



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **WESTERN GOVERNORS** **Alaska/USFS/Wildfires**

On August 23, Alaska Governor Michael Dunleavy issued a Disaster Declaration to free up financial assistance to address the impacts of wildfires from the McKinley, Deshka Landing, and Swan Lake Wildfires. Alaska's National Guard, Department of Military and Veterans Affairs, Division of Forestry, Division of Homeland Security and Emergency Management, and non-governmental partners have supported the local jurisdictions in their efforts. Response to the wildfires has been hampered by drought, record dry fuels, strong winds, and low humidity. Governor Dunleavy said: "In a short amount of time, these wildfires have already cost dozens of Alaskan families everything they own. Many homes, personal belongings, and businesses are completely gone, and the disruption brought to their lives is unimaginable." <https://gov.alaska.gov/newsroom/2019/08/23/governor-dunleavy-issues-disaster-declaration-for-wildfires/>.

On August 26, the National Interagency Fire Center reported that 51 large fires have burned nearly 300,000 acres in 14 states, with three new fires reported in Texas, and one in Wyoming. A high-pressure system over the Southwest is suppressing moisture and keeping conditions hot and dry. States currently reporting large fires include: Alaska (6); Arizona (8); California (5); Colorado (2); Idaho (5); Montana (4); Nevada (2); New Mexico (3); Oklahoma (1); Oregon (3); Texas (5); Utah (4); Washington (2); and Wyoming (1). <https://www.nifc.gov/fireInfo/nfn.htm>.

### **ADMINISTRATION/ENVIRONMENT** **NEPA/USFS**

On August 26, a coalition letter signed by the Association of California Water Agencies, the California Farm Bureau Federation, the Family Farm Alliance, and the National Water Resources Association was submitted to the U.S. Forest Service (USFS), supporting proposed revisions to its National Environmental Policy Act (NEPA) regulations. The letter emphasizes the connection between forest health and watershed health, noting that forest management has a dramatic influence on water supply, and that the primary purpose of most

federal forest lands is to secure favorable water flows. "If National Forests are not managed to reduce overgrowth and susceptibility to intense fire, insects and disease, the objectives of protecting existing runoff or increasing and protecting water supplies in the West will not be attained. The immense wildfires California and the West are experiencing on National Forest lands devastate watersheds and their ecosystems, imperil water quality, and fill reservoirs with sediment and debris at a time when the water resources they store have never been in more demand or at greater risk of extreme drought. The reservoirs are critical supplies for cities and farms."

Spurred by increasing wildfire activity, the coalition has sought ways to discourage litigation and streamline the NEPA process. Categorical exclusions for covered vegetative management activities for habitat and forest management are one way to achieve those goals, without waiving existing environmental laws. The letter describes a multi-agency demonstration project showing that "the combination of mechanical thinning, prescribed fire, and other forest fuel reduction treatments can significantly improve forest health, including increased resilience to high-intensity fire." Procedural changes to NEPA implementation could help agencies with limited resources more expeditiously implement land management actions designed to prevent wildfires. The average time to complete an environmental assessment is 687 days, the coalition says, compared to an average 206 days to complete a categorical exclusion. The coalition also recommended a "reopener" provision for changed circumstances that merit a closer look at the categorical exclusion decisions, adding further credibility to the agency's decisions.

"Federal agencies implementing NEPA have a direct bearing on the success or failure of critically needed water supply enhancement projects in the West," the coalition said. "We believe the changes in the proposed rule will help the Forest Service better manage sustainable, healthy, and productive national forests and grasslands." See WSW #2356.

### **Nutrients/Harmful Algal Blooms/EPA**

On August 14, the U.S. Environmental Protection Agency (EPA) and U.S. Department of Agriculture

(USDA) co-hosted a workshop in Washington, D.C. titled Innovative Financing Strategies for Reducing Nutrients. The workshop explored private, state, and federal funds that could be combined and leveraged for nutrient reduction projects, and ways that the agencies could increase funding opportunities and awareness of innovative funding approaches. Principal Deputy Assistant Administrator for EPA's Office of Water Anna Wildeman said: "This forum is the capstone to a summer-long outreach and engagement effort, which has been met with great interest across public and private sector stakeholders."

