

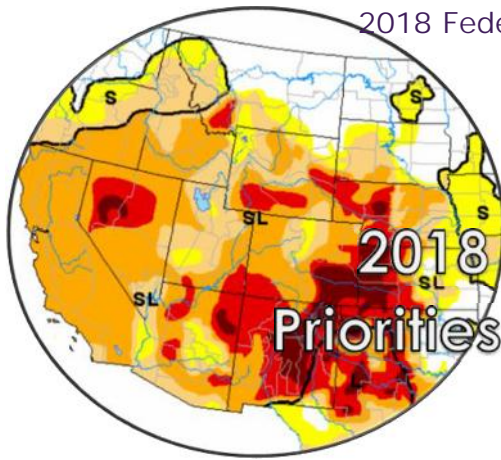


WESTCAS

Federal Legislative & Regulatory Workshop
2018 Update



**Building the WESTCAS
Portfolio**



2018 Workshop Priorities & Responses

The time available for the one-day Workshop was carefully allocated to provide a balance of information and discussion and to allow the maximum opportunity for comment. The following slide shows how the Workshop was organized into Sessions.

SESSION 1- Actions Focused on Legislative Issues

WORKSHOP Overview

Opening, Actions focused on Regulatory Issues
 Session 1 – Federal Update, *What's the current focus*
 Session 2 - Building a WESTCAS Portfolio
 Session 3 – WESTCAS Initiative Development

Opening	Session 1	Session 2	Session 3
9:00 am – 10:00 am	10:00 am – 12:00 pm	Noon – 1:00 pm	1:00 pm – 4:00 pm
Welcome & Introductions	DC Update <i>(what we need to know)</i>	Working Lunch	Prioritizing – Interactive Session
Overview of Day's Activities	Important Federal Agency Changes	Expectations <small>2nd Session, 115th</small>	Scheduling (When to Act)
Opportunities	Development of Position Papers	Identify & Act (Where to Act)	
Workshop to Point the Way			

HRA Presentation on Current Federal Issues

After introductions and an overview of the day's agenda, the February 22nd Workshop kicked off with a Hicks-Ray Associates (HRA) presentation on current, pertinent Federal issues as well as a report on some of the important staff changes at several Federal agencies. The HRA Update presentation is available on the WESTCAS website at www.WESTCAS.org.

Updating the WESTCAS Federal Portfolio

Each year WESTCAS conducts an one-day, all-day Workshop to review Federal regulatory and legislative issues that are of potential concern to the Arid West.

Workshop Participants review an array of regulatory & legislative actions and proposed actions; discuss the status of current Federal funding & proposed funding.

Based on open-discussion of each issue, interactive polling and responses to handouts, the priority to WESTCAS for each pertinent issue is established and appropriate response actions identified.



Development of Position Papers

The following WESTCAS Position Papers are currently in development. Each Position Paper was presented by the WESTCAS Issue Leader and discussed with the participants. Completed WESTCAS Position Papers are available on the [WESTCAS website](#).

Issue	Leader	Status
Lacey Act (Interstate Water Supply Transfers)	Steve Bigley	Complete
Water Conservation Rebate	Kelly Collins	In Progress
Title XVI Competitive Grants	Jolene Walsh	In Progress
Salinity Standards	Peggy Glass	In Progress
Waters of the US (WOTUS)	Jim Kudlinski	Finalizing
Arid West Water Quality Research & Standards	Jim Kudlinski	In Progress





SESSION 2 – Building a WESTCAS Action Portfolio for the Arid West

Expectations for the Second Year (Administration & 115th Congress)

Based on recent presentations by key members of the Administration and Congress, the expectations are high for the following:

- ✓ A Water Resources Development Act of 2018 to include funding and permitting provisions;
- ✓ EPA undertaking and completing a streamlining of its Federal permitting (following the example of an Arizona, a WESTCAS member state);
- ✓ A renewed potential for “Congressionally Directed Spending” to be considered early in the Second Session of the 115th Congress;
- ✓ Significant federal appropriations in the Bipartisan Budget Act of 2018 being allocated in both FY18 and FY19 with funding for the US Army Corps of Engineers through the Disaster Relief Emergency Supplement over \$17.5 Billion; and,
- ✓ Potential for Infrastructure legislation based on the Administration’s Outline that was released with the State of the Union address in January 2018.

