



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / www.westernstateswater.org

Chair - Jon Niermann; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

ADMINISTRATION

NOAA/Atlas 15/Extreme Precipitation

On September 26, the National Oceanic and Atmospheric Administration (NOAA) announced funding from the Investment in Infrastructure and Jobs Act (IIJA) to update their Precipitation Frequency Atlas of the United States (Atlas). The Atlas provides floodplain managers and communities across the Nation with the statistical likelihood of an extreme precipitation event at a particular location in any given year, which until recently assumed a stationary climate. With recent changes in precipitation, NOAA is changing the methodology used to produce the Atlas by factoring the future state of the climate into official precipitation frequency estimates.

Ed Clark, Director, NOAA's National Water Center, said: "Atlas 15 will become the federal government's new authoritative dataset for the planning and design of infrastructure Americans rely on every day. With the increasingly complex water challenges facing the Nation, Atlas 15 will build upon the foundational Atlas 14 standard and provide an equitable service for all communities seeking to become more climate resilient."

NOAA is seeking stakeholder feedback on a pilot project Atlas 15 update in Montana before expanding the update nationwide. The data used to produce Atlas 15 uses trends in observations (Volume 1) and climate model output data to estimate future conditions (Volume 2). The press release said: "Stakeholders are asked to review and compare both volumes and provide feedback on the utility of each interface. Doing so will be the first step in a robust peer-review process that Atlas 15 will undergo before it is published for the continental U.S. in 2026, and the rest of the country in 2027. Next year, NOAA will release preliminary estimates for the lower 48 states to begin the peer review process. When Atlas 15 is published, these data will provide communities across the country with information necessary to adapt to future climate conditions." NOAA's precipitation frequency estimates are considered to be "the authoritative source of precipitation frequency data due to the rigor of the scientific methods and quality control applied, the extensive amount of data included in the analysis and the thorough peer review process conducted with a vast array of stakeholders."

USDA/Arizona/Wildfire Resilience

On September 12, U.S. Department of Agriculture (USDA) Secretary Tom Vilsack visited two communities in Arizona to highlight recent investments. He said: "We are investing historic resources in innovative solutions to help Arizona communities reduce wildfire risk and adapt in the face of drought. At the same time, we are looking to the future by investing in clean energy infrastructure, creating new jobs, and building prosperity in rural communities."

Among the programs highlighted, Vilsack noted that three priority landscapes in Arizona were part of the Wildfire Crisis Strategy, which includes \$247M in IIJA and Inflation Reduction Act (IRA) funds to implement risk reduction activities. Arizona communities have received more than \$7M through the Community Wildfire Defense Grant program, supporting local partners in planning and implementation of hazardous fuels work on state and private lands. Two irrigation districts in Arizona will receive up to \$15M each to help "work with producers and expand usage of innovative water savings technologies and farming practices while producing water-saving commodities in the face of continued drought."

Finally, under the Western Water and Working Lands Framework for Conservation Action, USDA's Natural Resources Conservation Service (NRCS) is helping producers and communities across the West conserve water and build drought resilience with funding through key conservation programs, including the Environmental Quality Incentives Program (EQIP), the Conservation Stewardship Program (CSP), the Agricultural Conservation Easement Program (ACEP), and the Regional Conservation Partnership Program (RCPP). <https://www.usda.gov/media/press-releases>

ADMINISTRATION/CONGRESS

FY25 Appropriations

On September 26, President Biden signed a clean continuing resolution (CR, H.R.9747) extending FY2025 funding for all 12 annual spending bills through December 20. The House and Senate each passed the bipartisan bill the day prior with 78-18 and 341-82 votes

respectively. The CR provides funds for most programs and activities at FY2024 levels, with a few exceptions. The CR provided authority to accelerate apportionment faster than normal rates for both the: (1) Federal Emergency Management Agency Disaster Relief Fund to carry out activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121); and (2) the U.S. Forest Service for Wildland Fire Management. In addition to funding ongoing operations, Congress extended several expiring authorities through December 20, including the Good Neighbor authority. Tom Cole (R-OK), House Appropriations Committee Chair, described the bill as “narrow in scope” and emphasized its purpose is to continue government operations and extend critical programs. The House has passed five of 12 annual spending bills along party lines. The Senate has advanced 11 out of committee with bipartisan support.

