



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **WESTERN GOVERNORS**

#### **Western Governors' Association - Winter Meetings**

The Western Governors' Association (WGA) Winter Meetings were held December 11-13, in Kona, Hawaii with Governor David Ige hosting ten governors, including Governors "Butch" Otter (ID); Steve Bullock (MT); Brian Sandoval (NV); Doug Burgum (ND); Ralph Torres (Northern Mariana Islands); Mary Fallin (OK); Kate Brown (OR); Dennis Daugaard (SD); Gary Herbert (UT); and Matt Mead (WY). WGA Executive Director Jim Ogsbury recognized each of the governors for their knowledge (hohonu), understanding (ike), learning/teaching (kuauha), strength (ikaika), wisdom (na'auao), endurance (ahonui), and authority/leadership (mana). In Hawaiian tradition, the opening ceremony included song and dance.

A special guest speaker was Nainoa Thompson of the Polynesian Voyaging Society, dedicated to teaching traditional "wayfinding" navigation. He described the history of Hawaiian and Polynesian migration and navigation and the importance of living sustainably to maintain the health of the oceans and the Earth. He also noted that in the Islands wealth was defined by access to fresh water! Thompson led an expedition to sail around the world, using as much of the traditional navigation tools as possible, and emphasizing minimizing our carbon footprint. He declared, "The world needs navigators - we need to teach young people to love to explore." We need to be courageous, find strength in diversity, and not forget where we came from.

Governor Ige moderated a discussion on Biodiversity and Invasive Species and the impact on our environment and economy. Phyllis Shimabukuro-Geiser, Hawaii Department of Agriculture, described the scope of the problem. "We import 80-90% of our food, the number of visitors to Hawaii is higher than ever before, and the purchase and shipping of online goods only complicates matters further." Ulalia Woodside, Nature Conservancy, noted: "About 90% of the flowering plants in Hawaii are found nowhere else in the world; 80% of birds are found nowhere else. And there are over 5,000 species of insects in Hawaii." Osama El-Lissy, USDA-APHIS: "One of the things that makes it challenging to increase food production is invasive species." Losses due to invasive species are estimated

at \$220 billion every year in direct costs. When you include indirect costs, it goes up to \$1.9 trillion. That's 5% of the global GDP."

A roundtable on Harnessing the Power of Outdoor Recreation focused on economic growth across the region. Tom Adams, Utah Office of Outdoor Recreation, said: "We're one of the fastest growing states in the nation, and outdoor recreation is one of, if not the number one recruiting factor. Companies come to, stay, and grow in Utah because of the access to the outdoors." Luis Benitez, Colorado Outdoor Recreation Industry Office, added that outdoor recreation involves "stewardship, education and workforce training, economic development, and public health and wellness." Domenic Bravo, Wyoming Outdoor Recreation Office and State Parks, remarked: "We're working on collaboratives across the state. We're helping communities look at and define their assets. What can we do to help you be successful in the outdoor recreation space?" Rachel VandeVoort, Montana Governor's Office of Outdoor Recreation, declared: "This is an incredibly important part of our economy. Outdoor recreation touches 67 of the 71 core sectors of our economy."

Secretary of the U.S. Department Agriculture (USDA) Sonny Perdue kicked off the second day with a keynote address that stressed the importance of state and federal collaboration. He stressed a "shared stewardship" theme. He applauded the work of the western governors, particularly for their push to resolve the fire borrowing issue and improve forest and rangeland management. He noted a visit to Paradise, California and the devastation of that community, while noting the demarcation between areas where forest thinning and clearing had been done to remove hazardous fuels. As the former Governor of Georgia, he shared his commitment to genuine USDA outreach and USDA's Good Neighbor initiative. He noted there are now 136 agreements on 56 forests in 36 states making it easier to remove unproductive biomass by streamlining environmental analysis, increasing efficiency, and reducing costs. He touched briefly on the 2018 Farm Bill describing it as evolutionary and building on the 2014 legislation. It is an improvement, but did not address all the Department wanted to move people towards greater independence.