WESTCAS participants agreed that monitoring each of these expectation is important, and, when the opportunity becomes available and appropriate, that WESTCAS should provide input.

With some background on expectations for the upcoming second year of the Administration and Congress, the Participants engaged in a more detailed discussion of how those expectations would impact several critical WESTCAS (Arid West) issues. This discussion targeted identifying pertinent WESTCAS input, type and timing, to advocate for proper consideration of the Arid West conditions and situations as

Identify & Act

Other WESTCAS Issues & Updates

- ▶ Lacey Act
- ▶ WOTUS
- ▶ Drinking WQ & Effluent Limits
- ▶ Drinking Water
- ▶ Stormwater
- ▶ EPA Notice – Hydrologic Connection



legislation and regulations are considered and enacted. The “Identify & Act” issues discussed in this manner are shown in the slide.

SESSION 3 – Building the WESTCAS Message

For several years, WESTCAS has maintained a portfolio of Federal issues both legislative and regulatory. These are issues that WESTCAS membership has identified as most critical or pertinent to Arid West water resources—water quality and quantity.

WESTCAS updates the portfolio, adds, deletes or modifies issues on an annual basis. Each February, corresponding to a new Congressional Session and the delivery of the Administration’s proposed budget for the upcoming Fiscal Year, WESTCAS holds its “Regulatory-Legislative” Workshop. This is an intense, all day session, structured to update the Federal issues portfolio and identify actions to support WESTCAS positions for the upcoming year.

The participants in this year’s Workshop considered the following in updating the overall Arid West strategy:

An Overall Arid West Strategy

- **POSITIVE STEPS**
 - Positions & Policies on pertinent regulations & legislation
- **IDENTIFY**
 - Rules, regulations, guidance of concern
 - Anticipated legislative action
- **ACT**
 - Specific actions, timing and targets
- **COORDINATE & COOPERATIVE**
 - With other Water Associations, agencies
- **PRIORITIZE & SCHEDULE**
 - Regulatory & legislative actions

Review of Current WESTCAS Portfolio

A review of the current issues was an important first step. A matrix of Federal issues is maintained and presented to WESTCAS membership, typically at each of its conferences. At the February Workshops, each issue or concern is individually discussed. Questions and discussion lead to updating status, pertinence, and responses—the “building” of the WESTCAS Portfolio.

Exhibit 1 below is the matrix of Federal issues presented at the Workshop.

Participant Responses to the Issues

Participants discussed the issues, how each is or would be pertinent to Arid West water concerns. The types of responses appropriate for each issue were also identified by the group. The comments were gathered in a number of ways: 1) open discussion among the Participants; 2) an interactive, “real-time” method to allow individual responses that were collected and displayed as a whole to group; and, 3) a handout form to allow written comments and ranking of each issue presented.



Appropriate WESTCAS Actions

Several actions in response to individual Federal issues are employed by WESTCAS to advocate for Arid West issues. The following slide shows the WESTCAS actions or responses typically assigned to an issue.

