AGENDA

207th COUNCIL MEETING

The Cliff Lodge
Snowbird, Utah

June 12, 2025

Call to Order at: 8:00 a.m. (Mountain Daylight Time) Room: Superior
Conducting: Julie Cunningham, Chair

TAB

1. **Welcome and Introductions**

2. **Approval of Minutes**

3. **Committee Reports** – Action Items

   a. Water Resources Committee – Anna Pakenham Stevenson
   b. Water Quality Committee – Jennifer Zygmunt
   c. Legal Committee – Chris Brown
   d. Executive Committee – Julie Cunnigham

4. **WestFAST Report** – Roger Gorke, EPA Office of Water

BREAK **Photo Session**

P 5. **New Mexico Integrated Water Financing Plan** – Tanya Trujillo, Erica Gaddis, Roger Gorke, Michelle Bushman

F 6. **Future Council Meetings** – Julie Cunningham

7. **State Reports**

XYZ 8. **Sunsetting Positions for Fall 2025 Meetings** – #486-#489

Position #486 related to EPA exercise of authority under Section 404(c) of the Clean Water Act

Position #487 urges the Administration and NASA to enhance focus on research for water resources applications and promote long term engagement with the WSWC

Position #488 expressing support for implementation of the SECURE Water Act

Position #489 supporting legislation requiring the federal government to pay state filing fees in state general stream adjudications

9. **Other Matters**

Noon **Adjourn**

Tab P – New Mexico Integrated Water Financing Plan

New Mexico Integrated Water Financing Plan

In 2023, former New Mexico-appointed member Rebecca Roose reached out to the WSWC staff to consider the idea of building on previous western state-federal collaborations between WestFAST and state agencies, by developing an Integrated Water Financing Plan in New Mexico.

Background

In 2022, Governor Michelle Lujan Grisham's Water Policy and Infrastructure Task Force, composed of senior state agency staff and water and natural resources experts, representing diverse expertise, geographies, and community interests, published a report on Facing New Mexico's 21st Century Water Challenges. The report identified numerous water management challenges and opportunities. On January 30, 2024, Governor Lujan Grisham released New Mexico's 50-Year Water Action Plan, which took into consideration vital input from nations, tribes, pueblos, acequias, farmers, and other stakeholders. The Plan focuses on expanding water conservation in cities and on farms, developing new water supplies and enhancing water quality protections.

In the meantime, Congress authorized unprecedented levels of funding for water projects and initiatives through the 2021 Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), and the 2022 Inflation Reduction Act (IRA). Although the federal funding combined with state funding has been critical to meet state water needs in the West, many state agencies found a limited capacity to access and utilize those funds within a short timeframe. Previous state-federal collaborations facilitated by WSWC and WestFAST presented an opportunity to increase that capacity.

With the generous support of the Thornburg Foundation, the Water Foundation, and the Walton Family Foundation, the WSWC was able to contract with SWCA Environmental Consultants to help develop an Integrated Water Financing Plan, to facilitate meetings and information sharing between state agencies, federal agencies, tribes, and local entities, and to ultimately move forward with some of the recommendations in the Water Task Force report.

Project

This project built on the recommendations in New Mexico's 50-Year Water Action Plan (2024) and the Water Task Force report (2022). The Integrated Water Financing Plan aimed to accelerate progress on these recommendations by:

- Securing more one-time federal funding for water projects and initiatives.
- Connecting federal funds to existing and new tribal and state water programs.
- Developing innovative financing approaches leveraging state, federal, and local resources.

Integrated Water Financing Plan elements:

- Build on previous efforts, compile water resources activities from relevant state plans and survey results.
- Identify candidate activities for financing strategy workshops in partnership with state and federal agencies.
- Collaboratively develop a financing plan for selected activities with a focus on maximizing federal funds.
- Identify barriers to accessing funds and recommend solutions along with resources for implementation.

Survey

A survey was designed to inventory water resource projects, programs, and initiatives that could benefit from federal funding, assess new federal funds already secured in New Mexico, and understand lessons learned from previous efforts to secure federal funding.

Demonstration Projects

Based on the survey and meetings with state and federal agencies, the project executive committee narrowed the focus to three demonstration projects most suitable to the scope of this effort. The demonstration projects each represent one of the primary themes from the Water Task Force December 2022 Report and also reflect priorities identified in the Governor's 50-Year Water Action Plan.

- Water Infrastructure: The *Accelerating small community drinking water system regionalization* demonstration project will focus on accelerating regionalization of small public water systems. Regionalization for the purposes of this effort is defined as 'consolidation of water infrastructure or administrative functions across jurisdictions/existing drinking water facilities to improve quality and cost efficiencies.'
- Water Resources Management and Planning: The *Aquifer mapping and monitoring* demonstration project will focus on securing one-time funds for drilling of new monitoring wells necessary to characterize and monitor critical aquifers in New Mexico.
- Watershed Health: Based on the considerations for selection, the *Upper Rio Grande Basin Riparian Conservation, Restoration, and Watershed Health Initiative* was identified as the watershed health demonstration project. Riparian corridors provide visible representation of the ribbons of life they sustain, and the inspiration for the common name of the Upper Rio Grande Basin Riparian Conservation, Restoration, and Watershed Health Initiative 'Ribbons of Life'. The goal is to protect and restore "crucial habitat connectivity, with a focus on riparian networks and watersheds, for the well being of people, plants and wildlife" through a robust and effective coalition of partners.

Meetings

Introductory Webinar

Update and Feedback Session

A series of virtual workshops were held in June, July, and October, bringing together various state and federal agencies and a limited number of stakeholders to discuss the needs and funding opportunities across the three demonstration projects. Building on the lessons from these virtual workshops, New Mexico, WSWC, and

WestFAST hosted an in-person meeting for a larger number of stakeholders in November 2024.

Aquifer Mapping and Monitoring Presentation – Stacy Timmons, Associate Director, Hydrogeology Programs, NM Bureau of Geology at New Mexico Tech

In-Person Workshop (November 14, 2024)

Reports

New Mexico Integrated Water Financing Plan (December 2024)

Demonstration Project Summary Sheets: Aquifer Mapping, Drinking Water, Ribbons of Life

Select a topic for related resources

Administration Appropriations Arizona BOR California Clean Water Act Colorado Colorado River Congress Corps DOI Drought EPA Forecasting Funding Groundwater house Indian Water Rights Infrastructure Kansas Litigation Meeting Meetings NASA NOAA Organizations People PFAS Senate SRFs USDA USGS WaDE Water Data Water Infrastructure Water Quality Water Resources Water Rights Waters of the US water supply Western Governors WestFAST Wildfires WOTUS WRDA

Archive

Select Month

SWCA®
ENVIRONMENTAL CONSULTANTS

NEW MEXICO INTEGRATED WATER FINANCING PLAN

A PARTNERSHIP BETWEEN THE WESTERN STATES WATER COUNCIL, WESTFAST, AND THE STATE OF NEW MEXICO.

