



# WESTCAS

The Western Coalition of Arid States

## Washington Report

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**WESTCAS**

**2011 Annual Conference**

**June 23, 2011**

Hicks-Ray Associates





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# Welcome

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*Thank you for coming to this conference.*

We hope everybody will participate in the  
Legislative Workshop this afternoon.

Opportunity to learn from and also to educate  
other attendees: to help WESTCAS work  
cooperatively and effectively in DC

The goal of the workshop is to help give you the knowledge and tools to reach out and educate your Congressional delegation with regard to how these issues impact in particular the Arid West.

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**Special Session:**

## ***Workshop on the Impact of Critical Issues for Arid West Agencies***

**THURSDAY—JUNE 23, 2011  
1:30 PM-4:00 PM**

**WESTCAS 2011 ANNUAL  
CONFERENCE  
SAN DIEGO, CALIFORNIA**

## **Session Workbook**

### ***Issues:***

- TAB 1: PRINCIPLES & GUIDELINES**
- TAB 2: CWA JURISDICTIONAL WATERS  
GUIDANCE**
- TAB 3: FEDERAL FUNDING FOR WATER  
RESOURCES PROJECTS**
- TAB 4: IDENTIFYING ADDITIONAL ISSUES - AN  
OPEN SESSION FOR YOUR INPUT**



### ***Under each Issue Tab:***

- I. Framing the Issue (why critical to Arid  
West and WESTCAS agencies)**
- II. Effective Response (timing, content,  
targets)**
- III. Input – Comment on Pertinent Examples  
(how your agency is or could be affected)**
- IV. Congressional Contact including staff of  
Committee with jurisdiction**
- V. Your Comments and Input**



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What are the pertinent issues for WESTCAS?

# OVERVIEW



## The Larger Framework

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- ❑ The larger context of financial challenge is sweeping the United States and much of the world.
- ❑ Consensus is growing that our current financial path cannot be sustained

### **Dilemma for Water Community**

- ❑ Congress is making deep cuts in the financial support to water infrastructure,
- ❑ Executive Branch is launched upon an agenda that would increase its intrusion into the daily operations of water resource agencies.

### **The Emerging Opportunity**

- ❑ This is the moment that the water community must step forward and help educate the Federal sector with regard to these issues and promote solutions! Nobody knows more than you do—join at the WORKSHOP!