ORGANIZATIONS/WATER QUALITY
ECOS/CWA/NPDES Permit Extensions

On September 6, the Environmental Council of States (ECOS) voted to approve a new position (24-2) that supports amending the Clean Water Act (CWA) (33 U.S.C. 1342(b)(1)(B)) to allow permits under the National Pollutant Discharge Elimination System (NPDES) to be “for fixed terms not exceeding 10 years’ to allow states greater flexibility, administrative efficiency, and permit authority discretion in setting an appropriate permit length up to 10 years.” The position also supports “discussions among states and U.S. EPA on the range of criteria and practices NPDES authorities and other environmental permitting program authorities have used or might consider using in setting permit terms beyond 5 years and in negotiating re-opener clauses.” <https://www.ecos.org/wp-content/uploads/2024/09/24-2-NPDES-Permits.pdf>

On September 13, the Association of Clean Water Administrators (ACWA) posted the results of a survey of 41 of their member states on updating the CWA to allow for up to 10-year permits under the NPDES program. While all the responding states opposed language *requiring* 10-year permits, the majority of states supported language *allowing* such extensions. ACWA said: “Two states are strongly opposed to any change of CWA permit term. At least three states would support a 10-year permit term if the flexibility only applied to a subset of the NPDES universe – for example ‘minors with good compliance histories.’ One state highly recommends very clear, explicit statutory language to limit implementation inconsistencies and reduce political pressure.” ACWA also included a list of 43 state observations, including concerns about addressing permit backlogs, potential loss of institutional knowledge

over ten years between permits, the reduction in permit renewal revenue, the value of aging data, and the need for strong reopener clauses. <https://www.acwa-us.org/documents/>

MEETINGS
WestFAST/Stream Restoration Webinar

On October 9, the Western States Federal Agency Support Team (WestFAST) will host a webinar on Stream Restoration and Water Rights from a Landowner’s Perspective, part of an ongoing WestFAST-WSWC series. Becky Hatfield Hyde, a rancher in the Klamath Basin; and Nadine Bailey, Chief Operations Officer, Family Water Alliance, will share their experiences, lessons learned, and thoughts on how federal and state agencies can better work with landowners on stream restoration projects. <https://westernstateswater.org/events/stream-restoration-and-water-rights-from-a-landowners-perspective/>

Western States Water Council - Fall Meetings

The WSWC Fall Meetings will be held in Lawrence, Kansas on October 22-23. For further information, please see: <https://westernstateswater.org/events/2024-wwsc-fall-205th-meetings-in-lawrence-kansas/>.

- Tuesday, October 22**
- 8:00 am Joint ICWP-WSWC Meeting
 - 12:30 pm Field Trip
 - 6:30 pm Reception
- Wednesday, October 23**
- 8:00 am Water Resources Committee Meeting
 - 10:00 am Water Quality Committee Meeting
 - 12:00 pm Executive Committee
 - 1:00 pm Legal Committee Meeting
 - 3:00 pm Host State Presentation
 - 3:45 pm WSWC Full Council (205th) Meeting

PEOPLE

On August 13, **Rebecca Lee “Becky” Fulkerson** passed away from pancreatic cancer, peacefully at home in Franklinton, North Carolina with loving family members at her side. Becky started her career with the Department of the Interior (DOI) in the mid-80’s, and relocating for several assignments and promotions, ultimately leading her to Washington, D.C. where Becky retired from the Bureau of Reclamation. During her employment with Reclamation, Becky served as WestFAST Chair from June 2013 through July 2015, and Vice Chair from June 2012 through June 2013.

The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.