



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### ADMINISTRATION UPDATE

#### **Department of the Interior**

\_\_\_ On March 31, President Obama announced his intention to nominate Anne Castle as Assistant Secretary for Water and Science within the Department of the Interior. Secretary Ken Salazar praised Castle in a press release "...as one of the nation's foremost experts in water and natural resource law....She will be an invaluable addition to our team as we work to address the water challenges facing our country and as we restore the role of science in decision-making at the Department of the Interior." She would oversee the Bureau of Reclamation and the U.S. Geological Survey. Castle, a partner in the Denver office of Holland & Hart LLP, has over 25 years of experience in water law. In 2007, Colorado Governor Bill Ritter appointed her to the South Platte River Task Force, which examined challenges for water users in the northeast Colorado basin. She was also appointed by former Colorado Governor Roy Romer to the Colorado Ground Water Commission and served as chair and as an elected member on the Board of Directors for the Genesee Water and Sanitation District.

#### **U.S. Army Corps of Engineers**

President Obama also announced his intention to nominate Jo-Ellen Darcy as the Assistant Secretary of the Army for Civil Works, a position that oversees the U.S. Army Corps of Engineers. Darcy is the senior environmental policy advisor to the Senate Finance Committee, where she has worked on energy, environmental and conservation issues. Previously, she worked as a senior policy advisor and deputy staff director on the Senate Committee on Environment and Public Works. She also served as a legislative and policy analyst for the House Banking Subcommittee on Economic Stabilization. Her other positions include Executive Director of the Great Lakes and Water Resources Planning Commission, and assistant to the director of personnel for gubernatorial appointments for the Office of the Governor in Michigan.

### CONGRESSIONAL UPDATE/WATER RESOURCES **California/Drought**

The House Natural Resources Committee held an oversight hearing on the California drought on March 31,

which focused on federal and state actions to address the impacts of the drought upon lands, fisheries, and water users. In his opening statement, Chairman, Nick Rahall (D-WV), said, "What happens in California does not stay in California.... I agree that we need to make sure we are all informed about the importance of water to our economy and are ready to act when drought hits."

\_\_\_ The Bureau of Reclamation's Acting Commissioner, William McDonald, discussed the Department of the Interior's response to California's three-year drought and addressed efforts that Reclamation, the U.S. Fish and Wildlife Service (FWS), the U.S. Geological Survey (USGS), the Bureau of Land Management, and the National Park Service have taken. Of note, he stated that Reclamation is working with California, FWS, and the National Oceanic and Atmospheric Administration (NOAA) to allocate water supplies from its Central Valley Project (CVP), which pumps water from California's Sacramento-San Joaquin Delta to much of southern California. The drought and recent court decisions regarding the Delta smelt, an endangered fish, have reduced CVP water deliveries. McDonald said that Reclamation's initial 2009 allocation for agricultural water contractors north of the Delta will only be 5% of their full supply, agricultural water contractors south of the Delta "will likely receive no allocation," and municipal and industrial water contractors north of the Delta will likely receive 55 percent, while those south of the Delta will likely receive 50 percent "with adjustments to meet minimum public health and safety needs."

McDonald also stated that Interior and the U.S. Department of Agriculture (USDA) have announced the formation of a Federal Drought Action Team, which will work with California Governor Arnold Schwarzenegger's state drought response team "to minimize the social, economic, and environmental impacts of the current drought." The Team will consist of representatives appointed by the Secretaries of Interior and the USDA, as well as executives from the U.S. Army Corps of Engineers, NOAA, the Environmental Protection Agency, the Council on Environmental Quality, the Department of Labor, the Office of Management and Budget, and the Small Business Administration

Candace Thompson, the Acting Deputy Administrator for Farm Programs in USDA's Farm Service Agency testified, "Drought will affect the quantity, quality, and timing of water coming from the National

Forests in California.” In particular, she stated that the Forest Service plans to protect these forests through fuels reduction, fire preparedness and suppression, forest health treatments and rehabilitation and restoration. Thomas also discussed a number of efforts the USDA is undertaking to “help farmers and ranchers mitigate the effects of the drought.”