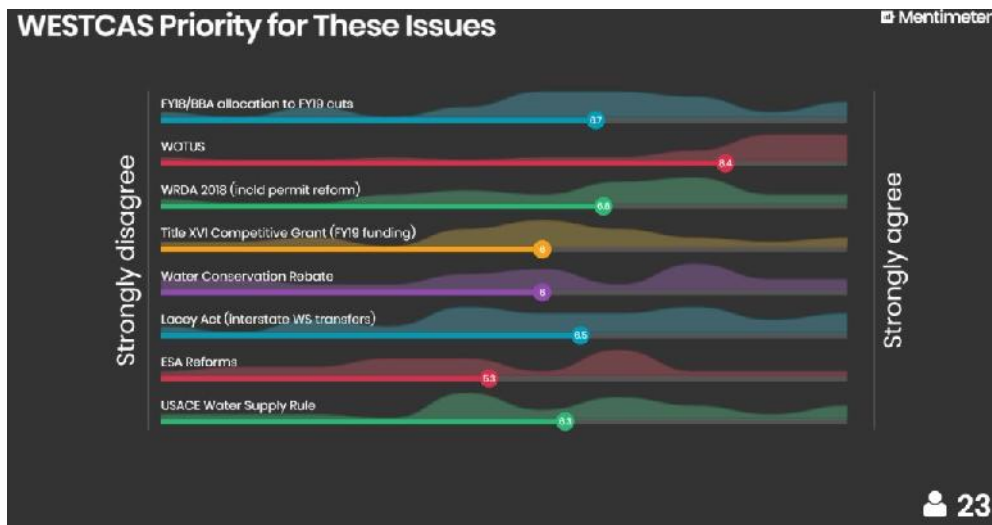
Possible WESTCAS Action

Position Paper	Update WESTCAS Position papers
Coordination	Discussion & Coordination with Other Associations
Letters/Testimony	Supporting letters and if in Regular order submit testimony based on position paper
Fly-in	Consider DC Fly-in appropriately timed to carry WESTCAS federal funding support message

Interactive Responses (Polling Results) to the Issues

An interactive presentation software, Mentimeter (www.mentimeter.com), was used for polling the Participants on the priority of WESTCAS issues as a whole and as individual issues.

Ranking of WESTCAS I issues. Several of the key WESTCAS issues were presented to allow Participants for rank the priority (to WESTCAS and the Arid West in general). The following graphic shows the outcome:



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WESTCAS

WESTCAS Federal Regulatory/ Legislative Workshop

Fob<u> y 22, 2011

Position Paper Underway (from October 2011 Conference)

Issue/Concern	Proposed Actions	Prior WESTCAS consideration	Updates to Consider	Workshop Assignment
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Issue/Concern	Proposed Actions	Prior WESTCAS consideration	Updates to Consider	Workshop Assignment
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LaDry } A.cit L-gisln.ti:911	o C e . i u i l e WESTCAS : p o l i c y i i . i i M e n a i i i o C O U O t o d i H . I I \ V S A o S P P . 1 " 4 u a i f i r i . d i r o g l e g i . J 4 (l n	A t i a r v a I a j p h o r W E S T C A S M W	I a g i i ' I i c i I i d i a . T . J I C o n g A l i K e i t T i d e l l t f l g j i a . i 3 1 - 1 a n t i c i r a t f G d e f i . P o l i c y : S a c r ' u f i l i L h l - u d y I J . n . I r e f - L T J I R a e f o . n P . - S t 1 1 O I 2 . I d m . i f . t i m i n J o l " " 1 " i r "
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The graphic shows the average of the response submitted (the number of response is shown in the lower right corner). The colored, curving bands above each issue indicate the individual responses, from 1 (strongly disagree) to 10 (strongly agree). Waters of the US (WOTUS) with an 8.4 had the highest overall average with most of the group voting ranking it above a seven. Most of the other issues had averages in the 6 to 7 range, reflecting individual responses at both the higher and lower end of the scale.

Federal FY 2018 appropriations, which provided substantial funds for both defense and non-defense spending, and the FY 2019 proposed budget, which had substantial cuts to Federal water resource agencies, were discussed in detail. A polling question was asked to determine the participants support for encouraging the use of available FY 2018 funds to plus-up cuts proposed in the FY 2019 proposed budget. The possible responses were also included. The results of that question are shown below (the scale is 1 (strongly disagree) to 5 (strongly agree)).