WESTERN STATES WATER COUNCIL

WestFAST

Thornburg Foundation

WALTON FAMILY FOUNDATION

WATER FOUNDATION®

NOVEMBER 2024

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EXECUTIVE SUMMARY

Federal funding opportunities generated through the American Rescue Plan Act (ARPA), the Bipartisan Infrastructure Law (BIL), and the Inflation Reduction Act (IRA) represent a generational opportunity to invest in water resources. Numerous federal agencies have been tasked with distributing and investing in various aspects of water resources, especially in the arid West. States, Tribes, and local governments are among the primary eligible recipients for much of this funding, although the ability to optimize the impact of these funding opportunities on state priority issues is limited by capacity constraints, policy and planning gaps, and the complexity of the funding landscape. This project aims to assist the State of New Mexico with these challenges through collaborative development of an Integrated Water Financing Plan that focuses on New Mexico's priority water resource challenges. Two primary reference documents utilized were the January 2024 Governor's 50-year Water Action Plan and the December 2022 report, Facing New Mexico's 21st Century Water Challenges: A Report of the New Mexico Water Policy and Infrastructure Task Force.

The New Mexico Integrated Water Financing Plan is a collaboration between state agencies, Western Federal Agency Support Team (WestFAST), the Western States Water Council, other federal partners, and project funding partners. Using a facilitated process three demonstration projects were selected that aligned with the three major areas of focus in both the Water Task Force Report (2022) and the Governor's 50-year Water Action Plan (2024):

- Accelerating Small Community Drinking Water System Regionalization
- Aquifer Mapping and Monitoring
- Ribbons of Life: Upper Rio Grande Riparian Conservation, Restoration and Watershed Health Initiative

These three areas were the focus for a series of virtual workshops, one in-person workshop, and many one-on-one meetings. The information and feedback shared at these workshops helped to shape the content and recommendations provided within this report, as well as build capacity and strengthen relationships among participants across different entities.

Separate two-page summaries have been developed to summarize the needs and recommendations specific to the three selected demonstration projects. More general outcomes are summarized below.

Funding from multiple sources were incorporated into the plans for each of the demonstration projects.

- A wide variety of federal funding programs were explored and prioritized for each of the demonstration projects, including programs managed by USBR, FEMA, USACE, DOE, EPA, NRCS, and Sentinel Landscapes. In-kind resources were also identified from the BLM, USGS, NASA, and NIDIS-NOAA.

- State sources were identified to pair with federal funds, including the New Mexico Match Fund, capital outlay, and Water Trust Board funds.
- Private investment opportunities that can be paired with federal and state funding were identified for infrastructure elements including watershed and nature-based solutions for water resources.

Several policy and planning gaps were identified and solutions generated to further enable access to funding. These consist of the following:

- Incentivizing regionalization of drinking water systems.
- Optimizing a blend of loan and grant funds and ensure projects are fully funded early in the planning stage.
- Pursuing watershed designations for the Upper Rio Grande basin to be more competitive for EPA and NRCS funds.

Several needs for future coordination were identified through collaborative workshop discussions, consisting of:

- Establish a New Mexico Federal Agency Support Team (NM FAST) to facilitate more regular and effective coordination across federal and state agencies for water related programs.
- Launch a statewide planning and scoping study for aquifer mapping and monitoring to be coordinated through a multiagency steering committee.
- Create a state water financing coordinating council for infrastructure financing.
- Accelerate coordination across multiple stakeholders for the Ribbons of Life project to position for upcoming funding opportunities.

The project also identified several federal policy changes that could help to reduce barriers to accessing federal funds and increase collaboration between federal agencies, states, and other partners. These consist of:

- Streamline some federal permitting requirements
- Increase flexibility in funding programs to make it easier for small and disadvantaged communities to access funds
- Develop a long-term durable federal funding mechanism for ongoing water infrastructure, water conservation, and watershed restoration needs
- Continue targeted investment in capacity building and water workforce development.

A series of applicable lessons related to the collaboration process and financing solutions are outlined at the end of the report in addition to the following overall conclusions:

- Federal funding programs are numerous, complex, and challenging to navigate. Having program experts available to provide technical assistance is critical to overcome barriers and identify the best opportunities.
- The New Mexico Integrated Water Financing Plan project provided an opportunity for state agencies that typically do not work together to better understand the funding that is available and to identify collaborative approaches to securing funding in the future.

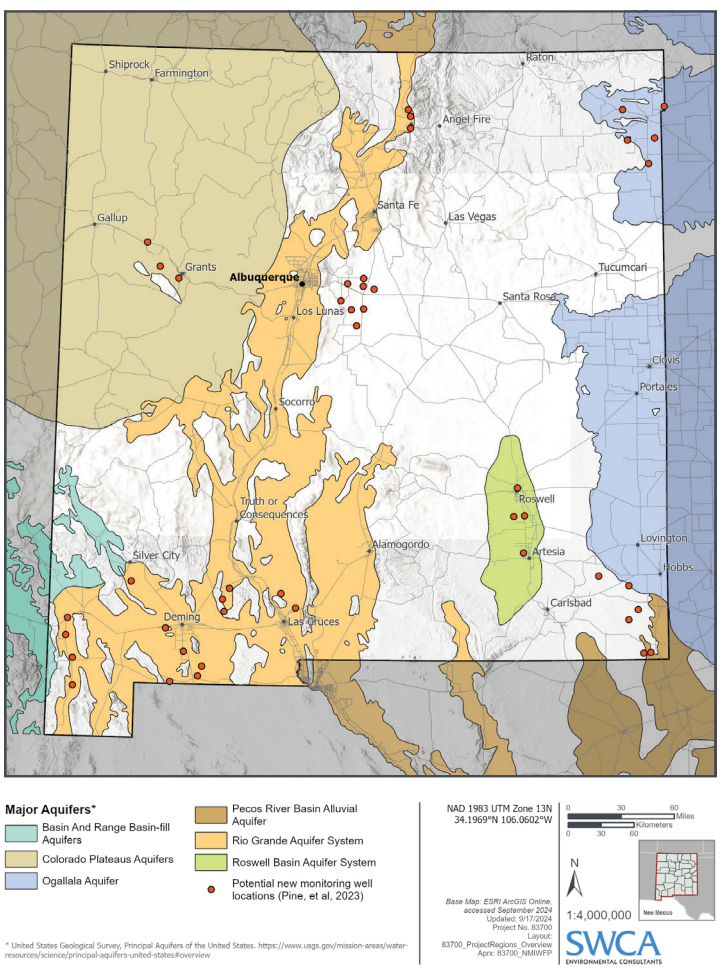
Regardless of the funding that is available, capacity must be developed to manage and implement the funding. Capacity needs to be strengthened at all levels of government in order to most effectively benefit from the available funding.