California’s Secretary for Natural Resources, Mike Chisman, described Governor Schwarzenegger’s February 27<sup>th</sup> emergency proclamation requesting that all urban water users immediately increase conservation activities to reduce individual water use by 20%. The proclamation also directs state agencies “...to immediately implement a water use reduction plan and take immediate water conservation actions,” and directs the California Department of Water Resources (DWR), to: (1) expedite water transfers; (2) offer technical assistance to agricultural water supplies and users; (3) implement short-term efforts to protect water quality or water supply; (4) join with other agencies to launch a statewide water conservation campaign; (5) provide an updated report on the state’s drought conditions and water availability; and (6) recommend measures to reduce the drought’s economic impacts with the California Department of Food and Agriculture.

Tulare County Supervisor, Allen Ishida, testified that “the severity of this year’s drought is mostly man made” as a result of Endangered Species Act (ESA) court rulings that have “shut off water transfers to the [CVA] to protect the Delta smelt.” Republican Committee Members, including Ranking Member Doc Hastings (R-WA), echoed this belief. He said, “It’s important to protect lands and endangered fish, but our government’s environmental policies shouldn’t make our communities endangered in the process.” Similarly, Rep. Devin Nunes (R-CA) stated that if “Democrat leaders....do not act within the next 30 days...[w]e will witness the collapse of modern civilization in the San Joaquin Valley.” Rep. George Radanovich (R-CA) said, “We need the Government to protect the safety and happiness of people, not fish.” Rep. Wally Herger (R-CA) stressed the need for “a sustainable, balanced and comprehensive solution to this water situation that will allow us to equitably meet the needs of all water users, human and otherwise.” Rep. Ken Calvert (R-CA) questioned whether shutting off CVP diversions will help the smelt, saying, “the American people deserve clear and undeniable evidence that those actions are in fact benefitting the species.” For more information on the hearing visit: [http://resourcescommittee.house.gov/index.php?option=com\\_jcalpro&Itemid=54&extmode=view&extid=238](http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=54&extmode=view&extid=238).

### **Water Use Efficiency**

On March 31, the Senate Environment and Public Works Committee’s Water and Wildlife Subcommittee conducted a hearing on the Environmental Protection

Agency’s (EPA) “Role in Promoting Water Use Efficiency.” In his opening statement, Senator James Inhofe (R-OK), the Committee’s Ranking Minority Member, said, “Using water more efficiently is one way we can help extend the life of current systems and is important for planning for the future.... EPA’s Energy Star program has been a great example of a public-private partnership that relies on market based principles to drive technology forward.” Senator Inhofe mentioned Oklahoma’s comprehensive state water plan, which WSWC’s Oklahoma members explained during the Fall 2008 WSWC meetings in Oklahoma City. Senator Inhofe stated, “One of [the] main objectives is to focus on ways to improve water efficiency and water conservation.... [T]he state legislature created a grant program last year to assist communities to implement pilot water conservation projects in Oklahoma communities. These projects will serve as models for other communities and result in significant water efficiency improvements and water savings. I believe that projects like these will demonstrate new cost-effective technologies and help spur new markets.”

EPA Acting Administrator for Water, Michael Shapiro, described EPA’s water conservation and efficiency efforts. Shapiro highlighted EPA’s “WaterSense” program, which creates “an easy-to-identify label for water-efficient products that is backed by strict criteria and independent certification,” and discussed EPA’s sustainable infrastructure efforts. He also mentioned the Western Governors’ Association’s (WGA) and WSWC’s “Next Steps” report, stating, “As noted in reports by the [WGA] and the National Advisory Council for Environmental Policy and Technology, authorities at the federal, state and local levels need to use robust integrated water resources management approaches to balance and optimize the available water supply and provide more flexible approaches for supply, managing, recovering, and reusing water.” Shapiro next expressed support for WestFAST, stating, “EPA also continues to coordinate and collaborate with other federal agencies on research and other policy matters through our participation on [WestFAST] (which was organized by the Western States Water Council).... Such cooperation is essential to leverage resources across agencies, avoid duplication of effort, and minimize confusion for states and the regulated community.”

Former EPA Assistant Administrator for Water, G. Tracy Mehan, III, testified that “any research agenda for water efficiency and conservation would be enhanced by a focus on the economics of water rates, pricing and their impacts on water use or consumption.” Mr. Mehan also stated, “You can invest in sophisticated technologies or you can simply take a shorter shower, but you must have an incentive to do so.” Mr. Mehan testified in his individual capacity as a citizen. For information see: [http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing\\_ID=3aebcf6c-802a-23ad-4859-ebf9c54463d7](http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=3aebcf6c-802a-23ad-4859-ebf9c54463d7).