The workshop was part of a series of initiatives to improve water quality by reducing excess nutrients in the nation's waters. Last December, EPA and USDA sent letters to state co-regulators encouraging renewed efforts on nutrient reduction, focusing on market-based and collaborative approaches. In February, EPA signed a memorandum of understanding with the Water Research Foundation to develop affordable technologies to recycle nutrients from livestock manure. In May, EPA issued new water quality criteria recommendations for two cyanotoxins, and published infographics to help states and stakeholders inform the public about harmful algal blooms (HABs). In June and July, EPA and USDA hosted a series of webinars on public and private financing strategies for reducing nutrients. In July, EPA released the Cyanobacteria Assessment Network (CyAN) mobile app, which uses satellite data to alert users that HABs are forming in over 2,000 of the nation's largest lakes and reservoirs, based on specific changes in the color of the water.

On August 14, EPA announced the award of \$7.5M to seven Gulf of Mexico Division Farmer to Farmer cooperative agreements to fund projects and environmental education in the Gulf of Mexico watershed. EPA Administrator Andrew Wheeler said: "These grants are an important part of our efforts to support America's farmers in a manner that strengthens both American agriculture and the protection of our nation's vital water resources." EPA Region 4 Administrator Mary Walker said: "Farmer to Farmer cooperative agreements will assist in developing farming methods that improve water quality and encourage habitat restoration and protection across the Gulf of Mexico watershed."

On August 21, EPA, USDA, the U.S. Geological Survey (USGS), the National Institute of Standards and Technology (NIST), and the U.S. Integrated Ocean Observing System (IOOS), announced the winners of the Nutrient Sensor Action Challenge. The challenge is one of a series focused on nutrient management, conducted in collaboration between the foregoing federal agencies as well as the National Oceanic and Atmospheric Administration (NOAA).

This challenge involved six teams collecting data from two or more nutrient sensors over three or more months, and demonstrating how local communities can use the collected data to inform nutrient management. One of the prize-winning teams demonstrated how direct, real-time data from an edge-of-field sensor system could support farmers in reducing nitrogen loss from their fields. Another team used sensor data in wastewater treatment plants to optimize treatment to meet more stringent nitrogen standards and improve watershed health. A third team deployed low-cost nutrient sensors to assess amount and timing of nitrate loading associated with dams.

On August 22, EPA announced the award of \$1.2M to the 12 state members of the Hypoxia Task Force to help implement state plans to reduce excess nutrients in the Mississippi River/Atchafalaya River Basin. The states include: Arkansas; Indiana; Illinois; Iowa; Kentucky; Louisiana; Minnesota; Mississippi; Missouri; Ohio; Tennessee; and Wisconsin. Each state has designated priority watersheds as part of their nutrient reduction strategy, and the states are at various stages of developing tailored methods and plans. This funding will promote tailored and effective nutrient reduction efforts that are developed through state leadership in coordination with EPA. EPA Assistant Administrator for Water David Ross said: "Different states have different needs and we want to be flexible to help each state make progress in ways that work best for them, their partners and their stakeholders. Focusing our efforts on local solutions and collaborative efforts is key as we make progress on improving water quality in this critical watershed." <https://www.epa.gov/nutrient-policy-data>.

## **MEETINGS**

### **EPA/CWA 404(c) Veto Authority**

On September 4 from 2:30 to 4:00 pm EDT, EPA will host an informational webinar for state and local governments to explain proposed revisions to its regulations under Clean Water Act (CWA) §404(c), also referred to as EPA's "veto authority," contained in 40 CFR Part 231. EPA's notice says: "Although this action does not trigger pre-proposal consultation requirements under the EPA's policy for implementing Executive Order 13132, entitled 'Federalism,' the EPA is reaching out to ensure that intergovernmental associations and their members are aware of this forthcoming proposal, and to provide an opportunity for input during the pre-proposal period."

Registration for the webinar is available at <https://tinyurl.com/404cRuleIntergov>, and pre-proposal comments and questions may be sent to [404cRuleStates@epa.gov](mailto:404cRuleStates@epa.gov). The informal pre-proposal comment period ends on September 13. See WSW #2361.