Lujan Grisham (D-NM), Kevin Stitt (R-OK), Kristi Noem (R-SD), and Mark Gordon (R-WY).

## **CONGRESSIONAL UPDATE** **Elections/House**

With Democrats gaining control of the U.S. House of Representatives on election day, Congressional committee leadership will change. While Democrats won't vote on new leadership until the end of November, assuming the Ranking Members of each Committee choose to remain with their current committees, it is likely that Rep. Raul Grijalva (D-AZ) will chair the Natural Resources Committee; Rep. Peter DeFazio (D-OR) will chair Transportation and Infrastructure; Eddie Bernice Johnson (D-TX) will chair Science, Space, and Technology; and Frank Pallone (D-NJ) will chair Energy and Commerce.

Arizona has two new Representatives, Ann Kirkpatrick (D-AZ) and Greg Stanton (D-AZ). California's new Representatives include Jimmy Gomez (D-CA), Mike Levin (D-CA), Katie Hill (D-CA), Young Kim (R-CA), with three other races still too close to call. In Colorado, Rep. Mike Coffman (R-CO) lost to Jason Crow (D-CO), and Joe Neguse (D-CO) will replace Jared Polis. In Hawaii, Ed Case (D-HI) will replace Rep. Colleen Hanabusa (D-HI), and in Idaho, Russ Fulcher (R-ID) will replace Raul Labrador (R-ID).

In Kansas, Rep. Kevin Yoder (R-KS) lost to Sharise Davids (D-KS), and Steve Watkins (R-KS) will replace Rep. Lynn Jenkins (R-KS). In Nevada, Steven Horsford (D-NV) will replace Rep. Ruben Kihuen (D-NV), and Susie Lee (D-NV) will replace Rep. Jacky Rosen (D-NV). New Mexico has two new Representatives, Debra Haaland (D-NM) and Xochitl Torres Small (D-NM). In North Dakota, Kelly Armstrong (R-ND) will replace Kevin Cramer (R-ND). In Oklahoma, Rep. Steve Russell (R-OK) lost to Kendra Horn (D-OK). In South Dakota, Dustin Johnson (R-SD) will take Rep. Kristi Noem's (R-SD) seat.

Several Texas Representatives retired, opening the way for Ron Write (R-TX), Sylvia Garcia (D-TX), Lance Gooden (R-TX), Van Taylor (R-TX), Dan Crenshaw (R-TX), and Chip Roy (R-TX). Rep. Pete Sessions (R-TX) lost to Colin Allred (D-TX), and Rep. John Culberson (R-TX) lost to Lizzie Pannill Fletcher (D-TX). One Texas race is still too close to call. In Utah, three of the incumbents won, but the fourth race is still too close to call. In Washington, Kim Schrier (D-WA) will replace Rep. Dave Reichert (R-WA), and one race is still too close to call.

## **Elections/Senate**

Republicans retained control of the Senate, but by what margin is still undecided. Western incumbents Dianne Feinstein (D-CA), Deb Fischer (R-NE), Martin Heinrich (D-NM), Jon Tester (D-MT), Ted Cruz (R-TX), Maria Cantwell (D-WA), and John Barrasso (R-WY) won re-election. Kyrsten Sincema (D-AZ) will replace retiring Senator Jeff Flake (R-AZ). Mitt Romney (R-UT) will replace retiring Senator Hatch (R-UT). Jacky Rosen (D-NV) will take over Dean Heller's (R-NV) seat, and Kevin Cramer (R-ND) will replace Heidi Heitkamp (D-ND).

## **WATER RESOURCES/ADMINISTRATION** **Arizona/Colorado River/Drought Contingency Plan**

Arizona's 35-member Drought Contingency Plan (DCP) steering committee continues to work toward a plan for voluntary water cutbacks from municipalities, agriculture districts, developers, tribes, and other groups to enable the State of Arizona to sign the Lower Colorado

River Basin DCP. The committee includes the Arizona Department of Water Resources (ADWR), the Central Arizona Project, Arizona legislators, and Governor Doug Ducey's (R-AZ) staff.