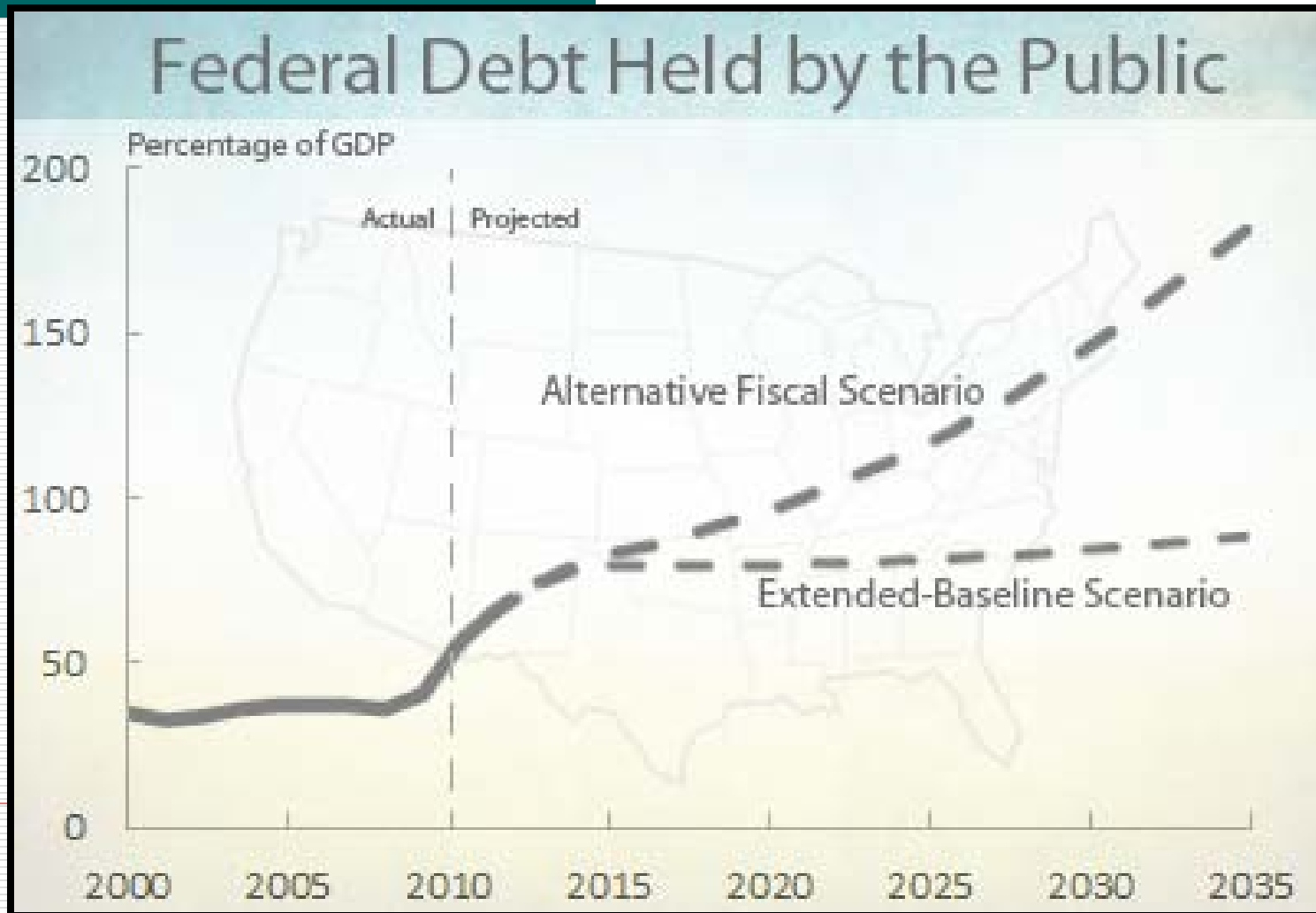


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# Budget Deficit

Budget Cmt  
Hearing on  
CBO report  
today







## Executive Actions

- ❑ Updating Federal Water Policy
- ❑ New role for CEQ
- ❑ Revised CWA Guidance Needed?
- ❑ Expanding P&G
- ❑ Use of Executive Order

### 6. Updating the Nation's Water Policies and Regulations

The Obama Administration is committed to maintaining strong and clear standards for protecting waters, and ensuring that Federal agencies consider social, economic and environmental needs in a transparent and consistent way when making new Federal investments in water projects.

#### *Improving Control of Polluted Stormwater (San Pedro River, Arizona)*

*The San Pedro River is one of the most ecologically rich rivers in Arizona. Stormwater discharges from construction sites carried oil, grease, and other pollutants to ephemeral tributaries of the San Pedro. EPA efforts to address this pollution problem were constrained by the complex evidence needed to establish that the tributaries were protected under the Clean Water Act and EPA ultimately had to discontinue efforts to address these sources. Challenges related to protection of these waters are common in throughout the arid southwest.*

#### Clean Water Act Draft Guidance on the Scope of Waters Protected

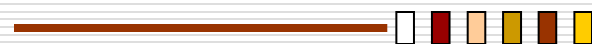
The USACE and EPA have released draft guidance to clarify which waters and wetlands are protected by the Clean Water Act. The revised draft guidance will provide predictable, consistent, and effective protection of waters that many communities depend upon for drinking, swimming, and fishing. The agencies' guidance also provides clearer, less burdensome guidelines for the public that make it easier and simpler to determine whether a particular water body is protected. The revised guidance is fully consistent with the Act, applicable regulations, and key Supreme Court decisions in 2001 and 2006. The agencies will conduct a transparent and inclusive process for developing final guidance by making sure that the public and all interested parties and organizations have the opportunity to provide input and comments. The agencies are also developing regulations to address this important topic.