Following the Secretary's remarks, there was a signing of a Memorandum of Understanding to "establish a framework to allow the Forest Service and WGA to work collaboratively to accomplish mutual goals, further common interests, and effectively respond to the increasing suite of challenges facing western landscapes." The MOU furthers two ongoing activities, Secretary Perdue's Shared Stewardship Initiative and the WGA's National Forest and Rangeland Management Initiative of Western Governors. The agreement was signed by the Secretary Perdue, Governor Ige as WGA Chair, and Governor Doug Burgum as WGA Vice Chair.

"This is an important step in cooperatively addressing land management challenges," said Governor Ige. "We recognize that no one agency or level of government has the capacity to deal with all of these risks alone. This MOU puts us on a path to working closely on these serious matters."

"Governors possess primary decision-making authority for management of state resources, including many resources on federal lands. Being a 'good neighbor' is an essential component in USDA's work, which is why this MOU is so important," said Secretary Perdue. "USDA's Forest Service will work shoulder-to-shoulder with WGA to co-manage risks and identify land management priorities. As authentic collaborators, the states and federal government will improve service to the public by creating more efficient, effective, and long-lasting policy."

Federal, state and private managers of forests and rangelands face a multitude of urgent challenges, including catastrophic wildfires, invasive species, degraded watersheds, and epidemics of insects and disease. The conditions fueling these circumstances are not improving, as demonstrated by the devastating wildfires of 2018. The U.S. Forest Service announced a new strategy earlier this year to work more closely with states to identify landscape-scale priorities for targeted treatments. Over the past two years, Western Governors have been examining a wide variety of land management challenges, including those involving large landscapes with multiple ownerships.

Robert Wilkie, the Secretary of Veteran Affairs, described for the governors the changing demographics challenging the VA and efforts to modernize agency recordkeeping and facilitate service delivery. Entrepreneur Henk Rogers addressed the renewable energy efforts of his Blue Planet Foundation and Hawaii's commitment to generate 100% of its electricity from renewable sources.

The final day concluded with and a keynote by Administrator Linda McMahon of the Small Business Administration, the reflections of outgoing governors, and the announcement of four policy resolutions on foreign

visitors, cyber security, compensatory mitigation and health care.

## **ADMINISTRATION EPA/Corps/WOTUS**

On December 11, the Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) announced a proposed rule to define the "waters of the United States" and clarify federal authority under the Clean Water Act (CWA). The proposed definition would include traditional navigable waters, perennial and intermittent tributaries to navigable waters, wetlands adjacent to navigable waters and tributaries, and certain ditches, lakes, ponds, and impoundments. Excluded from federal regulation would be groundwater, ephemeral features that only contain water in response to rainfall, most roadside and farm ditches, prior converted cropland, stormwater control features, and wastewater treatment systems.

The proposed definition is intended to clearly identify waters subject to regulation under the CWA while respecting the role of states and tribes in managing their own land and water resources. The agencies recognize that states and many tribes have existing regulations to protect and manage waters within their borders, and the proposed rule offers greater flexibility for states and tribes to manage their land and water resources while still protecting the nation's navigable waters, as intended by Congress. Additionally, in response to requests from some states, EPA and the Corps are exploring ways the agencies can work with federal, state, and tribal partners to develop a data or mapping system that could provide a clearer understanding of the presence or absence of federal jurisdiction over waters.

EPA Acting Administrator Ander Wheeler said: "For the first time, we are clearly defining the difference between federally protected waterways and state protected waterways. Our simpler and clearer definition would help landowners understand whether a project on their property will require a federal permit or not, without spending thousands of dollars on engineering and legal professionals." R.D. James, Assistant Secretary of the Army for Civil Works, said: "EPA and the Army together propose this new definition that provides a clear and predictable approach to regulating 'waters of the United States.' We focused on developing an implementable definition that balances local and national interests under the Clean Water Act."

Once published in the Federal Register, the agencies anticipate a 60-day comment period, with additional outreach to states and stakeholders. The pre-publication version of the rule is available at <https://www.epa.gov/wotus-rule/revise-definition-waters-united-states-proposed-rule>.

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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.**