Interactive Polling Results – Individual Issues

Five key WESTCAS issues were polled both for priority ranking as well as suggested actions in response. The five issues polled were the following;

1. WOTUS
2. Water Supply Transfers (Lacey Act/invasive species)
3. Title XVI Competitive Grant program
4. Water Resources Development Act (WRDA) 2018
5. Water Conservation Rebates

A key was provided for the Participants to use in assigning a priority and suggested actions. Participants were given the flexibility to suggest other actions, provide more detail on suggested actions, or make other comments. The Key is shown below.



WESTCAS Priority:

A) High – WESTCAS and arid West issue of immediate concern

B) Medium – Western states issue of moderate concern (or developing concern)

C) Low priority – Issue to watch for future consideration or eliminate

Suggested Actions:

① - Prepare or Update WESTCAS position paper on topic

② - Letter to Committee of Jurisdiction, WESTCAS State Members, others, as appropriate

③ - Prepare written testimony, as appropriate

④ - Coordinate with other Western water resources association

⑤ - WESTCAS DC Fly-in topic to be carried

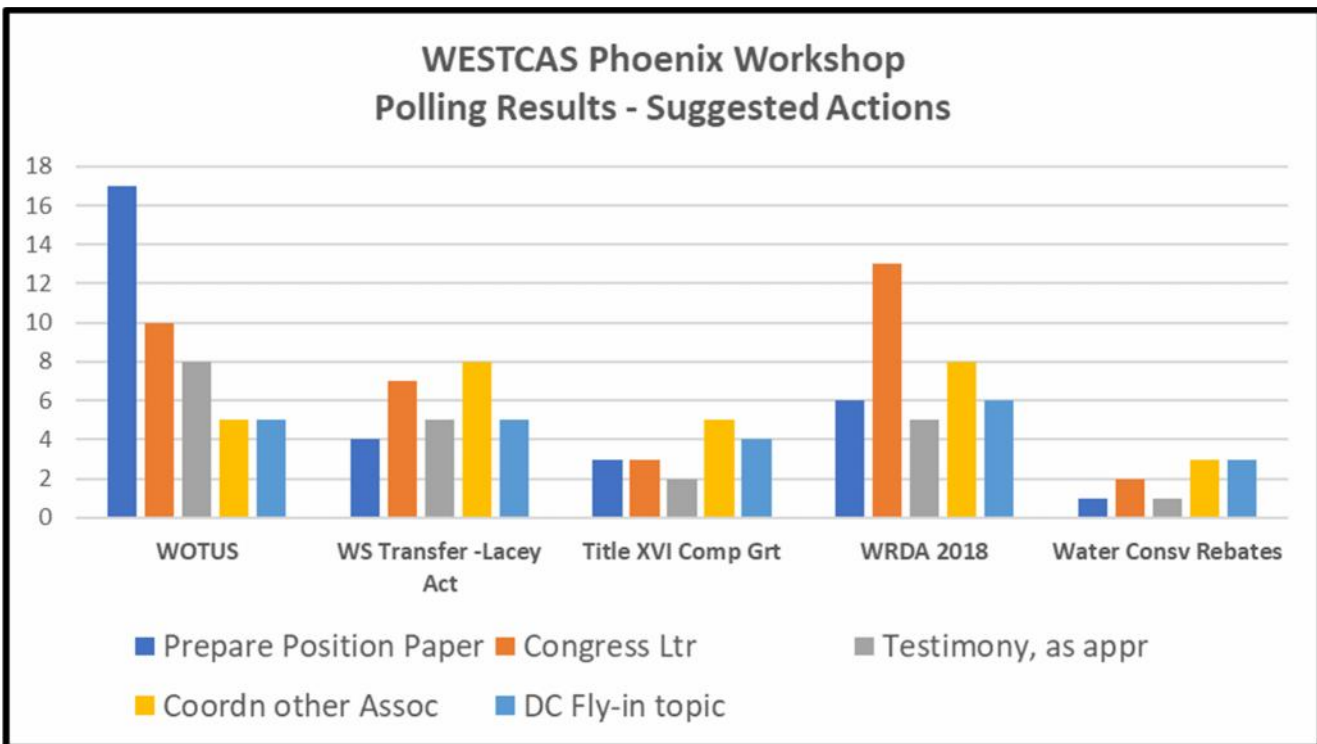
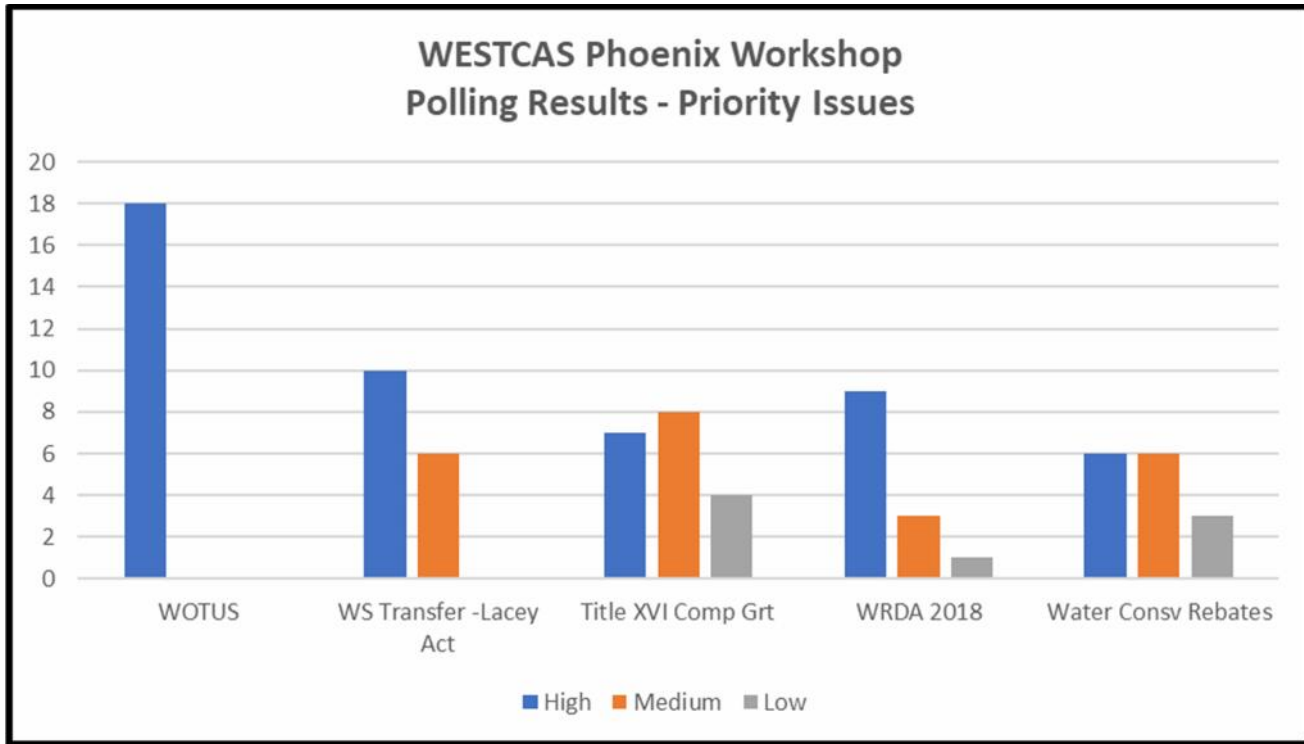
And/or add comments, other suggestions, etc.

The table below shows the Participant responses for the five Federal issues surveyed. WOTUS was again the highest-ranking issue, with preparing a WESTCAS Position Paper as the highest-ranking suggested action.