AQUIFER MAPPING AND MONITORING
INTEGRATED WATER FINANCING PLAN

THE NEED...

Nearly 92% of New Mexico's community water systems rely on groundwater as a source of drinking water. It's also vital for agricultural production, commercial and industrial uses, such as mining, manufacturing, energy generation, and private wells for drinking water.

Currently, groundwater level monitoring coverage of the state is insufficient and the need to understand and manage New Mexico's groundwater is essential.



AQUIFER CHARACTERIZATION IS NEEDED FOR:

- Inform water supply decision making
- Identify aquifer recharge potential
- Drought and climate hazard mitigation
- Protection of groundwater quality

PROMISING FINANCING OPPORTUNITIES

Funding Program	Applicability	Potential Funding Amount
WaterSMART (USBR)	Aquifers that serve communities experiencing water stress or scarcity	Variable
HMGP (FEMA)		$1,000,000+
Infrastructure as a Service (Sustainability Partners)	Well infrastructure - statewide	$100 million + (depending on state need)
Planning Assistance to States (USACE)	Planning - statewide	Planning - statewide
Upper Colorado River Basin System Conservation and Efficiency Program (USBR)	Aquifers in the Upper Colorado River Basin	Multiple millions
NIDIS Drought Toolbox	Aquifers that serve communities experiencing water stress or scarcity	In-kind
NAWI (DOE)	Candidate aquifers for desalination water supply	$1,000,000+
Sentinel Landscapes (DOD, DOI, USDA)	Ogallala Aquifer	TBD

FUNDING NEEDS

$1,250,000 PER YEAR

ONGOING FUNDS SUPPORT:
Data Acquisition Systems, Long-Term Monitoring Well Maintenance, Sample Analyses, FTEs, Database, and Software Licenses.

$175 MILLION OVER 12 YEARS

NON-RECURRING FUNDS SUPPORT:
Drilling Wells, Mapping, Surveys, and Aquifer Characterization.

IMMEDIATE FUNDING NEXT STEPS

1. Apply for FEMA funding to support statewide planning and targeted pilot project.
Lead: NMBGMR. Target Date: February 2025

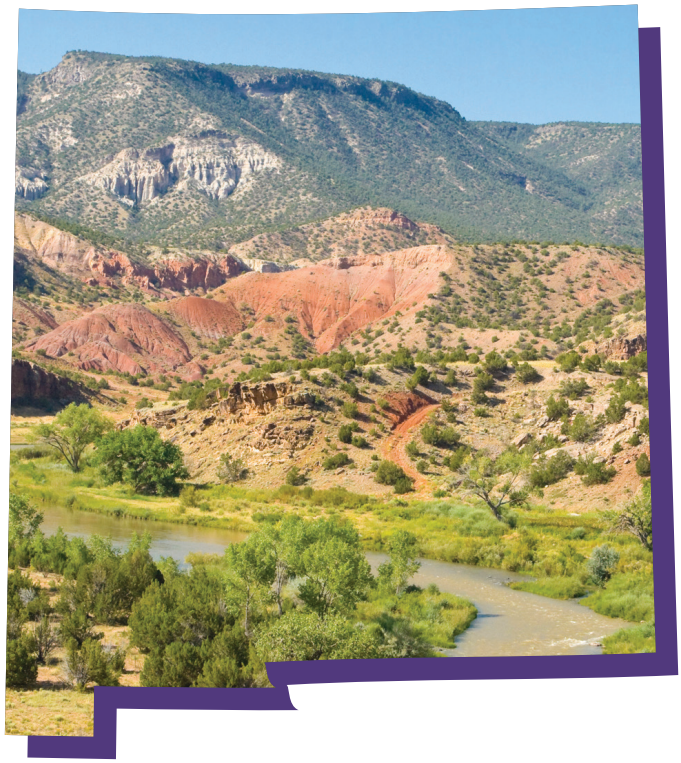
2. Secure legislative funds that can provide non-federal match.
Lead entity: NMBGMR. Target Date: 2025 Legislative General Session

3. Develop private financing plan with Sustainability Partners that integrates state and federal funding.
Lead entity: NMBGMR. Target Date: Spring 2025

4. Submit request letter to USACE for Planning Assistance for States support.
Lead entity: NMBGMR. Target Date: Summer 2025

PLANNING AND POLICY ACTIONS

- Discuss best funding program for planning and scoping study with FEMA and DHSEM.
Target date: Fall 2024
- Establish Steering Committee to guide Aquifer Mapping and Monitoring program progress.
Target date: Spring 2025
- Apply for membership to the National Alliance for Water Innovation (DOE) to enable future eligibility for programs. Lead: NMBGMR.
Target date: Spring 2025
- Complete statewide aquifer characterization planning and scoping study. Lead: NMBGMR.
Target date: Fall 2025



KEY PARTNERS

STATE

- New Mexico Bureau of Geology and Mineral Resources
- New Mexico Environment Department
- New Mexico Interstate Stream Commission and Office of the State Engineer
- New Mexico Department of Emergency Management and Homeland Security
- New Mexico Tech

OTHER PARTNERS

- Sustainability partners

FEDERAL

- Federal Emergency Management Agency
- US Army Corps of Engineers
- US Geological Survey
- Bureau of Reclamation
- Environmental Protection Agency
- National Integrated Drought Information System (NOAA)
- Department of Energy
- Sentinel Landscapes

FUTURE STEPS

1. **Design data management system and integrate with existing datasets. Target date: Fall 2025.**
2. **Continue to evaluate other federal funding programs that could support the project following completion of planning and scoping study.**

