



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / www.westernstateswater.org

Chairwoman - Jeanine Jones; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

ADMINISTRATION/WATER RESOURCES

USGS/Water Use Data and Research

The U.S. Geological Survey (USGS) has announced a second round of FY2020 Water-Use Data and Research Program (WUDR) grants. The program began in FY2015 and provides financial assistance through cooperative agreements to state water resource agencies to improve the availability, quality, compatibility and delivery of water-use and other ancillary data that are collected or estimated by States. State agencies can submit proposals for funding of between \$24,000 and \$125,000, and projects can be for 1-2 years in duration. New Mexico has already received its full allotted amount, but western states still eligible for non-competitive grants include: Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The WSWC Water Data Exchange (WaDE) program welcomes partnerships with any of our member state agencies to assist them in applying for and fulfilling the WUDR grants requirements. <https://water.usgs.gov/wausp/wudr/>

CONGRESS/WATER RESOURCES

USGS/Streamgages

On March 25, a coalition of 57 stakeholders--led by the Interstate Council on Water Policy (ICWP) and joined by the WSWC--submitted letters to the Senate and House Appropriations Subcommittees on Interior, Environment and Related Agencies, in support of the USGS streamgage network. "These vital networks, managed within the USGS Groundwater and Streamflow Information Program, provide critical and life-saving information and serve the national interest with continuous streamflow information at over 8,400 locations. Additions to these networks are needed to adequately manage the Nation's critical water supplies and infrastructure."

The letter requests \$27.5M for FY21 funding for the Federal Priorities Streamgages (FPS), noting that full implementation is estimated at \$125M. Funding has been flat for the past five years, and only 25% of FPS are fully funded by the federal government. "The USGS is unable to complete development of the Network, as Congress directed in 2009, without additional funding."

The coalition also asks for \$33M for the Cooperative Matching Funds program, an increase over the FY20 level of \$29.6M. Despite a federal cost share decrease from 50% to 30%, the USGS is able to work with over a thousand partners nationwide to support 5,345 streamgages. Increasing funding would enable the network to grow.

Finally, the letter requests \$20M for the USGS Next Generation Water Observation System (NGWOS) and Data Delivery Modernization, to enable selection of a third pilot basin (of the ten authorized) for focused monitoring, data collection and calibration of different models, including NOAA's National Water Model. This will improve "the ability to estimate water supply in the nation's many ungaged areas." <https://icwp.org/streamgage-support/2020-senate-streamgage-letter-fy21/>

WATER QUALITY/WATER RESOURCES

Klamath Basin/Dam Removal

On April 7, the California State Water Resources Control Board (SWRCB) approved a final Clean Water Act (CWA) §401 water quality certification and environmental impact report for the Klamath River Renewal Corporation (KRRRC) Lower Klamath Project License Surrender (Federal Energy Regulatory Commission (FERC) Project No. 14803). This is one of the final steps required for KRRRC to assume ownership of the Lower Klamath Project from PacifiCorp, which consists of J.C. Boyle Dam, Iron Gate Dam, and Copco Dams 1 and 2, and to begin decommissioning and removal of the four dams. The Oregon Department of Environmental Quality previously issued their CWA §401 water quality certification in September 2018. SWRCB Chair Joaquin Esquivel said: "...this historic and comprehensive project will help restore native fish populations, and improve water quality in the Klamath Basin. The strategic removal of aging dams contributes to the restoration of our watersheds and reconnects our landscapes and ecosystems in critical ways."

The dams straddle the California-Oregon border and have provided hydroelectric and recreational services to the region for the past century, but require relicensing with FERC, including water quality and fish passage upgrades. After relicensing was initiated in 2000, PacifiCorp entered into the Klamath Hydroelectric

Settlement Agreement (KHSA) in 2010 with 40 other signatories after cost and risk projections favored dam removal. In 2016, the KHSA was amended to create the KRRC to acquire and be responsible for dam removal (WSW #2186). According to estimates by KRRC, the “guaranteed maximum price” of removing the dams will be \$446M. The project is being funded by a \$250M California bond and \$200M in PacifiCorp surcharges to California and Oregon customers.

