



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/ENERGY **BLM/Geothermal/NEPA**

On October 17, the Department of Interior (DOI) announced a proposal (89 FR 84380) to revise the National Environmental Policy Act (NEPA) implementing procedures for the Bureau of Land Management (BLM) to add a new categorical exclusion (CX) for geothermal resource confirmation activities on federal leases. The CX would apply to operations of up to 20 acres, which can include drilling wells (e.g., core drilling, temperature gradient wells, and/or resource wells) to confirm the existence of a geothermal resource, to improve injection support, or to demonstrate connections between wells. Currently, geothermal developers must conduct two separate environmental reviews: one for initial exploration and another to fully test the geothermal resource, even if both have similar environmental impacts.

The proposal would apply only to geothermal resource confirmation operations on public lands and split estates. The wells would still be subject to State permitting requirements. The proposal was published in the *Federal Register* on October 22, beginning a 30-day public comment period, to close on November 21.

DOI also announced that the BLM has approved the Fervo Cape Geothermal Power Project in Beaver County, Utah which will use innovative technology to generate up to 2 gigawatts (GW) of baseload power that, if fully developed, is enough to supply over 2 million homes. With this approval, the BLM has now approved nearly 32 gigawatts of clean energy projects on public lands, including 42 projects approved under the Biden Administration. The announcements follow the BLM Nevada State Office's geothermal lease sale on October 8, in which the BLM sold 64 parcels covering nearly 218,000 acres, bringing in over \$7.8M in high bids.

BLM Director Tracy Stone-Manning said: "The BLM is committed to supporting the responsible growth of geothermal energy on public lands. We need all the tools in the toolbox to reach a clean energy future, and this proposed [CX] will be helpful in accelerating the process of locating new geothermal resources."

CONGRESS/WATER RESOURCES **Corps/Western Water Cooperative Committee**

On October 22, Senators Kevin Cramer (R-ND), Ranking Member of the Senate Environment and Public Works (EPW) Committee's Transportation and Infrastructure Subcommittee, and Jeff Merkley (D-OR), Chairman of the Senate EPW Subcommittee on Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight, sent a letter to the U.S. Army Corps of Engineers (Corps), requesting an update on the Western Water Cooperative Committee (WCC). Senators Cramer and Merkley co-sponsored the legislation creating the WWCC. The purpose of the WWCC is to ensure the Corps flood control projects in western states are operated consistent with congressional directives and adhere to state water rights and water laws. The legislation was signed into law December 2022, and in March 2024, Congress fully funded the WCC.

The senators wrote: "The Committee was created to ensure Army Corps water projects in Western states adhere to applicable state water rights and water laws. It also provides a critical platform of dialogue for western states to better coordinate with the Army Corps. We firmly believe the increased communication and transparency will facilitate improved collaboration. Western states across the political spectrum were advocates of this committee and are anxiously awaiting its commencement.... Within 30 days, we request an update on the implementation of the directive outlined in WRDA 2022 as well as a specific timeline for when the Committee will be formally established and conduct its first meeting."

WATER RESOURCES **Colorado/Tribal Water Rights**

On October 21, Senators John Hickenlooper (D-CO) and Michael Bennet (D-CO) and Governor Jared Polis (D-CO) wrote a letter to Bureau of Reclamation (USBR) Commissioner Camille Calimlim Touton, urging the agency to explore new opportunities for the Ute Mountain Ute Tribe and Southern Ute Indian Tribe to access federal funding for drought and water supply

management projects. The two Tribes had intended to apply for Inflation Reduction Act (IRA) funding to receive compensation for forgoing development of their water rights. However, the USBR recently announced that forbearance proposals will not be considered in the upcoming Bucket 2 round of funding. The two Tribes hold combined water rights to over 33,000 acre-feet of water in Lake Nighthorse.

The letter reads: “We write to urge you to ensure that the [the Colorado Tribal Nations] have the opportunity to apply for funding programs that address drought and water supply management in the Colorado River Basin, including through upcoming drought mitigation funding under the Inflation Reduction Act.... We strongly encourage you to explore other avenues for Colorado’s Tribal Nations to pursue funding related to drought response, recognizing that they are currently forgoing their water use not by choice, but resulting from a history of inequity reflected in their long-term lack of infrastructure.”