ACCELERATING SMALL COMMUNITY DRINKING WATER SYSTEM REGIONALIZATION

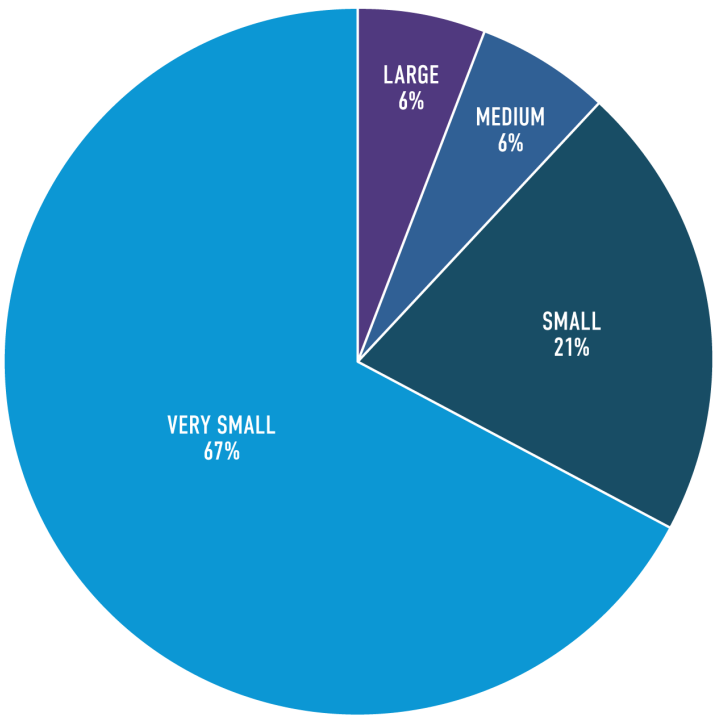
INTEGRATED WATER FINANCING PLAN

THE NEED...

Aging drinking water infrastructure in small communities threatens public health, constrains economic development, and wastes water. 88% of public water systems in NM are small or very small.

Drinking water system regionalization presents opportunities for infrastructure improvement in New Mexico's rural communities but requires high levels of initial investment and coordination.

Infrastructure improvements are difficult to finance in small rural communities with traditional water financing due to the high cost per household.



NM COMMUNITY PUBLIC WATER SYSTEMS

BENEFITS OF DRINKING WATER SYSTEM REGIONALIZATION:

- Water supply resiliency to drought and climate change
- Opportunity to integrate natural infrastructure
- Cost efficiencies for operations and asset management
- Public health through improved drinking water quality
- Capacity building through regional collaboration

OPPORTUNITIES TO LEVERAGE TRADITIONAL WATER INFRASTRUCTURE FINANCING:

Funding Program	Applicability	Potential Funding
Drinking Water State Revolving Loan Fund (NMED/EPA)	Drinking Water Infrastructure	Multiple millions per project
New Mexico Match Fund	Projects requiring match to federal funds	Up to $10 million per project
595 Program (USACE)	Water supply projects	$5 million per project
WaterSMART Drought Response Program (USBR)	Water supply for disadvantaged communities	$10 million per project
Hazard Mitigation Grant Program (FEMA)	Water supply related to drought mitigation	Wide range; could be multiple millions
Building Resilient Infrastructure and Communities (FEMA)	Water supply related to drought mitigation	Wide range; could be multiple millions
Sentinel Landscapes (DOD, DOI, USDA)	Communities within boundary of Eastern Sentinel Landscape	TBD

FUNDING NEEDS

$3 BILLION+ | **$400,000,000** Known drinking water infrastructure regionalization projects identified by partners, regional plans, or funding agencies.

IMMEDIATE FUNDING NEXT STEPS

1. Promote federal grant or award opportunities to leverage existing loan funds including 595 program (USACE), Hazard Mitigation Grant Program (FEMA), Building Resilient Infrastructure and Communities (FEMA), and WaterSMART Drought Resiliency Projects (USBR) as part of community financing packages.
   Lead: Technical Assistance Partners. Target date: Ongoing

2. Pursue funding through the Sentinel Landscapes program for communities located within the boundary of the Eastern New Mexico Sentinel Landscape.
   Lead: Technical Assistance Partners. Target date: Spring 2025.

3. Examine the New Mexico Match Fund annually and increase appropriations as necessary to ensure the ability to maximize federal funding opportunities.
   Lead entity: NMDFA. Target date: Annual state budget deadlines.

PLANNING AND POLICY ACTIONS

- Implement technical assistance support through state-wide procurement of support services.
  Lead entity: NMFA. Target date: November 2024
- Implement a Water Financing Coordinating Function or Council with support from the new NM DFA Infrastructure Planning Division.
  Lead entity: Technical assistance partners and NMDFA. Target date: Spring 2025
- Implement policy recommendation to incentivize communities to regionalize.
  Target date: 2025 Legislative Session
- Implement policy recommendations to optimize loan and grant funds through blended financing plans to fully fund projects that will help ensure funds are put to work more quickly.
  Target date: 2025 Legislative Session

KEY PARTNERS

RCAC www.rcac.org

SOUTHWEST ENVIRONMENTAL FINANCE CENTER

STATE

- New Mexico Department of Finance and Administration.
- New Mexico Finance Authority
- New Mexico Environment Department
- New Mexico Interstate Stream Commission and Office of the State Engineer

FEDERAL

- Environmental Protection Agency
- US Bureau of Reclamation
- US Army Corps of Engineers
- Federal Emergency Management Agency

FUTURE STEPS

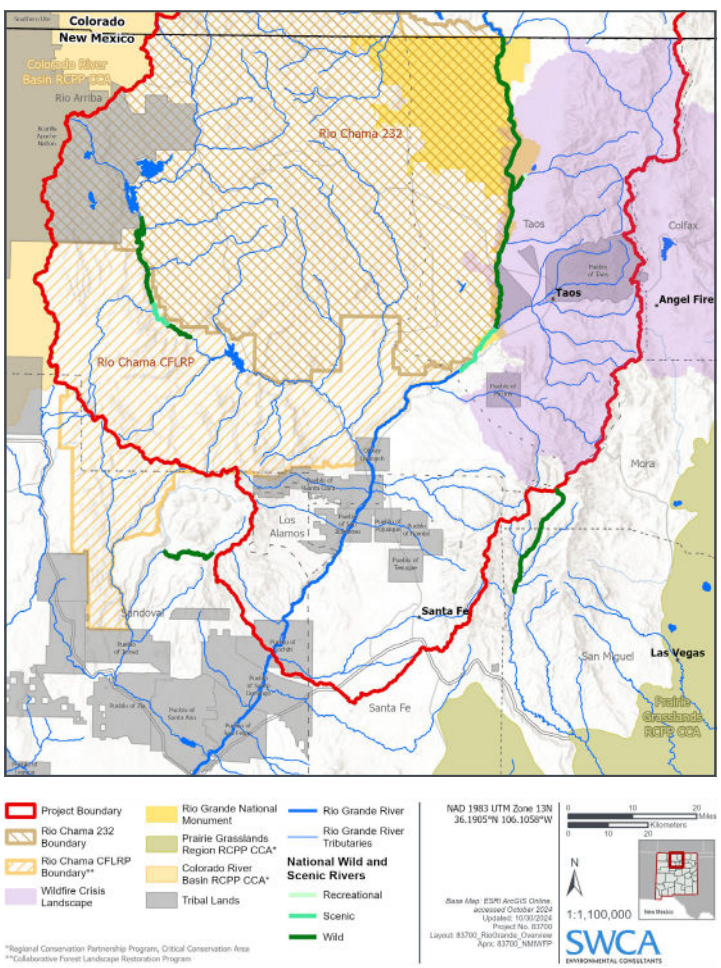
1. **Build water workforce including drinking water operators, state agency staff, and technical assistance providers.**
2. **Evaluate federal policy changes that would accelerate investment in drinking water infrastructure including: a) increased waivers for federal match requirements; b) development of dedicated, durable, long-term funding sources; and c) increased flexibility in federal funding programs to build long-term local capacity.**

