



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN STATES WATER COUNCIL Summer Meetings - Stateline, Nevada

On July 21-23, the WSWC commemorated its 45th anniversary by holding its 163rd meeting in Stateline, Nevada, where it first met in 1965. New WSWC officers were elected, with Weir Labatt of Texas selected as Chairman; Phil Ward of Oregon, Vice Chairman; and Pat Tyrrell of Wyoming, Secretary/Treasurer. Members expressed their sincere thanks to Garland Erbele of South Dakota, who served as Chairman for the past two years. As Chairman, Weir named Herb Guenther of Arizona as the Chair of the Water Resources Committee and Maria O'Brien of New Mexico as Legal Committee Chair. Walt Baker of Utah will remain as Water Quality Committee Chair. The meetings also honored past WSWC chairs and long-time members, including former Nevada State Engineer Roland Westergard, who received a plaque for his unprecedented 42 years of service to the WSWC. The State of Nevada hosted a pre-meeting field trip that focused on Lake Tahoe operations and water quality protections, Truckee River water rights, and the U.S. Geological Survey's (USGS) streamgauge program.

On July 23, at the Full Council Meeting, the WSWC modified Position #319 to call for a "shared vision on water planning and policy" instead of a "national water policy vision." It also adopted a position urging the Administration and Congress to support Department of Energy hosted energy-water and other collaborative water programs conducted at national laboratories, including but not limited to the Idaho National Laboratory and its Mountain West Water Institute, and Sandia National Laboratories in New Mexico, both of which are working with WSWC. The position observes that these programs "...provide an essential link between federal energy research programs and water issues of concern to the western states."

Anne Castle, the Department of Interior's Assistant Secretary for Water and Science, discussed her agency's water activities. "Obviously, the states have their hands on the controls of water allocation and policy about use of water," she said. "But I believe that the federal government also has an obligation to provide leadership, to promote water conservation and to help provide water supplies in a sustainable manner." Castle said the Bureau of Reclamation's WaterSMART

program will expand the agency's cost share grants and basin studies programs, give a "big boost" to USGS' National Water Census, provide a "national commitment" to use available federal resources to work toward a sustainable national water strategy. She also noted that WaterSMART "maps very closely" with the Western Governors' Association's (WGA) *Next Steps* report, which was an "...important guide to the efforts of the new Administration in the water policy arena." She further challenged states to enact the report's land use planning recommendations and to regulate ground water withdrawals. As for USGS' streamgauge activities, Castle said Interior is working on the erosion of federal funding and that the issue is not "getting lost in the shuffle." In addition, Castle said Interior has requested increased funding of \$13.4M for the ground system requirements for Landsat 8 and its thermal infrared imager.

Allen Biaggi, a former Director of the Nevada Dept. of Conservation and Natural Resources, WSWC member and Chair of the Tahoe Regional Planning Agency, discussed efforts to protect water quality, such as banning 2-stroke watercraft engines, instituting best land management practices, and exporting sewage effluent out of the basin. Invasive species, algae growth, and catastrophic wildfires continue to pose problems. Biaggi, former Administrator of the Nevada Division of Environmental Protection, also said complying with federal arsenic regulations has been a "real squeeze" because of Nevada's high levels of naturally occurring arsenic. He declared Nevada is "adamantly" opposed to federal legislation like Rep. James Oberstar's America's Commitment to Clean Water Act (H.R. 5088), which he said could subject ground water to Clean Water Act (CWA) jurisdiction. Lastly, Nevada State Engineer Jason King discussed a Nevada Supreme Court decision that will require his office to republish and rehear applications that the Southern Nevada Water Authority filed as part of a proposal to pump ground water to Las Vegas from the Snake Valley Aquifer on the Nevada-Utah border.

Edwin Sheffner, of the National Aeronautics and Space Administration (NASA), described the capabilities of his agency's Earth Science Division, which includes earth observations, earth system modeling, and systems engineering. As one of the newest members of WestFAST, Sheffner said NASA is interested in working with the WSWC to address "critical" western water issues and leveraging projects and activities.

