



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION UPDATE/WATER RESOURCES FCC/Radio Frequency Bandwidth/Streamgages**

The Federal Communications Commission (FCC) has issued a public notice seeking comments by June 28 on the impacts of a proposal to share the 1675-1710 MHz frequency band with wireless broadband systems. Federal agencies and states currently use the bandwidth for the remote collection of environmental, hydrologic, meteorological and water quality data via the GOES and POES satellites. The bandwidth also includes streamgaging and water-monitoring networks vital to water and emergency management, including flood warning systems. Comments must reference the public notice and ET Docket No. 10-123 and should be addressed to the FCC's Secretary Marlene H. Dortch, Office of the Secretary, FCC, 445 12<sup>th</sup> St., SW, Washington, DC 20554. Comments may also be submitted electronically through the following websites: <http://regulations.gov> or <http://fjallfoss.fcc.gov/ecfs/>. To read the notice and for more detailed instructions, see: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-1035A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-1035A1.pdf).

The WSWC sent a comment letter to the FCC on June 25, asking it to undertake a "full, transparent and complete analysis" that will include robust participation by the western states on the effects of the proposal. "There may be very serious unintended consequences of sharing or opening the 1675-1710 MHz spectrum. Much of the nation's data for emergency and administrative information on weather, river and streamflows, groundwater and forest fires are transmitted from remote platforms to satellites and then to 'direct receive or downlink' stations on this spectrum. The downlink frequency is within the subject bandwidth and cannot be changed on the satellite. Throughout the West, there are many very large and thousands of small, distributed receiving stations that could need replacement if this frequency is opened to, or shared with, private enterprise. The U.S. Geological Survey (USGS) in cooperation with over 850 Federal, State and local agencies operates over 11,400 streamflow and surface water, groundwater and water quality monitoring stations in the United States and its territories. Any change could compromise the ability to reliably obtain data using the present frequency.... If the radio frequencies for data transmission were shifted - replacing and reprogramming USGS equipment is

estimated to cost over \$60 million for the hardware alone. Significant public and private funds have been invested to establish our satellite and ground networks."

The letter continues: "Our ability to respond to state, local or national emergencies in a timely manner depends on this data; and so do day-to-day water supply planning and decisionmaking, water quality monitoring and environmental protection, and water rights administration. All these operations depend on systems using the GOES downlink frequency. Moreover, satellite relayed/direct receive information is critical as alternative internet data distribution systems can be compromised by natural disasters or by manipulation by outsiders." The letter also asks the FCC to work closely with the National Oceanic and Atmospheric Administration-National Environmental Satellite, Data, and Information Service, which assigns frequencies and time-of-use to States and others up-linking to the GOES satellite.

FCC's request for public comments stems from its National Broadband Plan, which it developed pursuant to the American Recovery and Reinvestment Act. The Plan is intended to improve broadband Internet access throughout the nation and recommends making 500 MHz of spectrum available for broadband use in the next 10 years. The concept of sharing the 1675-1710 MHz band resulted from discussions between the FCC and the National Telecommunications and Information Administration (NTIA) regarding frequency bands that may be suitable for mobile broadband use. NTIA has preliminarily identified the band for such use and the public notice states, "We expect that this band is relatively lightly used, both geographically and temporally, and thus could be shared by others."

### **Water Supply Outlook/Drought**

The National Resources Conservation Service's Snowpack/Drought Monitor Update for June 24 reported that abnormally dry and/or moderate drought conditions exist in parts of every western state except the Dakotas, Kansas, Nebraska, and Washington. Small pockets of severe drought conditions also persist in northeast Arizona, southern Oregon, and western Wyoming, while abnormally dry conditions have expanded in four counties in Colorado and one county in Arizona. However, severe drought conditions are no longer evident in the Idaho panhandle and western Montana.

For the 2010 water year, which began on October 1, 2009, Arizona, southern New Mexico, eastern Nevada, southwest Utah, the Olympic Range in Washington, central Montana, and central-eastern Wyoming have the largest surpluses. The northern and Upper Snake River regions of Idaho and the northern Wasatch region in Utah have the greatest deficits. See: <http://www.wcc.nrcs.usda.gov/ftpref/support/drought/dmrpt-20100624.pdf>.