RIBBONS OF LIFE: UPPER RIO GRANDE BASIN RIPARIAN CONSERVATION, RESTORATION, AND WATERSHED HEALTH INITIATIVE

INTEGRATED WATER FINANCING PLAN

THE NEED...

The Upper Rio Grande (URG) basin is the headwaters of the Rio Grande, providing drinking water to local communities and supporting critical forest, riparian, and freshwater habitats. Riparian areas in the URG basin (>2,000 stream miles) are one of the most threatened ecosystems in the Southwest due to drying, sedimentation from higher intensity wildfire and floods, and habitat loss. For the purposes of the Integrated Water Financing Plan, we are focused on acreage within NM.



ENHANCED WATERSHED HEALTH IN THE UPPER RIO GRANDE BASIN IS NEEDED FOR:

- Ecological resilience and habitat connectivity
- Preserving healthy headwaters
- Reducing the risk of catastrophic wildfire
- Protecting critical community water supplies

More information available at: **nwf.org/ribbons-of-life**

PROMISING FINANCING OPPORTUNITIES

Federal Program Nexus	Applicability	Potential Funding
WaterSMART Cooperative Watershed Management Program (USBR)	Supports watershed coalition building and planning for restoration implementation.	$300,000
Collaborative Capacity Program for Forests and Communities (USFS, NFF)	Collaboration to support long-term strategy for achieving stewardship outcomes benefiting National Forest lands.	$150,000
WaterSMART Aquatic Ecosystem Restoration Program (USBR)	Design and on-the-ground implementation for restoration of aquatic habitat.	Design up to $2,000,000; construction up to $20,000,000
WaterSMART Environmental Water Resources Projects (USBR)	Collaborative ecological value or watershed health projects that increase water savings.	Up to $5 million for a watershed group.
Building Resilient Infrastructure and Communities (FEMA)	On-the-ground projects, plans, and/or partnership building.	Wide range; could be multiple millions.
Hazard Mitigation Grant Program (FEMA)	On-the-ground projects and plans.	Wide range; could be multiple millions.
Landowner Cost Share Payment Programs for Climate Mitigation and/or Forest Resilience Practices (USFS)	Collaboration to support long-term strategy for achieving stewardship outcomes benefiting National Forest lands.	$10,000 to $150,000

FUNDING NEEDS

$9,132,800

Strengthen coalition of partners and fund identified on-the-ground projects including stream restoration, fish passage, and noxious weed management.

SIGNIFICANT NEED FOR ON-THE-GROUND PROJECTS NOT YET QUANTIFIED.

IMMEDIATE FUNDING NEXT STEPS*

1. Secure funding for coalition capacity and support through applications to WaterSMART Cooperative Watershed Management Program (USBR) and/or Collaborative Capacity Program for Forests and Communities (USFS, National Forest Foundation).
   Lead: National Wildlife Federation. Target date: Jan 2025

2. Apply for WaterSMART funding through Aquatic Ecosystem Restoration Program and Environmental Water Resources Program.
   Lead entity: Coalition partners TBD.
   Target date: Jan 28, 2025 for AERP and Mar 11, 2025 for EWRP

3. Apply for Building Resilience Infrastructure and Communities program funding (FEMA) to support on-the-ground projects and/or partnership building.
   Lead entity: Coalition partners TBD. Target date: Feb 2025

4. Apply for Landowner Cost Share Payment Programs for Climate Mitigation and/or Forest Resilience Practices to support on-the-ground projects.
   Lead entity: Coalition partners TBD.
   Target date: 2025 cycle deadline, once available.

PLANNING AND POLICY ACTIONS*

- Request National Water Quality Initiative designation from NRCS.
  Lead entity: NMED.
- Prepare and submit Regional Conservation Partnership Program application to NRCS for multiple-state or non-Critical Conservation Area project.
  Lead entity: Coalition partners TBD.
- Increase legislative appropriations to secure state match for federal grants through the NM Match Fund and the River Stewardship Program.
  Lead entity: Coalition partners TBD.
  Target date: Legislative session 2025
- Update Ribbons of Life Action Plan to include alignment of individual on-the-ground project needs with recurring funding opportunities.
  Lead entity: National Wildlife Federation.
  Target date: Annually (on-going)
- Pursue designation of federal funding explicitly for the Rio Grande Basin.

*Note: To be vetted with Coalition partners.

KEY PARTNERS

RIBBONS OF LIFE COALITION

- National Wildlife Federation
- Multiple Pueblos
- Theodore Roosevelt Conservation Partnership
- Amigos Bravos
- New Mexico Wildlife Federation
- Trout Unlimited
- Forest Stewards Guild
- Rio Grande Return
- And many others!