#### Modernizing Federal Rules for Water Resources Development

CEQ is leading a collaborative, interagency effort to modernize the Principles and Guidelines which guide Federal investments in water resources. This effort will incorporate the lessons learned over the last three decades of implementation of the "Principles and Guidelines for Water and Land Related Resources Implementation Studies," that went into effect in March 1983. Modernizing the Principles and Guidelines will ensure future Federal investments in water resources more fully consider environmental, economic and social goals in potential actions. The Administration believes that all of these effects must be weighed in evaluating Federal investments in water resources across the Federal government to promote transparency and comparability. Given the many competing demands for limited Federal resources, it is intended that future Federal investments in water resources strive to maximize public benefits, particularly in comparison to costs.

#### Effective Stewardship of Water Resources in National Forests

The 193 million acres of the National Forest and Grassland System protect watersheds that provide drinking water to tens of millions of Americans. USDA's Forest Service has developed a new "planning rule" to govern the management and stewardship of these lands. The proposed rule places special emphasis on conservation of water resources by requiring the Forest Service to take special measures to protect streams, rivers, and priority watersheds. For example, the proposed planning rule requires the Forest Service to develop plans for each of the National





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# FY12 Budget

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## Closing the gap – “*impact on FY12 Funding*”

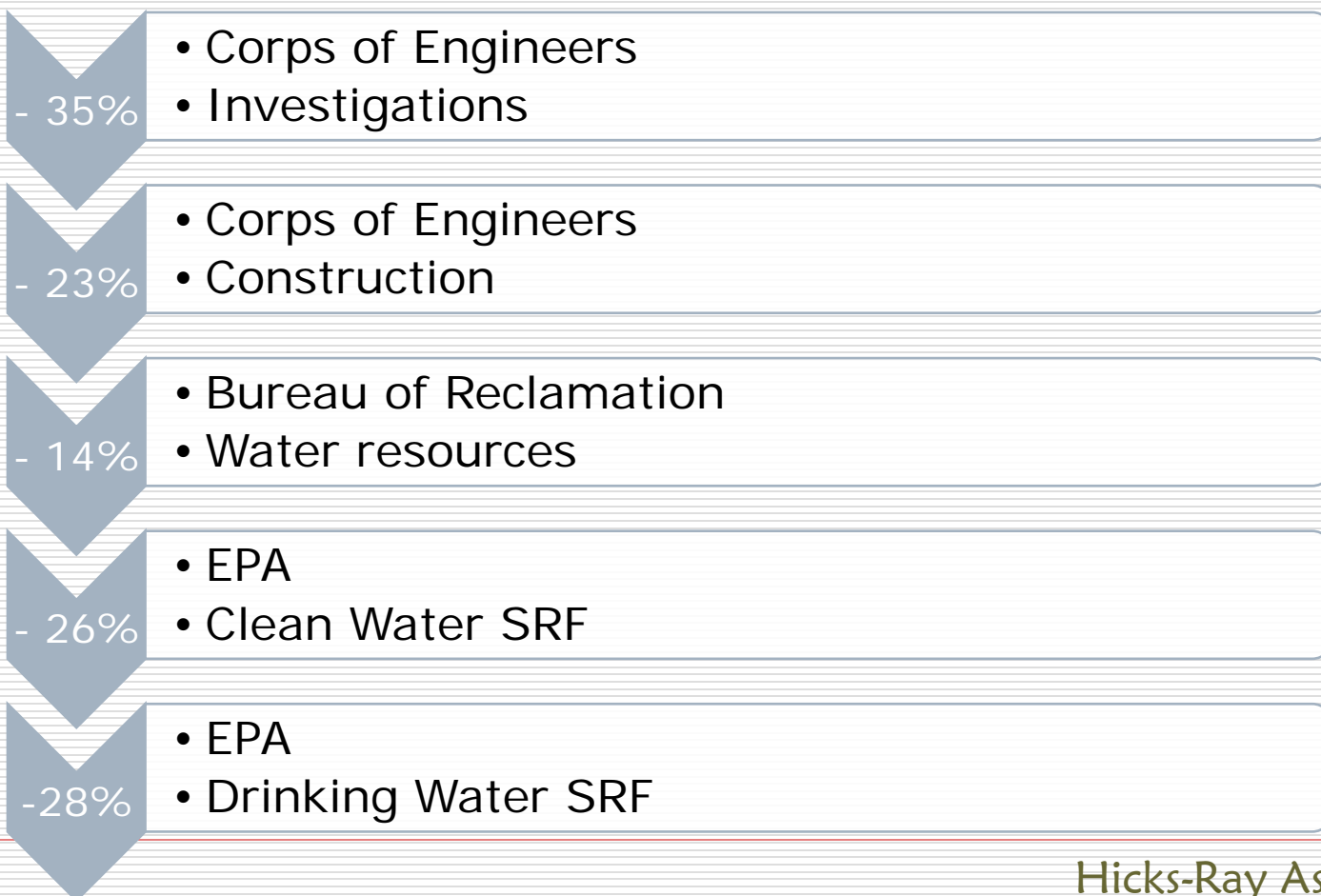
- ❑ But today our country is faced with a more than \$14 trillion deficit.
- ❑ Closing the gap—no consensus on how?



