



Position No. 444
Revised and Readopted
(see also Position #362 adopted April 3, 2014
and Position #402, 4/14/17)

**RESOLUTION
of the
WESTERN STATES WATER COUNCIL
regarding
THE TRANSFER OF FEDERAL WATER AND POWER PROJECTS
and
RELATED FACILITIES**

**Adopted by Executive Committee Action
March 6, 2020**

WHEREAS, the John D. Dingell, Jr. Conservation, Management and Recreation Act (P.L. 116-9) was signed into law on March 12, 2019 and Title VIII provides the Bureau of Reclamation with authority to transfer title to certain eligible facilities to qualifying entities without separate and individual acts of Congress; and

WHEREAS, on May 22, 2019 U.S. Secretary of the Interior David Bernhardt announced actions to expedite the transfer of eligible Reclamation facilities into local ownership and management with a new Categorical Exclusion and an update of Reclamation's operating manual procedures to streamline the title transfer process; and

WHEREAS, such transfers may offer important benefits, but many are necessarily very complex and involve many different interests, including important public and third-party interests protected under various state and federal laws; and

WHEREAS, many of these projects serve multiple purposes and were built (and their capital costs are being repaid) under longstanding agreements with water, power, and other users; and

WHEREAS, some single-purpose projects might be appropriately transferred under an expedited review process to their non-federal sponsors/operators by mutual agreement; and

WHEREAS, the many potential public benefits and costs related to transfers involve state and local governments and other interests, in addition to the federal government; and

WHEREAS, present and potential benefits may be lost unless there is a careful analysis of the transfer of individual projects; and

WHEREAS, federal project transfers require a careful project-by-project analysis of expected costs and benefits; and

WHEREAS, states have the primary responsibility for the comprehensive development, administration, and protection of their water resources for all purposes.

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NOW THEREFORE, BE IT RESOLVED that the Western States Water Council supports the careful evaluation of the transfer of federal water and power assets and urges the Administration and Congress to work together, with strong state involvement and protections for state water laws and water rights.

For reference, see also Position #209 readopted November 20, 1998, which was allowed to sunset at the meetings held in Oklahoma City, OK on November 16, 2001. *(Originally adopted Nov. 17, 1995)*