## **WATER RESOURCES/ENVIRONMENT** **American Rivers' Most Endangered Rivers Report**

This month, American Rivers released its annual list of the nation's 10 most endangered rivers, which the conservation group says face man-made threats. American Rivers made its selections based on the existence of a major decision in the coming year on a proposed action regarding a river; the significance of the threat to human and natural communities; and the degree to which the proposed action would exacerbate or alleviate stresses caused by climate change. According to American Rivers, "The report is a call-to-action and emphasizes solutions for the rivers and their communities. By shining the spotlight on key decisions that will impact the rivers, and by providing clear actions the public can take on their behalf, the report is a powerful tool for saving these important rivers."

Four western rivers made the list. The report lists the Sacramento-San Joaquin River Delta in California as the second most endangered river for "...two separate efforts to reengineer the state water supply and flood control system [that] threaten to increase water diversions and preclude floodplain restoration that is essential for salmon recovery and public safety. Decisions by Governor Schwarzenegger in the last months of his term should ensure that restoration measures are included in the plans to restore the ecology of the Delta."

In the sixth spot, the report lists the Upper Colorado River in Colorado. "If two new major proposed diversion projects advance without the right provisions, the river could become a shadow of its former self," it said. "Conversely, if the projects move forward with appropriate foresight and consideration for the long-term protection of the river's health, it could usher in a new era of stewardship and recovery for the Upper Colorado. The regulatory agencies, conservation interests, and people of Colorado must insist that the water projects contain key protections for river health."

The report listed the Chetco River in Oregon in the seventh spot for a strip mining proposal that would use a "highly damaging method of dredging." Of note, a number of Oregon's Congressional delegation, including Democratic Senators Ron Wyden and Jeff Merkley and Representatives Peter DeFazio, Earl Blumenauer, and

David Wu, have introduced legislation (S. 3488 and H.R. 5526) that will permanently raise the federal protection levels of more than three miles of the river and put in place new prohibitions on future mining aimed at preserving the river's wild and scenic portions.

Idaho's Teton River was the eighth most endangered river. According to the report, "...some eastern Idaho water users want to rebuild the Teton Dam - a dam that catastrophically failed 35 years ago." Idaho and the Bureau of Reclamation are studying the feasibility of rebuilding the dam or pursuing non-structural water supply alternatives. Instead of rebuilding the dam, the report urges Idaho and Reclamation to "...promote more cost-effective, reliable water supply solutions that focus on conservation and smarter water management." See: <http://www.americanrivers.org/assets/pdfs/mer-2010/americas-most-endangered-rivers-2010.pdf>.

## **PEOPLE**

North Dakota State Engineer and WSWC member **Dale Frink** has announced his retirement effective June 30. Dale has spent his entire 39-year professional career working for the North Dakota State Water Commission, where he served in a number of capacities in addition to his current position, including work as a planning engineer, Director of the Water Development Division, and Assistant State Engineer. Following his retirement, he intends to do some consulting work and to spend time with his family. Assistant State Engineer **Todd Sando** has been named as the Acting State Engineer and a search committee has been appointed to hire Dale's replacement. We congratulate Dale on his retirement and wish him the best in his future endeavors.

The Obama Administration has selected **James Martin**, the Executive Director of the Colorado Department of Natural Resources (DNR), as the next Regional Administrator for the Environmental Protection Agency's (EPA) Region 8. Martin will be responsible for managing the EPA's activities in the region, which encompasses Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, and 27 Tribal Nations. He also served previously as the Executive Director of the Colorado Department of Public Health and Environment, headed the Natural Resources Law Center at the University of Colorado School of Law, and worked as a senior attorney for the Environmental Defense Fund.

Colorado Governor Bill Ritter (D) has appointed **Mike King**, a former DNR deputy director and Colorado assistant attorney general, to replace Martin. King has a bachelor's degree from the University of Colorado, a law degree from the University of Denver, and a master's in public administration from CU-Denver. Ritter said, "Mike is a strong, steady leader with a sharp understanding of natural resource issues."

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