



WESTERN STATES WATER COUNCIL

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Web Page: www.westgov.org/wswc

Position #293

November 16, 2007

The Honorable Jeff Bingaman, Chairman
Energy and Natural Resources Committee
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

via fax: (202) 224-6163

Dear Chairman Bingaman:

On behalf of the Western States Water Council, representing eighteen states, I am writing in support of S. 2156, the Science and Engineering to Comprehensively Understand and Responsibly Enhance (SECURE) Water Act. As introduced, the bill addresses a number of long standing concerns among western states as expressed in the June 2006 Western Governors' Association water report, "Water Needs and Strategies for a Sustainable Future."

Specifically, we support the enhanced spending authority for USGS streamgaging activities, a ground water monitoring system, brackish water study, new methods to estimate and measure water use, a national water use and availability assessment, establishment of an intra-governmental panel on climate change and water resources, a Reclamation Climate Change Adaptation Program, hydroelectric power assessment and effects of climate change, and financial assistance to non-federal entities for water-use efficiency improvements.

We strongly support and are particularly interested in the Section 9 – Water Use and Availability Assessment Program, which would provide grants to assist State water resource agencies. Moreover, this section should include gathering information on environmental water uses, including instream uses and outflows for bays and estuaries, as well as traditional consumptive water uses.

We appreciate the explicit recognition that "...States bear the primary responsibility and authority for managing the water resources of the United States" and that "the Federal Government should support the States, as well as regional, local and tribal governments...." We also appreciate the other provisions in the bill requiring federal agencies to "consult and coordinate with the applicable State water resource agency with jurisdiction." Lastly, the savings clause is important which states that: "Nothing in this Act preempts or affects any – (A) State water law; or (B) interstate compact governing water." So is the requirement that the Secretary comply with applicable State water laws.

While recognizing the jurisdiction limits of the Committee, we would also urge you to ensure that water quality issues, which are inextricably linked to water quantity issues, are considered together in collaboration with all applicable federal and state agencies.

Further, we would urge you to consider including in the definition of "major reclamation river basin" the Arkansas, Republican and Pecos River Basins, and the Great Basin. It may be that the definition of a "nationally significant watershed and aquifer" needs to be better delineated under Section 7(a)(4)(A).

We would add to the list of risks to river basins under the Reclamation Climate Change Adaptation Program under Section (4)(b)(2)(C) the “rate of evapotranspiration.” Moreover, it should be noted that the ability of USGS and western states to most effectively measure and monitor evapotranspiration and consumptive water uses is now threatened by the lack of funding and potential loss of a thermal infrared (TIR) sensor on Landsat 8, as part of NASA’s Landsat Data Continuity Mission (LDCM).

With respect to reference in the bill to “net savings in groundwater or surface water resources in the agricultural operation of the eligible applicant,” we would like to point out that financial assistance decisions should take into consideration the basin-wide or aquifer-wide net water savings, and not simply on-farm water conservation.

We support authorization for continuing actions taken under such programs as the Bureau of Reclamation’s Water 2025 Challenge Grants, Field Services Program and the Bridging-the-Headgate Partnership, of which the WSWC is a signatory. Further, we strongly support the inclusion of in-kind services in calculating non-federal cost sharing contributions.

May we suggest that such sums as are authorized for Reclamation-related programs and purposes should be made available from the Reclamation Fund. It is our understanding the amounts authorized for expenditure under the bill are in addition to assistance authorized and provided pursuant to other provisions of federal law. In general, we are concerned that the amounts authorized be sufficient to reasonably support the mandated activities.

We would hope in the future to continue to work with Interior and other federal agencies to improve western water management under the new authorities and funding provided by S. 2156 and will work to encourage our members, states and congressional delegations to support enactment of this important legislation, as well as sufficient subsequent appropriations to effect its purposes.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Smith". The signature is written in a cursive, flowing style.

Duane A. Smith, Chairman
Western States Water Council

S. 2156

The SECURE Water Act

The Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act

introduced by
Senator Jeff Bingaman

Introduction

The Western States Water Council supports enactment of the SECURE Water Act, introduced by Senator Jeff Bingaman (together with Senators Maria Cantwell, Pete Domenici, Tim Johnson, Ken Salazar and Jon Tester). S. 2156 addresses many of the needs raised in the June 2006 Western Governors' Association report, "Water Needs and Strategies for a Sustainable Future," which was prepared by the Council. The following is a comparison of the stated purposes and activities authorized under S. 2156, with some of the wording from specific recommendations in the WGA report (which is available online at www.westgov.org).