STATE

- New Mexico Forestry Division
- New Mexico Department of Game and Fish
- New Mexico Office of the State Engineer and Interstate Stream Commission
- Natural Heritage New Mexico (UNM)
- New Mexico Environment Department, Watershed Protection Program

FEDERAL

- Bureau of Land Management
- USDA – Forest Service
- USDA – Natural Resources Conservation Service
- Bureau of Reclamation
- Federal Emergency Management Agency

FUTURE STEPS

1. **Build and sustain local capacity and critical resources that will accelerate the rate of riparian restoration work.**
2. **Collaborate with and support the nine Pueblos and the Jicarilla Apache Nation.**
3. **Cultivate and advance new projects that are ready for application submittal as funding opportunities arise.**

Tab F – Future WSWC Meetings

WESTERN STATES WATER COUNCIL

FUTURE MEETINGS

2025 Council Meetings/Host States

Fall – California
DoubleTree San Pedro Port of Los Angeles
San Pedro, California
September 23-26, 2025

2025 Other Meetings:

WSWC-NARF 19th Biennial Indian Reserved Water Rights Symposium (virtual)
TBD

2026 WSWC Meetings Projections

Spring –	DC Roundtable	last held March 2024
Summer –	Oregon	last held 8/3/2018 in Newport
Fall –	New Mexico	last held 10/20/2017 in Albuquerque

2027 WSWC Meetings Projections

Spring –	Idaho	last held 10/26/2018 in Coeur d'Alene
Summer –	Washington	last held 7/18/2019 in Leavenworth
Fall –	Arizona	last held 3/22/2019 in Chandler

MEETING SCHEDULE

	Alaska	Arizona	California	Colorado	Idaho	Kansas	Montana	Nebraska	Nevada	New Mexico	North Dakota	Oklahoma	Oregon	South Dakota	Texas	Utah	Washington	Wyoming	Other
167					Idaho Falls 10/7/11														
168																			Wash. DC 3/15/12
169																	Seattle 6/8/12		
170															San Antonio 10/12/12				
171				Denver 4/5/13															
172																		Casper 6/26/13	
173														Deadwood 10/4/13					
174																			Wash. DC 4/3/14
175							Helena 7/18/14												
176		Scottsdale 10/10/14																	
177												Tulsa 4/17/15							
178									50th Anniversary Stateline 7/10/15										
179						Manhattan 10/9/15													
180																			Wash. DC 3/22/16
181											Bismarck 7/15/16								
182																St. George 9/30/16			
183								Nebraska City 4/14/17											
184			Rohnert Park 6/29/17																
185										Albuquerque 10/20/17									

	Alaska	Arizona	California	Colorado	Idaho	Kansas	Montana	Nebraska	Nevada	New Mexico	North Dakota	Oklahoma	Oregon	South Dakota	Texas	Utah	Washington	Wyoming	Other
186																			Wash. DC 3/14/18
187													Newport 8/3/18						
188					Coeur d'Alene 10/26/18														
189		Chandler 3/22/19																	
190																	Leavenworth 7/18/19		
191				Breckenridge 10/18/19															
192																			*Cancelled - ~~Wash. DC 4/1/20~~ COVID-19*
193																			No Host 7/22/20
194																			No Host 10/15/20
195															Virtual Texas 3/25/21				
196																		Cody 6/25/21	
197														Deadwood 9/16/21					
198																			Arlington, VA 4/6/22
199							Polson 8/5/22												
200												Sulphur 10/21/22							
201									Reno 5/24/23										
202	Anchorage 9/14/23																		
203																			Wash. DC 3/14/24
204											West Fargo 7/25/24								
205					Lawrence 10/23/24														
206								Lincoln 4/25/25											

Tab XYZ – Sunsetting Positions for Fall 2025 Meetings (#486 - #489)

RESOLUTION
of the
WESTERN STATES WATER COUNCIL
regarding
CLEAN WATER ACT § 404(c)

Sulphur, Oklahoma
October 21, 2022

WHEREAS, the Western States Water Council's (WSWC) mission is "to ensure that the West has an adequate, secure, and sustainable supply of water of suitable quality to meet its diverse economic and environmental needs now and in the future;" and

WHEREAS, the Clean Water Act (CWA) does expressly "recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources…." CWA § 101(b); and

WHEREAS, there is a continuing need for greater collaboration between and among federal agencies, state agencies, local governments, and public/private organizations and businesses; and

WHEREAS, CWA § 401 grants States the right to issue certifications articulating project conditions necessary to ensure compliance with State water quality standards;

WHEREAS, CWA § 404 establishes a permitting program for the disposal of dredge or fill material administered by the U.S. Army Corps of Engineers (USACE), unless delegated to a State or Tribe; and

WHEREAS, CWA § 404(c) grants the Environmental Protection Agency (EPA) Administrator the power "to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and...deny or restrict the use of any defined area…as a disposal site, whenever he determines...that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas;" and

WHEREAS, in 1992, as directed by CWA Section 404(q), EPA and USACE executed a Memorandum of Agreement ("1992 MOA") that bound the two agencies to specific procedures for resolving potential disagreements, including "elevation of specific individual permit cases...that involve aquatic resources of national importance;" and

WHEREAS, EPA's actions in the § 404 permitting process have recently been inconsistent with established protocols, creating challenges for States' engagement and public and private investment in projects requiring § 404 permits.

NOW THEREFORE BE IT RESOLVED, that the WSWC supports the promulgation of regulation and guidance: (a) improving predictability in § 404 permitting, specifically the (c) and (q) processes; (b) improving communication between federal agencies and states; and (c) requiring EPA to adhere to established § 404 permitting processes and protocols.

BE IT FURTHER RESOLVED, that the WSWC urges regulation and guidance expressly limiting exercise of EPA's § 404(c) power to the time period between USACE's indication of its intent to issue a permit, and USACE's final issuance of that permit.

BE IT FURTHER RESOLVED, that the WSWC urges EPA to:

(1) communicate with the state's environmental agency in which the § 404 permit is to be issued prior to exercise of its § 404(c) power and provide the State with a meaningful opportunity to address EPA's concerns;

(2) see the CWA § 404(q) process through to completion, prior to any proposed § 404(c) veto;

(3) abstain from issuing a § 404(c) veto unless and until the affected State's time period for issuing a § 401 certification has expired;

(4) update the existing 1992 MOA to reflect a procedure that the EPA and the Corps are committed to following;

(5) document the rationale for any § 404(c) veto, including:
- (a) verification that impacted waters are Waters of the United States;
- (b) findings from any Final Environmental Impact Statement pertaining to the proposed project;
- (c) impacts to municipal water supplies, shellfish beds, fishery areas, wildlife, and recreational areas; and
- (d) resolved issues emanating from discussions between the USACE and EPA; and

(6) abstain from issuing a § 404(c) veto until after discussion with the state's environmental agency on the rationale behind the 404(c) veto.

BE IT FURTHER RESOLVED, that the WSWC pledges to work with the Administration to reduce the uncertainties and inconsistencies in EPA's § 404(c) power, as it has been exercised to date.

Position #487
Revised and Readopted
(Originally adopted Oct 29, 2010 and revised and readopted on October 3, 2013; September 30, 2016; and October 18, 2019.)