Becky Mitchell, Colorado Commissioner, Upper Colorado River Commission, released a statement in support of the letter. She said: “Since becoming Commissioner, I have prioritized working with the Tribal Nations within Colorado to address historic inequities relating to their water supplies. This includes supporting the Southern Ute and Ute Mountain Ute Indian Tribes in their efforts to pursue funding from the [IRA] to compensate them for water they don’t use but have the right to. The Tribes have been unable to develop these water rights due largely to funding inequities imposed by the federal government. This water instead flows downstream for others to use or get compensated for not using. I continue to urge Reclamation to address this historic inequity and to identify a funding source for Tribal forbearance projects, as the IRA specifically provides for projects that reduce demands on the Colorado River. I applaud the Senators’ support in this effort.”

Drought

On October 17, NOAA’s National Integrated Drought Information System (NIDIS) released a new Drought Status Update for the California-Nevada Region. Much of California and Nevada experienced near-normal (70%-130% of normal) precipitation during the 2024 Water Year. Near-record summer temperatures led to landscape drying, increasing the area classified as Abnormally Dry (D0) or in drought from 1.96% on June 1 to 85.47% on October 1. Since the beginning of Water Year 2025, Severe Drought (D2) developed in southern Nevada and southeastern California, partly due to a lack of summer monsoon activity. The percentage of the California-Nevada region classified as being in drought (D1-D2) was 22%, while 64% of the region was Abnormally Dry (D0). Reservoir levels remained at or above historical averages despite the recent dryness. As

of the end of September 2024, the Western Sierra reservoir storage was about 135% above normal, while Nevada’s total reservoir storage was 182% of the median. Long-term outlooks indicated equal chances of above-normal, normal, or below-normal precipitation.

On October 10, NIDIS issued an early warning statement to the Southern Plains and Missouri River Basin. NIDIS noted low precipitation and unseasonably high temperatures in the previous 30 days, leading to rapid drought development in eastern Texas, Oklahoma, and Kansas. Total September rainfall for the region was very low with North Dakota, Nebraska, and parts of South Dakota experiencing their driest on record. Forecasts predicted continued above-normal temperatures and lack of precipitation. The 8-14 day precipitation outlook was low, but even average rainfall in late October would not be sufficient to eliminate the rainfall deficit. An elevated fire risk was predicted for parts of Wyoming, South Dakota, Oklahoma, and Texas in October, with the risk expected to remain high in Texas and Oklahoma through the end of the year. On October 26, Governor Gregg Abbott (TX-R) renewed a 2022 drought declaration for 143 counties, acknowledging the exceptional drought conditions and wildfire risk.

On October 8, NIDIS released an Intermountain West Water Year and Monsoon Summary and noted average temperatures in Water Year 2024 (WY24) were 1-4 degrees warmer than normal. Wyoming experienced significant drought development, with a 3-4 category drought degradation (going from 0% of the State in drought to 71.33%). Nine Wyoming counties received a U.S. Department of Agriculture Secretarial disaster designation due to wildfire damage and losses. As of October 9, 2024, over 760,000 acres had burned across Wyoming as a result of 603 wildfires, with six counties receiving disaster declarations on October 1.

Drier than normal conditions were observed in northwestern Arizona, southern New Mexico, western and southwestern Utah, north-central and southeastern Colorado, and eastern and southern Wyoming. Wetter than normal conditions were observed in northern New Mexico, much of the southern Rockies of Colorado, areas of central and west-central Utah, and parts of northwestern Wyoming. The 2024 North American Monsoon season had below-average precipitation in Arizona and southern/western New Mexico, and above-average precipitation in eastern and northern Utah, northern New Mexico, and most of Colorado (excluding the Front Range and eastern Rockies). As of October 7, 2024, ENSO-neutral conditions were predicted to transition to La Niña by November, with a 71% chance of persistence through January-March 2025, potentially leading to drier winter conditions in the Southwest.