	PRIORITY	WOTUS	WS Transfer - Lacey Act	Title XVI Comp Grt	WRDA 2018	Water Consv Rebates
	A	18	10	7	9	6
	B		6	8	3	6
	C			4	1	3
Suggested Actions:						
	1	17	10	8	5	5
	2	4	7	5	8	5
	3	3	3	2	5	4
	4	6	13	5	8	6
	5	1	2	1	3	3
	Other Cmts	1	1	1	3	



The two graphs below show the priority rankings and the suggested actions by number of participants polled.





Survey Response – New Issues, Comments & Suggested Actions

At the beginning of the Workshop, the Participants were provided a handout to allow comments and notes on the five key issues as well as several additional issues. This form was also used to identify new issues for consideration in 2018.

Issue Presented	WESTCAS Priority Level	Action (Identify from number(s) below and/or add comments). What is the WESTCAS "Ask"?
WOTUS		
WS Transfer in the West (invasive species)		
WRDA 2018 (incl permit streamlining & who funding policy changes)		
Federal Investment in Western Water (including FY18 BBA Fix-up)		
Title XVI Competitive Grt (FY19 Funding concern)		
Other Western Water Issues (FERMS, EPA Water Transfer Rule, USGS gage funding, Water Conservation Rebate, etc)		

WESTCAS Priority:
 A) High – WESTCAS and arid West issue of immediate concern
 B) Medium – Western states issue of moderate concern (or developing concern)
 C) Low priority – Issue to watch for future consideration or elevate

Suggested Actions:
 (1) – Prepare or Update WESTCAS position paper on topic
 (2) – Letter to Committee of Jurisdiction, WESTCAS State Members, others, as appropriate
 (3) – Prepare written testimony, as appropriate
 (4) – Coordinate with other Western water resources association
 (5) – WESTCAS DC Fly-in topic to be carried
 And/or add comments, other suggestions, etc.

Name: _____
 Agency: _____

A number of 'additional issues and new issues for 2018 were suggested by the Participants. The additional issues identified for 2018 WESTCAS portfolio were the following:

- 1 Salinity regulation
- 2 Fire Borrowing, including Forest management & FEMA funding to address wildfires
- 3 Letter on WESTCAS issues (to pertinent candidates for office)
- 4 Arid West Standards & Research - prepare Position Paper, WQ Stds
- 5 Monitor litigation regarding attempts to apply CWA to GW discharges
- 6 Candidate letter on Water Transfer Rule & USGS funding
- 7 USACE over-reach
- 8 "Don't junk Rural Development"

The comments on individual issues and suggested new issues are summarized in the following two tables.

