



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

5296 So. Commerce Drive / Suite 202 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / www.westgov.org/wswc

Chairman - Garland Erbele; Executive Director/Editor - Tony Willardson; Assistant Editor - Nathan Bracken; Subscriptions - Julie Groat

ADMINISTRATIVE UPDATE/WATER RESOURCES

California Bay Delta

On December 22, the Obama Administration released an Interim Federal Action Plan that describes what the White House Council on Environmental Quality, Environmental Protection Agency (EPA), U.S. Army Corps of Engineers, and the Departments of Interior, Commerce, and Agriculture will do to address California's water and ecological crisis in the San Francisco Bay/Sacramento-San Joaquin Delta. The plan, under a Memorandum of Understanding the agencies signed in September, organizes the agencies' actions into four interconnected priorities.

First, agencies will "...work in concert with California and local authorities in producing the Bay-Delta Conservation Plan and in developing joint planning activities with the State." In particular, federal agencies will work with California authorities to help implement key aspects of California's recently passed water reform package (WSW # 1851).

Second, agencies will encourage the "smarter supply and use" of Bay-Delta water by: (1) facilitating the permitting and construction of the Delta-Mendota and California Aqueduct Intertie; (2) enhancing water transfers; (3) implementing scientific evaluation of turbidity and Delta smelt; (4) conducting scientific reviews of the impact of Bay-Delta biological opinions; (5) intensifying and aligning federal water conservation efforts with the State and affected communities; and (6) supporting water efficiency/conservation in agriculture.

Third, agencies will ensure "healthy Bay-Delta ecosystems and improve water quality" through a "robust watershed approach." Among other actions, agencies will investigate and mitigate other stressors affecting Bay-Delta species, advance ecosystem restoration programs, address climate change, and prioritize projects that reduce fish-water supply.

Lastly, agencies will work to combat drought by providing drought relief programs and management tools for farmers. They will also develop "holistic plans" for stabilizing existing flood control infrastructure and managing flood risk. To read the plan, please see: <http://www.doi.gov/documents/CAWaterWorkPlan.pdf>.

ADMINISTRATIVE UPDATE/ENVIRONMENT

Climate Change

On December 10, Interior Secretary Ken Salazar discussed the role of public lands in clean energy production and carbon capture at the UN Conference on Climate Change in Copenhagen, Denmark. He said the U.S. "...understands the danger that climate change poses to our world and we are committed to confronting it. Together with our partners in the international community, we will help build a strong, achievable, carbon reduction strategy. And we will deploy American technology, American vision, and American ingenuity for the benefit of our planet and all peoples."

He further said Interior's climate change adaptation strategy is organized around landscape-scale partnerships and that eight Interior Climate Change Response Centers (CCRCs) will "...synthesize existing climate change impact data and management strategies, help resource managers put them into action on the ground, and engage the public through education initiatives." Interior is also "...standing up a network of Landscape Conservation Cooperatives that -- together with other federal agencies, local and state partners, and the public -- will craft practical, landscape-level strategies for managing climate change impacts. Working with [CCRs], the cooperatives will focus on impacts that typically extend beyond the borders of any single National Wildlife Refuge, [Bureau of Land Management] unit, or National Park, including invasive species, fire, drought, wildfire, and changing water supplies."

With respect to water use and energy production, Salazar said the U.S. has "...great opportunities to increase hydropower production through improvements in efficiency, by adding power generation units to existing facilities, and through pumped storage." See more at: http://www.doi.gov/secretary/speeches/121009_speech.html and <http://www.doi.gov/climatechange>.

CONGRESSIONAL UPDATE/WATER QUALITY

Clean Water Act/State Revolving Funds

Last week, the U.S. House of Representatives passed a \$150B jobs bill (H.R. 2847) that would authorize \$1B each for the Safe Drinking Water and Clean Water State Revolving Funds (SRFs). These SRF

funds would not be subject to state matching cost-share requirements and EPA would be able to reallocate funds from one state to another if projects are not under contract for construction within eight months of enactment. Other requirements include: (1) priority for projects on state priority lists that are ready to begin construction within 12 months; (2) at least 20 percent of the funds must be used for "green infrastructure;" (3) states would be required to use at least 50 percent of these capitalization fund to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants; and (4) Davis-Bacon prevailing wage and "buy American" requirements. In addition, \$100M would go to the Bureau of Reclamation for water projects, including \$30M and \$26M for the Calfed Bay-Delta program and Central Valley Project in California.