Purpose

- To increase water use efficiency;
- To expand data acquisition and analysis of the Nation's water; and
- To enhance the understanding of climate change impacts on water availability and energy production in the U.S.

The SECURE Water Act consists of the following specific activities:

Reclamation Climate Change Adaptation Program

- Reclamation is to assess the risks of climate change to water resources in its service area and develop strategies and conduct feasibility studies to address water shortages, conflicts and other impacts to water users and the environment.
- **WGA Recommendation 5** – *While recognizing the uncertainties inherent in climate prediction, efforts should be made to focus on vulnerabilities and building increased resiliency to climatic extremes.*
- **WGA Recommendation 5B** – *The Congress should fund research for improving the predictive capabilities for climate change, and assessment and mitigation of its impacts.*

Reclamation Water Management Improvement

- Reclamation may provide financial assistance to States, Tribes, and local entities to construct improvements or take actions to increase water-use efficiency to address drought, climate change, or other water-related crises.
- **WGA Recommendation 2A** – *A summary should be developed of existing water supply and demand management policies and programs, as well as planned or potential activities. The focus should be on a grassroots, watershed approach to identifying water problems and potential solutions.*
- **WGA Recommendation 2E** – *Water conservation and water use efficiency, demand management (including pricing structures), water and water rights transfers, water banking, water reuse, revolving following of agricultural lands and other means should be explored to augment existing supplies, as well as the relative merits and obstacles related to various programs and technologies.*
- **WGA Recommendation 3B** – *The Congress should increase appropriations from annual receipts accruing to the Reclamation Fund for authorized Bureau of Reclamation projects and purposes to help meet western water supply needs, especially for rural communities, to maintain and replace past projects and to build new capacity necessary to meet demands related to growth and environmental protection.*

Hydroelectric Power Assessment

- The Secretary of Energy & the Power Marketing Administrations (PMAs) are to assess the effects of climate change on the water available for facilities producing hydropower marketed by the PMAs.
- **WGA Recommendation 5C(2)** – *Particular emphasis should be placed on climate change within the context of watershed planning and the impacts of climate-change scenarios on energy, economic development and forest management.*

Climate Change & Water Intra-Governmental (I-G) Panel

- The Interior Secretary is to establish an I-G Panel to review the science on climate change and water, and develop strategies to better forecast impacts to water availability. The Secretary may fund demonstration projects to help implement the strategies.
- **WGA Recommendation 5A** – *Federal agencies must continue and expand funding for activities necessary for monitoring, assessing and predicting future water supplies.*
- **WGA Recommendation 5B** – *The Congress should fund research for improving the predictive capabilities for climate change, and assessment and mitigation of its impacts.*

Given the complex climatology in the West, it is important that climate change modeling be conducted at a much finer resolution, e.g. watersheds and sub-watersheds.

USGS Water Data Enhancement & Planning

- USGS is to expand the National Streamflow Information Program in accordance with specific objectives – e.g., establishing and maintaining a minimum of 4,700 measuring sites over the next 10 years.
- USGS is to work with federal, state, and local entities to implement a systematic groundwater monitoring program for major aquifer systems in the U.S., and to support the Groundwater Climate Response Network.
- USGS is directed to work with appropriate state and local entities to conduct a study identifying significant brackish aquifers in the U.S.
- The Secretary may provide grants to develop new methods & technologies to estimate or measure water resources data in a cost-efficient manner.
- **WGA Recommendation 2A** – *Federal and state agencies should increase support and funding for state and federal basic water data gathering activities that can serve as the basis for sound decision-making. Further, state and federal agencies must find ways to reduce costs related to gathering and disseminating real-time water data/information, including the acceptance of more in-kind contributions from cooperators. Moreover, new and stable sources of funding are needed. Basic data gathering is an appropriate governmental activity.*

National Water Use & Availability Assessment Program –

- USGS is to implement a Program to provide better information on water resources in the U.S.; identify trends in use & availability; and help forecast water availability for future needs. USGS is also to maintain a national inventory on water and provide grants to States to enable locally-generated data to be integrated with national datasets.
- **WGA Recommendation 2A** – *A west-wide summary of existing water uses, water plans and planning efforts, current ground and surface water supplies, and anticipated future demands should be developed, then trends and common themes identified and evaluated. This summary should address both consumptive and non-consumptive uses and demands.*