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Participant	1	2	3	4	5
WOTUS	(A) Track legal challenges; prepare for new WOTUS definition in June (EPA); prepare & submit complete Position Paper	No impact locally, but important for WESTCAS to involved	(A) Suggested Actions: 1, 2, 3, 4	(A) Suggested Actions: 1, Significant work, should continue to completion; then stay current	(A) High. Continue to share position of GW <u>not</u> regulated by CWA
WS Transfer in West (invasive species)	(A) Follow ongoing appeal, communicate outcome to members. Advocate for HR1807 for Lacey Act relief. Build on success in Congress.	No impact locally, but important for WESTCAS to involved	(A) Suggested Actions: 1, 4		(B) Medium.
WRDA 2018 (incl permit streamlining & infra funding policy)	(B/C) Support permit reform to balance project benefits compared to impacts. Monitor drafts of WRDA & provide input support Arid West project funding	Need policy changes to limit amount per state otherwise it needs to be funded at \$3M level	(B) Suggested Actions: 2, 3, 4	(A/B) Suggested Actions: 4 possibly 2	(A) High.
Fed Invest in West Wtr	(B) Track Fed work to spend \$17B from BBA (Supplemental); Communicate funding opportunities & deadlines; Infra building Initiative (\$200B/10 yr); permit streamlining is significant, if possible.	No local impact	(A) Suggested Actions: 1, 2, 3, 4, 5	(B) Suggested Actions: 1, 4 FEMA funding for fire fighting activities	(A) High.
Title XVI Cmptr Grt	(B/C) FY19 budget cut \$34M down to \$3M (need to plus-up); advocate single funding pool; equal competitive process; lobby for more funding	No local impact	(A) Suggested Actions: 1, 2 -Plus-up FY19 funding & leg fix for one program, possibly in WRDA 2018	(B) Suggested Actions: 1 - agree with Jolene's ideas/thoughts. Emphasize funding & combine prgms; should consider reqmt for dispersing funds to multiple states/projects	(A) Very High. California still has work to do!
Salinity	Need to track desal technology & advocate for non-TDS ion WQ standards		(B) Suggested Actions: 1, 4		
FFRMS					
Wtr Trnsfer Rule	See comments under WRDA 2018 above	No impact locally, but important for WESTCAS to involved	(A) Suggested Actions: 4		
USGS Funding	(B) USGS cut 30% need BBA funding to plus-up: - Advocate for USGS funding; - Drought increase need for gaging data;		(A) Suggested Actions: 2		
Wtr Consv Rebate	(B) Develop position statement on Water Conservation rebate tax relief		(A) Suggested Actions: 4	(A) Suggested Actions: 1, developing policy statement	
Wtr Supply Rule			(C) Suggested Actions: Monitor		
Fire Borrowing	Forest restoration management		(B) Suggested Actions: 2, 4		
ESA Monitoring					
Net Env Benefit		Cooperate with NACWA as they just did a conf.; a great arid West study	(B) Suggested Actions: 6 Provide more info to WESTCAS members		
Protect Wtr Rights			(C) Suggested Actions: 2		
Other Outreach	Continue monitoring EPA issues nationally	USGS funding, Net Env Benefit, EPA Science Grp are all issues that would impact us	(A) Ltr to political candidates: WESTCAS exists & WESTCAS issues		

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Participant	6	7	8	9
WOTUS	(A) High (to achieve clarity & consistency) Review position paper w/ cmts recd by early March & post to website; use for Fly-in	High	(A) Suggested Actions: 1-5. Early June re-write; number of court cases; new notice for cmts on disch to GW	(A)
WS Transfer in West (invasive species)	(A) High Post position paper & use for Fly-in discussions	Medium	(B) Suggested Actions: 1-5. Combine with Lacey Act / codify Wtr Transfer Rule	(A) Suggested Actions: 2, 4 High priority; Support HR1807 & get others involved
WRDA 2018 (incl permit streamlining & infra funding policy)	Support but defer to others for details	High	(A) Suggested Actions: 1-5.	(C)
Fed Invest in West Wtr	Support but defer to others for details	Medium	(A) Suggested Actions: 1-5. Two yr budget deal; Infra, agency funding; strmline permits (LEAN)	(A) Suggested Actions: 1, 4, 5 BOR funding very imp & FWS; Support USGS gage funding
Title XVI Cmpt Grt	Support but defer to others for details	High/Medium	(B/C) Suggested Actions: 1-5. Increase funding & combine funding pools	(C)
Salinity				
FFRMS		Low		(B)
Wtr Trnsfer Rule	(B) Continue to monitor litigation	Low		(B)
USGS Funding	(A) High. Continue to support stream gaging	Low		(B)
Wtr Consv Rebate	(B) Varies from area to area but draft Position Paper to document concern and provide support.	Low		(B)
Wtr Supply Rule				
Fire Borrowing			(B) Suggested Actions: 1-5. Develop position; end "fire borrowing"; FEMA funding under relief act	
ESA Monitoring				
Net Env Benefit				
Protect Wtr Rights				
Other Outreach	Arid West WQ Standards & Research - (A) High. Prepare a Position Paper to re-emphasize regionality for WQ stds & provide Arid West research as a base		ESA - Monitor and report to membership	