WATER QUALITY

EPA/National Lakes Assessment

EPA has released its National Lakes Assessment (NLA), a comprehensive baseline study of the water and ecological quality of the nation's lakes. The study found that 56 percent of the lakes surveyed are in good biological condition, while 21 percent and 22 percent are in fair and poor condition respectively. EPA says the study, which randomly sampled 1,028 lakes in 2007 to represent 50,000 lakes nationwide, marks the first time it has used a nationally consistent approach to survey the condition of the nation's lakes. "This survey serves as a first step in evaluating the success of the efforts to protect, preserve, and restore the quality of our nation's lakes," said EPA Office of Water Chief Peter Silva. "Future surveys will be able to track changes in lake water quality over time and advance our understanding of important regional and national patterns in lake water quality."

Of the problems assessed, EPA identified degraded shoreline habitat as the most significant problem, reporting that such habitats rated "poor" in 36 percent of the lakes studied. It also found that lakes with degraded shorelines were three times more likely to have poor biological health. The removal of trees and shrubs and the construction of docks, marinas, homes and other structures on shorelines contributed to the degradation.

Nutrient levels posed the next biggest problem, with 20 percent of lakes experiencing high levels of nitrogen and phosphorous. Those water bodies were 2.5 times more likely to have poor biological health. Algal toxins, which can sicken people and wildlife, were present in one-third of the lakes, but only reached levels of concern in 1 percent of the lakes. A parallel study showed that mercury concentrations in game fish exceeded health-based limits in 49% of lakes, while 17 percent of lakes had polychlorinated biphenyls at potential levels of concern.

On the positive side, a comparison of NLA data to a subset of wastewater-impacted lakes sampled in the 1970s showed that nearly 75% of the 800 lake samples showed either improvements or no change in phosphorus levels. EPA says this "...suggests that the nation's investments in wastewater treatment and other pollution control activities are working despite increased population pressures across the United States. Trophic status, a measure of a lake's biological productivity, also improved or stayed the same in 75 percent of the lakes surveyed. EPA is accepting public comments on the NLA until January 25, and has asked that comments or questions be directed to lakesurvey@epa.gov. See also: <http://www.epa.gov/lakessurvey/#introduction>.

NACWA/Clean Water Act Enforcement

The National Association of Clean Water Agencies (NACWA) has released a white paper that criticizes EPA's current Clean Water Act (CWA) enforcement efforts and its recent Clean Water Enforcement Action Plan. Among other "shortcomings," the paper says EPA's efforts: (1) stress "...the quantity of enforcement actions and the dollar value of fines and consent decree obligations as the benchmark of success, rather than determining if the resulting consent decrees and court orders actually translate into water quality improvements;" (2) create "...a 'one-size-fits-all' approach to dealing with CWA violations that assumes the same enforcement paradigm will work in all parts of the country;" (3) fail "...to take into account the sizeable contribution from nonpoint sources such as stormwater, agriculture, and air deposition;" and (4) lack "consistency and coordination" between EPA regions and states with respect to the regulation of treatment technologies and practices at publically owned treatment works.

The paper calls for EPA to develop a new "...holistic watershed approach to clean water permitting and enforcement that addresses water quality impairment on a watershed level, increased federal funding for water infrastructure, and improved affordability guidelines for communities implementing enforcement mandates." Such an approach would also emphasize "...reducing the contributions of agriculture, stormwater, and other nonpoint sources to water quality impairments. It must also be flexible enough to take in account the likely impacts of climate change, particularly with regard to how changing precipitation patterns may affect multi-million dollar infrastructure projects now being mandated through consent decrees, and innovative enough to encourage the use of green infrastructure and other low impact development that can both improve water quality and provide a host of other ancillary environmental and community benefits."

The paper is available online under "News Releases" on NACWA's website, at: http://www.nacwa.org/index.php?option=com_content&view=article&id=10&Itemid=8.

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