Tom Buschatzke, ADWR Director, and Ted Cooke, Central Arizona Project General Manager, note that the public meetings have been standing-room only. "It's clear a lot of people believe negotiating an effective Lower Basin Drought Contingency Plan is vital to our State. Each meeting tends to spawn additional meetings with people throughout Arizona working feverishly to get this done - not to keep us out of shortage, but to keep us and the Colorado River system from being in an even worse place."

Steering committee delegates are refining proposals to discuss with stakeholder groups. The committee anticipates completing the intrastate implementation plan and framework by the end of November, prior to the Colorado River Water Users Association meeting. Their goal is to build broad-based agreement within Arizona to support an effective Lower Colorado River Basin DCP, which the Arizona Legislature will consider for authorization in early 2019.

Governor Ducey said: "Our state is growing. We've been a leader on water management for decades, and we're in a position where we've brought constituencies together to talk about the plan going forward." His chief of staff, Kirk Adams, noted: "Ultimately, this is not a decision that can be forced upon the water community by the Governor's Office. This will require the water community to give and take with each other to make this happen. If we were to say the Governor's Office demands that you do X, it would fail." (*Arizona Capital Times*, 11/2/18). See also <https://new.azwater.gov/lbdcpl>.

## **WATER RESOURCES/ORGANIZATIONS**

### **Integrated Water Resources Management/AWRA**

On November 5-9, the annual meeting of the American Water Resources Association (AWRA) was held in Baltimore, with a keynote speech by Ben Grumbles, Secretary, Maryland Department of Environment (MDE). Ben is a former Assistant Administrator for Water, Environmental Protection Agency, and former Director of the Arizona Department of Environmental Quality, as well as former WSWC member. Grumbles emphasized the importance of "One Water" and integrated water resources management, recognizing the interrelated nature of surface and groundwater, as well as related sciences. He called for "building bridges and not walls" between scientists and policymakers, noting the later face jurisdictional and legal limits. He quoted Thomas Huxley: "The great tragedy of science - the slaying of a beautiful hypothesis by an ugly fact." Then paraphrased, decrying, "The great tragedy of the slaying of beautiful science by ugly dogma." We

need to share sound science and good information, continuing to build bridges.

Maryland's challenges include aging wastewater and stormwater systems, urban flash flooding, sanitary sewer overflows, nutrients, reservoir sedimentation, climate change, sea level rise, subsidence, rising water temperatures, and more intense and frequent extreme weather events. He addressed Chesapeake Bay issues and the need to make collaborative, regional water quantity and quality decisions. Partners include federal and state agencies, local governments, non-profit organizations and academic institutions.

Grumbles specifically noted controversies related to federal hydropower relicensing of Conowingo Dam on the Susquehanna River. The reservoir has long captured sediment and nutrients flowing downstream. However, over time, sedimentation has greatly reduced reservoir capacity, and large flood events now scour and carry sediment and nutrients over the dam, threatening water quality gains in Chesapeake Bay. New sediment and nutrient control strategies will be challenging.

Exelon owns and operates the dam and applied for relicensing with the Federal Energy Regulatory Commission (FERC), and requested Maryland water quality certification under Section 401 of the Clean Water Act (CWA), in 2014. MDE required an additional study to understand the impacts of sediment transport on water quality in the Susquehanna River and Chesapeake Bay, in order to evaluate Exelon's application for water quality certification. Exelon committed to undertaking a number of actions in connection with the relicensing to provide immediate, measurable benefits to aquatic resources. However, Exelon challenged MDE's subsequent CWA 401 certification, which included a number of additional requirements and conditions to address impacts related to sediment capture and transport, fish passage, various species habitat improvements, trash and debris management, dissolved oxygen, spillway modifications and shoreline management.

Last month, the Baltimore City Federal District Court dismissed an Exelon lawsuit challenging MDE issuance of a 401 certification decision for Conowingo Dam (last April) with special conditions. Exelon has asked MDE to reconsider its decision, and the court cited Exelon's failure to first exhaust its administrative remedies.

Grumbles emphasized the importance of States' 401 water quality certification authority, and expressed Maryland's opposition to efforts to limit that authority. He called for embracing the role of science and facts, and the futility of "demonizing" the other side. The AWRA meeting convened over 200 academic, government and private consultants, researchers and decision makers in dozens of sessions addressing myriad water related interests. WSWC staff participating to highlight our Water Data Exchange and discuss water reallocation.

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**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.**