Once FERC approves the transfer, it must issue a final environmental impact statement as part of the National Environmental Protection Act review. On April 9, California Senators Dianne Feinstein (D) and Kamala Harris (D), California Representative Jared Huffman (D), and Oregon Senators Ron Wyden (D) and Jeff Merkley (D), as well as the California Natural Resources Agency and the California Department of Fish and Wildlife, urged FERC to take quick action and approve the transfer application by the end of April. The letter to FERC from the congressional group said: “We urge the Commission to consider and issue a decision on the transfer order at the next possible opportunity, and to move forward with the surrender application expeditiously.... Any delay at this point unduly threatens the efficient use of public funds needed to complete the project.”

The dams are considered to be a major factor contributing to declines in the Klamath River Basin water quality and salmon populations. Collectively, the dams are listed in California’s 305(b) report and 303(d) list for nutrients, low dissolved oxygen, organic enrichment, temperature, mercury, microcystin, sediment, and aluminum. According to the certification, the Klamath Basin historically supported some of the largest salmon runs on the West Coast - between 15,400 and 20,000 coho salmon, 500,000 fall Chinook and 100,000 spring Chinook are estimated to have returned to the basin annually. Today, population estimates range from 5% to 73% of historic estimates. Dam removal and river restoration are predicted to address both problems long-term, though elevated amounts of sediment are anticipated to negatively affect water quality and aquatic life during reservoir drawdowns and for up to two years after dam removal. According to the KRRC, reservoir drawdowns could begin as early as Fall 2022. https://www.waterboards.ca.gov/press_room/press_releases/2020/pr04072020_klamath_river_wqcert.pdf

WATER RESOURCES/ORGANIZATIONS **Infrastructure/WestFAST**

On March 25, WestFAST hosted a webinar on the FAST-41 permitting program, featuring Alex Herrgott, Executive Director of the Federal Permitting Improvement Steering Council (FPISC). FAST-41 refers to Title 41 of the Fixing America’s Surface Transportation Act (42 U.S.C. § 4370m et seq.), which was designed to

improve the timeliness, predictability, and transparency of the Federal environmental review and authorization process for eligible infrastructure projects. FAST-41 is a voluntary program for infrastructure projects that: (1) have a \$200M or greater investment; (2) are subject to NEPA; and (3) do not qualify for an abbreviated authorization or environmental review process.

The FPISC created under FAST-41 is a new entity comprised of Deputy Secretary-level members from 14 federal agencies, the Council on Environmental Quality, and the Office of Management and Budget, chaired by an Executive Director appointed by the President. The FPISC acts as a central point of contact in the federal government to help navigate the environmental review and authorization process for infrastructure projects. Upon request, this body creates a project plan within 60 days of application approval and establishes a lead agency, an inventory of required authorizations and any associated consultations or dependencies, and a timetable for completion. The project plan may also include approaches and schedules for public and tribal outreach and coordination, as well as discussion of potential avoidance, minimization, and mitigation strategies. The project plan is posted on a public “Permitting Dashboard” that keeps track of the progress made, including target dates of completion for each required agency action.

States have the ability to opt-in to the FAST-41 process as a cooperating agency, which is generally established through a memorandum of understanding. Once designated, a cooperating state agency has a heightened role in the federal permitting process for projects, especially the ability to provide expert knowledge that can improve the process.

Benefits of being a FAST-41 project include increased visibility and predictability within the coordinating federal agencies, enhanced coordination among agencies, increased accountability, enhanced legal protections, and dispute resolution. The Executive Director acts as a mediator between agencies if issues arise on setting the initial timetable or meeting deadlines. Herrgott mentioned that to date, sponsors have realized a combined savings of over \$1B, due to a reduction in permitting timelines by 22 months, and experienced a shorter environmental review period by 6-8 weeks, as well as fewer issues with communication between agencies and project sponsors.

Thus far, only four water resources projects have been designated FAST-41 projects, though many are eligible. Drinking and wastewater projects are also eligible, though these tend to be smaller than the required investment size. See examples and additional information at www.permits.performance.gov.

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.