POSITION
of the
WESTERN STATES WATER COUNCIL
regarding
NASA'S APPLIED SCIENCE RESEARCH PROGRAM
Sulphur, Oklahoma
October 21, 2022

WHEREAS, the Western States Water Council is a policy advisory body representing eighteen states, and has long been involved in western water conservation, development, protection, and management issues, and the member states and political subdivisions have long been partners in cooperative federal water and climate data collection and analysis programs; and

WHEREAS, in the West, water is a critical, vital resource (much of which originates from mountain snows) and sound decision making demands accurate and timely mapping of, and data on, altimetry, topography, precipitation, temperature, snow water content, groundwater, land use and land cover, water use, water quality parameters, and similar information; and

WHEREAS, the demands for water and related climate data continue to increase along with the West's population, and this information is used by federal, state, tribal, and local government agencies, as well as private entities and individuals to: (1) forecast flood and drought occurrence; (2) project future water supplies for agricultural, municipal, and industrial uses; (3) estimate streamflows for hydropower production, recreation, and environmental purposes; (4) facilitate water management and administration of water rights, decrees, interstate compacts, and international water treaties; (5) assist in disaster response; (6) assess impacts of climate variability and change; and

WHEREAS, thermal infrared imaging data available from Landsat 8 and Landsat 9 is used to measure and monitor agricultural and other outdoor water uses and needs, and is increasingly important for present and future management of our scarce water resources, and is an example of the application of basic science pioneered by the National Aeronautics and Space Administration (NASA); and

WHEREAS, the ability to use interferometric synthetic aperture radar (InSAR) to measure land subsidence due to groundwater extraction has already been demonstrated, and there are promising research approaches for developing a method to directly measure snow depth using Lidar measurements from the Ice, Cloud, and Land Elevation Satellite-2 (ICESat-2);[1] and

WHEREAS, NASA research has enabled operational use of airborne snow observations; and

WHEREAS, additional airborne and spaceborne remote sensing research and observations have a potential to provide other information on varied temporal and spatial scales that could with sustained engagement focus on transition of research to operations and ultimately be useful for water resources planning, management and decision-making; and

WHEREAS, NASA has identified the "water and energy cycle" and "water resources" as topics to support in the agency's research and applications programs respectively; and

WHEREAS, NASA's demonstration project on California applications for use of remote sensing information has illustrated that the potential exists for repurposing data collected from certain present NASA

[1] NASA Scientist Discovers New Means to Measure Snow Depth from Space | NASA

missions for water management applications, and that additional potential exists for research applications with sensors planned in future Decadal Survey missions such as the NASA-ISRO Synthetic Aperture Radar (NISAR), which is designed to observe and take measurements of the planet's crust and disturbances, including subsidence due to groundwater pumping; and

WHEREAS, the successful transfer of technology from the research domain to the applications domain or research to operations (R2O) is dependent, in part, on on-going communication between researchers and those responsible for resource management and policy decisions and a long-term commitment to maintain such communication.

NOW THEREFORE BE IT RESOLVED, that the Western States Water Council urges the Administration and NASA to enhance the agency's focus areas on research for water resources applications, and to promote long-term engagement with the Council and the state and regional agencies in the western United States responsible for water management and water policy to maximize benefits to the public from NASA's existing and future investments in Earth observations, Earth system models and systems engineering.

BE IT FURTHER RESOLVED, that the Council supports efforts to advance linkages between NASA's capabilities and water managers' needs, such as NASA/JPL's Western Water Applications Office (WWAO).

BE IT FURTHER RESOLVED, that the Council urges the Administration and NASA to plan and provide for long-term continuity of observations from key sensors such as the thermal infrared sensor and InSAR used in water management.

BE IT FURTHER RESOLVED, that the Council strongly supports a continuing National Land Imaging Program, including existing thermal imaging capabilities, and expresses its strong support for the expedited approval and construction of the Landsat Next mission – while exploring the potential for medium and longer-term advances in technology, design and future capabilities to meet existing and future uses.

BE IT FURTHER RESOLVED, that the Council supports and strongly encourages interagency cooperation, including collaborative efforts between NASA, NOAA, and USGS to move research towards operational applications that inform and improve State water resources management and decisionmaking.

Position # 488
Revised and Readopted
(*see also Position #357, 10/3/13, Position #397, 9/30/16; and Position #439, 10/18/19*)

POSITION
of the
WESTERN STATES WATER COUNCIL
regarding
THE DEPARTMENT OF THE INTERIOR's WATER SMART PROGRAMS
Sulphur, Oklahoma
October 21, 2022

WHEREAS, the Western States Water Council is a policy advisory body representing eighteen states, and has long been involved in western water conservation, development, protection, and management issues, and the member states and political subdivisions have long been partners in cooperative federal water programs; and

WHEREAS, in the West, water is a critical, vital resource and "…States bear the primary responsibility and authority for managing the water resources of the United States," as recognized in the SECURE Water Act[1] ; and

WHEREAS, Western water law and policy are based on the reality of scarcity and the need to use water wisely, and Western states have made great strides in increasing efficiency and reducing water use, but continued investments and sacrifices are needed to maintain our quality of life in the West and to protect our environment; and

WHEREAS, the Act also recognizes that "the Federal Government should support the States, as well as regional, local and tribal governments…" and authorizes a number of important programs to provide this much needed support; and

WHEREAS, the Council supports technical and financial assistance to states and local watershed groups and water districts as an appropriate federal role, consistent with authorized federal programs; and

WHEREAS, the Council has long supported watershed and basin-wide coordination that involves all governmental entities and stakeholders interested in finding solutions to present and future water management challenges; and

WHEREAS, Section 9504 of the Act authorizes the Secretary of the Interior to provide grants or enter into cooperative agreements to assist states and other non-federal entities in carrying out a range of water use efficiency improvements to address crucial water supply issues, stretch limited water supplies, and improve water management; and

WHEREAS, the Act authorizes a variety of activities to enhance the Department of the Interior's water data efforts with significant progress made on these activities, including the development of a national groundwater monitoring program, a brackish water assessment, and the establishment of a national water availability and use assessment; and

[1] See Section 9501, SECURE Water Act, which Congress passed as Subtitle F of the Omnibus Public Lands Management Act of 2009 (Public Law 111-11).