During the Water Resources Committee meeting, Jennifer Jorge, with the Idaho National Laboratory's Mountain West Water Institute, said her organization has a number of capabilities that could be of interest to western states, including system dynamic modeling for reservoir operations and thermal ground water resources calibration to increase model accuracy and predictive ability. Vince Tidwell of Sandia National Laboratories described efforts to develop and refine a model to help water resources and energy planners analyze water requirements for various types of electric power generation and the potential implications of water stress for power generation and transmission planning. Ward Staubitz, USGS, discussed federal streamgaging programs. He said the Administration's FY2011 budget request is \$63.6M for the Cooperative Water Program and \$27.1M for the National Streamflow Information Program, representing reductions of \$1.96M and \$585,000 from FY2010 levels. Next, Eric Evenson of USGS gave an overview of the National Water Census, which aims to help stakeholders develop a water budget and answer water availability questions by providing technical information and tools. Of note, WSWC staff then described a recent letter to the Federal Communications Commission (FCC) that expressed concerns regarding an Administration proposal to open up the 1675-1710 MHz frequency for commercial use. This same frequency is used to relay streamgauge data and emergency management response information.

The Legal and Water Quality Committees combined to hear a presentation from Peter Nichols, an attorney from Colorado, who described the Environmental Protection Agency's (EPA) potential review of its water transfers rule, which exempts transfers from permitting under the CWA's National Pollutant Discharge Elimination System (NPDES). Nichols said EPA has formed a workgroup to develop information for the agency as it considers further action regarding water transfer regulation. He also said increased regulation will be expensive and that states already have authority to address the water quality concerns associated with transfers. To illustrate his point, Nichols said engineers from large water providers from a number of western states have analyzed the effects of requiring NPDES permits for water transfers. It could mean a capital investment of \$20B, and annual operating costs of another \$7B to treat transferred water to the quality of the receiving waters (for the systems analyzed).

Separately, the Water Quality Committee met and listened to David Hindin with the Office of Enforcement and Compliance Assurance describe EPA's efforts to improve NPDES compliance. Hindin said EPA teams focused on new approaches and data analysis have prepared 22 papers and over 50 recommendations for consideration. EPA intends to make decisions on possible actions in September 2010. Bill Moore and John Jennings from the Washington Department of

Ecology discussed their state's efforts to address pollution from stormwater and pesticides. Tom Iseman described a pending EPA study on hydraulic fracturing and possible impacts on drinking water. Tom said the WGA has adopted a resolution encouraging EPA to collaborate with stakeholders in conducting the study and to leverage existing state knowledge and policies. Lastly, Committee Chair Walt Baker discussed the impacts of requiring nutrient discharge standards, as well as a Utah study assessing wastewater treatment plants' capacity and capability, and the potential capital and O&M costs related to nutrient removal.

At the Legal Committee meeting, Susan Cottingham from Montana provided an update on Indian water rights settlements and mentioned a recent letter from Interior supporting a modified version of the Crow settlement in Montana (H.R. 3563). Interior worked with the Tribe to develop the modifications, which reduce the total federal cost of the settlement from an estimated cost of over \$600M to \$460M. WSWC Legal Counsel Nathan Bracken described a 2006 Government Accountability Office opinion that reasoned that the Forest Service was not required to pay surface water management fees assessed by King County, Washington because the fees constituted a local tax. Nathan said there have been scattered instances across the country where federal entities have refused to pay stormwater fees, and that Senator Benjamin Cardin (D-MD) has introduced S. 3481 to clarify that such fees are not a tax.

The meetings also included a number of updates from WestFAST. Vice Chair Ward Staubitz noted that the team has entered its second year and has completed an inventory of federal climate change programs that relate to water science and adaptive water management. The purpose of the inventory is to help the western states better understand the nature and scope of these programs and inform the discussion between the WSWC and the WestFAST agencies on how to proceed in developing a common, integrated approach to adapting water resources management given climate change and variability. Team members also reported on agency actions that may be of interest to the WSWC, including: (1) a Forest Service rule development on how the agency creates forest plans; (2) a partnership between the U.S. Army Corps of Engineers and the Natural Resource Conservation Service to improve management of water and related resources; and (3) a reorganization of USGS that will eliminate a management layer and create a change in leadership. Ward noted Bill Werkheiser would replace Matt Larsen as Associate Director for Water, and Matt would oversee climate change efforts.

The WSWC will next meet in San Diego, California on October 27-29. It will also hold its annual Water Management Symposium in San Antonio, Texas on November 8-10. For more information, please see: <http://www.westgov.org/wswc/meetings.html>.