



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

CONGRESS/WESTERN GOVERNORS

America's Water/Drinking Water Infrastructure Act

On May 1, the Western Governors' Association (WGA), submitted testimony regarding America's Water Infrastructure Act (AWIA) (S. 3591) and the Drinking Water Infrastructure Act (DWIA) (S. 3590). WGA stated: "Water is a precious resource everywhere, but especially in the arid West, where many communities anticipate challenges in meeting future water demands. Supplies are nearly fully allocated in many basins across the West, and increased demand from population growth, economic development, and extreme weather and fire events places added stress on those limited water resources."

WGA's testimony mentioned the importance of federal funding and technical assistance for small and rural communities to meet water quality standards and said that "robust investments in water delivery, water treatment, and wastewater infrastructure also provide jobs and a foundation for long-term economic growth in communities throughout the West." WGA also highlighted the importance of state-federal partnership in water management, and adding that "the federal government has long recognized the right to use water as determined under the laws of the various states."

With respect to AWIA, WGA asked for: (1) protection of states' primary authority to manage and allocate waters stored in Army Corps of Engineers reservoirs; (2) enhanced federal aquatic invasive species management authority, referring to the inclusion of bipartisan language in the Stop the Spread of Invasive Mussels Act (S. 2975); and (3) statutory codification of EPA's Water Transfers Rule, which has historically exempted certain transfers of waters (with no addition of a pollutant) from permitting under the Clean Water Act's (CWA) National Pollutant Discharge Elimination System. Regarding the Water Transfers Rule, WGA said: "The Rule is critical to the social and economic health of the arid West, which must rely on thousands of intrastate and regional transfers to move billions of gallons of water to satisfy domestic, agricultural and industrial needs."

Regarding DWIA, WGA said: "...[P]lease ensure that its programs, including the Drinking Water State

Revolving Fund, are implemented in a manner that provides states with maximum flexibility. Additionally, language should direct EPA to consult with states to identify and establish priority areas, timelines, and programs that provide the largest public health and environmental benefits in its implementation of the Act."

CONGRESS/WATER RESOURCES

America's Water/Drinking Water Infrastructure Act

On May 6, the Senate Environment and Public Works Committee (EPW) held a business meeting to consider AWIA and DWIA. Both bills passed unanimously by a vote of 21-0 and were ordered reported. EPW Chair John Barrasso (R-WY) and Ranking Member Tom Carper (D-DE) noted that the Committee has worked together with the House Committee on Transportation and Infrastructure to improve dams, ports, reservoirs, and levees. AWIA includes \$17B in new federal authorizations for Army Corps of Engineers' infrastructure projects. It aims to increase water storage, repair aging wastewater and irrigation systems, and provide flood protection. It also authorizes several CWA programs. The DWIA includes \$2.5B in federal authorizations, including resources and technical assistance to communities to help meet their drinking water needs. It reauthorizes several programs under the Safe Drinking Water Act.

During the meeting, Senator Kevin Cramer (R-ND) offered an amendment to protect state water rights and address longstanding western states concerns relating to Corps operations and policies. The proposal would have amended Section 6 of the Flood Control Act of 1944, codifying the practice of not requiring contracts for withdrawals from Corps reservoirs in states that lie west of the 98th Meridian. Cramer noted that he had been working with the Western Governors' Association, the Western Attorneys General, and the Western States Water Council to develop language acceptable to the western states. He also noted that a much broader amendment had the full backing of all the western governors, but the narrower amendment was offered out of respect for the concerns expressed by eastern states. Senator Richard Shelby (R-AL) objected to the amendment, pointing to the 30 years of water wars between Alabama and Georgia. He expressed concern

about the bad precedent the amendment would set because he believed it would allow states to preempt federal law. The amendment failed, but Barrasso emphasized that the Committee would continue to work on the proposed language to avoid any potential unintended consequences.

A summary of specific AWIA and DWIA titles and sections is found in the special report accompanying this newsletter.

WESTERN STATES WATER COUNCIL/CONGRESS FY2021 NASA/NOAA Appropriations

On May 8, the Western States Water Council submitted testimony to the House Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies regarding budget appropriations for the National Aeronautics and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA). The testimony highlighted the importance of specific programs within NASA and NOAA that provide critical research, data, and services that support water management in the West.

The testimony provided strong support for NASA's Earth Science Mission Directorate observation missions, including the Sustainable Land Imaging program, Landsat 9, Landsat Next and NASA-ISRO Synthetic Aperture Radar (NISAR), as well as the application of these tools to address national and regional water resource challenges. It said, "Several NASA programs have produced valuable data for present and future management of scarce water resources. For example, thermal infrared (TIR) imaging data available from Landsat 7 and 8 are used to measure and monitor consumptive agricultural and other outdoor water uses and needs. InSAR has been used to measure land subsidence, sometimes due to groundwater extraction. The NASA Earth Science Research and Applied Sciences program is exploring promising remote sensing and airborne approaches for estimating snowpack on regional and watershed spatial scales – offering revolutionary opportunities for water resources planning, management and decision-making – with sustained engagement with water users to effectively transition from research to operations (R2O)."

Regarding NOAA, the testimony said, "NOAA houses critical research, data collection, and forecasting programs through the Office of Oceanic and Atmospheric Research (OAR), the National Weather Service (NWS), and the National Environmental Satellite, Data and Information Service (NESDIS) that help states to make informed water supply decisions, as well as respond to droughts and floods in a timely and effective manner. These should be funded at a level sufficient to enable NOAA to address gaps in information and forecasting."

Specifically, it focused on the importance of seasonal to subseasonal (S2S) forecasting research and operations, the National Integrated Drought Information System (NIDIS), and continued funding for weather station networks, satellites and buoy systems that support accurate and timely water-related predictions. Though authorized under Title II of the Weather Research and Forecasting Innovation Act of 2017 (P.L. 115-25), Congress has not yet funded important pilot projects to help develop better S2S forecasts at the two week to twelve month range that "would allow for improved water management, planning, and operational decision-making on the ground." In addition, the testimony highlighted that NIDIS has "proved to be another critical program supporting water management in western states," and encouraged funding NIDIS at levels that are "sufficient to ensure ongoing operations and implementation of recent amendments" in P.L. 115-25 that "added precipitation, soil moisture, and evaporative demand as key indicators of drought and drought impacts."

Finally, the testimony expressed support for weather station networks and systems that "collect data that is used to ground-truth, calibrate, and validate remote satellite-derived observations and support models that are critical to water-related forecasting." It also emphasized the importance of funding the long-term observation networks that are "key to monitoring and understanding baseline information and extreme events, but face funding and programmatic challenges that threaten the continuity of crucial data records."

The testimony ended by reiterating the importance of adequate funding for NASA and NOAA programs to support water management in the West. "Well-informed decisions depend on our ability to observe, understand, model, predict and adapt to climate and weather events, which threaten public health and safety, billions of dollars of economic investments, and our environment. Our present level of investment is not yet commensurate with the potential benefits, which far exceed the costs." The full testimony can be found at: <https://www.westernstateswater.org/letters/>.

MEETINGS **WestFAST Webinars**

Beginning May 12, the Western States Federal Agency Support Team (WestFAST) will host a series of webinars in lieu of the Federal presentations originally scheduled as part of the WSWC Spring 2020 (192nd) Meetings and Washington, D.C. Roundtable, which were cancelled due to the COVID-19. The first webinar will highlight ESA Section 4 Rule Revisions.

For further information on upcoming webinars please see: www.westernstateswater.org/westfast/westfast-webinars/.

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.