Position # 488
Revised and Readopted
(*see also Position #357, 10/3/13, Position #397, 9/30/16; and Position #439, 10/18/19*)

WHEREAS, real-time water resources data are critical for timely actions in response to droughts, flooding, and other extreme weather events, and the lack of federal capital investments in water data programs has led to the discontinuance, disrepair, or obsolescence of vital equipment needed to maintain existing water data gathering activities; and

WHEREAS, the lack of timely and accurate streamflow information threatens to put human life, health, welfare, property, and environmental and natural resources at a considerably greater risk of loss; and

WHEREAS, the U.S. Geological Survey's (USGS) National Streamflow Information Program (NSIP) facilitates an improved national backbone focused on national needs and interests; and

WHEREAS, the Groundwater and Streamflow Information Program (GWSIP), as well as USGS' cooperative matching funds within the Water Availability and Use Science Program (WAUSP), together provide vital water data that States and other public and private entities and individuals rely on in making day-to-day planning and management decisions; and

WHEREAS, substantial advances in water science, together with emerging breakthroughs in technical and computational capabilities, have led the USGS to develop a Next Generation Water Observing System (NGWOS); and

WHEREAS, USGS provides "grants to State water resource agencies to assist in developing water use and availability datasets" under the Water-Use Data and Research (WUDR) program, in support of the Water Use Data for the Nation publication and the National Water Census; and

WHEREAS, USGS' NSIP, GWSIP, NGWOS, WAUSP, and WUDR programs together provide vital water data that States and other public and private entities and individuals rely on to make day-to-day planning and management decisions; and

WHEREAS, authorization and funding for some of these WaterSMART programs have expired or appropriations have largely been depleted and some have gone unfunded or underfunded or remain dependent on year-to-year appropriations, as opposed to a dedicated line item.

NOW THEREFORE BE IT RESOLVED, that the Western States Water Council expresses our continuing strong support for authorization and implementation of the SECURE Water Act and related programs; and

BE IT FURTHER RESOLVED, that Western States recognize that too often program authorization and appropriations have not kept up with the need, limiting program participation and benefits; and

BE IT FURTHER RESOLVED, that the Council encourages the Administration to request and the Congress to ensure that the Act's authorized activities receive support and appropriations that are adequate to fulfill their stated purposes as a dedicated line item, as well as focus existing resources on these important programs.

Position No. 489

RESOLUTION
of the
WESTERN STATES WATER COUNCIL
URGING CONGRESS TO REAFFIRM ITS DEFERENCE TO STATE WATER LAW, PROVIDE FOR THE WAIVER OF THE UNITED STATES' IMMUNITY TO PARTICIPATION IN STATE ADMINISTRATIVE AND JUDICIAL PROCEEDINGS, AND PROVIDE FOR PAYMENT OF FEES REQUIRED BY STATE LAW
Sulphur, Oklahoma
October 21, 2022

WHEREAS, water is the lifeblood of each of the arid Western States, the allocation of which determines the future of each Western State's economic, environmental, social and cultural fortunes; and

WHEREAS, each Western State has developed comprehensive systems for the appropriation, use and distribution of water tailored to its unique physiographic, hydrologic and climatic conditions found within that state; and

WHEREAS, the United States does not have a water management system that is equivalent to those of the Western States for the appropriation, use or distribution of water; and

WHEREAS, Congress has consistently recognized the primacy of state water law because of the need for comprehensive water management systems tailored to the unique needs and characteristics of the individual states; and

WHEREAS, the adjudication of water rights claims is absolutely essential for the orderly allocation of water in all the Western States where state law is based on the prior appropriation doctrine; and

WHEREAS, Congress enacted the McCarran Amendment, 43 U.S.C. § 666, to allow the joinder of the United States in state general stream adjudications, and Congress intended the United States to be subject to the same procedures as all other water right claimants joined in state general stream adjudications; and

WHEREAS, many of the Western States are conducting general stream adjudications for the purpose of quantifying all water right claims in accordance with the McCarran Amendment; and

WHEREAS, the United States is often the largest claimant of water rights in these general stream adjudications, and the adjudication of federal water right claims requires a large commitment of time, effort and resources by the state courts and by state agencies; and

WHEREAS, many of the Western States' general stream adjudication procedures require claimants to pay a fee to offset the states' expenses arising from state general stream adjudications; and

WHEREAS, citing the U.S. Supreme Court's decision in *United States v. Idaho*, 508 U.S. 1 (1993), the United States claims immunity from the payment of adjudication filing fees required of all other claimants to offset the judicial and administrative expenses Western States incur in conducting general stream adjudications; and

WHEREAS, for the United States to be immune from sharing in the expenses of these proceedings constitutes an unfunded federal mandate to the states; and

WHEREAS, many Western States are facing budget shortfalls and limited resources, and the federal non-payment of state filing-fees is a significant impediment to their ability to begin or carry out general stream adjudications in a timely manner; and

WHEREAS, drawn out adjudications are having a detrimental impact on the willingness of stakeholders in watersheds to collaborate on joint management and planning for water supply and water quality; and

WHEREAS, the United States contends that it cannot be joined in state administrative or judicial proceedings with respect to water rights it has acquired under state law other than pursuant to the McCarran Amendment, 43 U.S.C. § 666; and

WHEREAS, it is inefficient and wasteful to require that a separate lawsuit be commenced for the sole purpose of regulating water rights acquired by the United States under state law; and

WHEREAS, the United States often claims it is also immune from paying fees to states that are required of all other water users for the appropriation, use or distribution of water; and

WHEREAS, equity and fairness dictate that federal agencies who voluntarily seek to appropriate water pursuant to state law, or who acquire water rights based on state law, should be required to comply with state law, including the payment of fees, to the same extent as all other persons.

NOW, THEREFORE, BE IT RESOLVED that the Western States Water Council supports passage of legislation that at a minimum provides for the following:

1. Requires the federal government to participate in all state administrative and judicial proceedings with respect to water rights it acquires to the same extent as all other persons.

2. Requires the federal government (not Native American tribes) to pay filing fees as well as comply with all other state substantive and procedural water right adjudication laws to the same extent as all other persons.

3. Requires the federal government to pay applicable fees as well as comply with all other state substantive and procedural laws for the appropriation, use and distribution of water rights to the same extent as all other persons.

4. Provides for state administration of all water rights.

BE IT FURTHER RESOLVED, that the Western States Water Council also urges Congress to appropriate moneys for retroactive payment of unpaid fees to states that have incurred expenses as a result of processing federal claims or federal objections to private claims in state general stream adjudications.

BE IT FURTHER RESOLVED, that absent legislation the Council encourages federal agencies to work with states and enter into memoranda of agreement or other administrative mechanisms to minimize and otherwise mitigate the expense of federal claims incurred by states in general adjudications to the maximum extent allowed by law.

(Originally adopted Nov. 17, 1995, readopted Nov. 20, 1998 and revised and readopted Nov. 16, 2001, Oct. 29, 2004, Nov. 16, 2007, Oct. 29, 2010, Oct. 3, 2013, and Oct. 18, 2019)