- ❑ Cuts in domestic discretionary spending cannot make up the difference.
- ❑ If the Federal government, as we know it, including defense, were suddenly reduced to zero, it would still take over \$400 billion just to close the FY11 deficit of about \$1.5 trillion.



## Funding Cuts – “from FY10 to today”





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# Pertinent Legislation to watch

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# Legislation to watch or support?

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- ❑ HR 2018 – Mica-Rahall bill on fast-track; supporting State's primacy over water quality
- ❑ Infrastructure bank proposals (HR 1168 [Latta] - Clean Water Affordability Act; HR 402 [DeLaurno] National Infrastructure Development Bank; S652 [Kerry] Building and Upgrading Infrastructure)
- ❑ Appropriation riders to restrict CWA re-definition or expansion
- ❑ Chemical Security CFATS



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At this time the most critical issues for WESTCAS

# **WESTCAS FOCUS**

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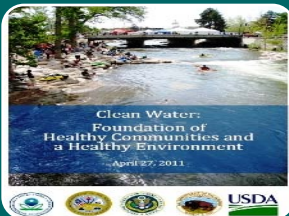
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## The "Big Three"



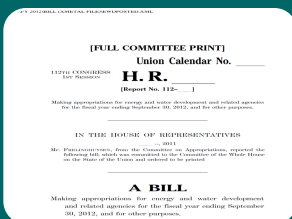
### P&G

- Requirements in final form
- End of June by EO
- Guidelines as draft



### CWA Guidance

- Comments due by 1 July
- WESTCAS Conference call
- Collaboration with other groups



### Federal Funding

- FY12 Approp cycle
- Infrastructure funding
- WRDA

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Where WESTCAS should invest its Legislative efforts?

**WHY FOCUS ON THESE  
THREE?**

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These three issues:

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...will impact arid, western  
water management more than  
any others

... and will provide WESTCAS  
with its greatest opportunity  
for influence and collaboration



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# WESTCAS can have influence:

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...Preparing specific comments on the CWA Guidance and P&G Guideline

...Testimony, written and presented, at Congressional oversight hearings (targeted comments)

...Compiling a catalog of WESTCAS members' impacts & concerns

...Coalition building, respecting WESTCAS' unique technical expertise and perspective



## Status

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- ☐ EPA Clean Water Act Guidance comments due July 1<sup>st</sup>
- ☐ “Principles & Requirements” will soon be issued as an Executive Order
- ☐ “Guidelines” released soon with opportunity for public comment
- ☐ Congressional FY12 Appropriations process is in full swing.

These issues have been on the radar screen of WESTCAS for the past two and one half years. But it may be said now that the battle is fully joined.



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Join us for the Legislative Workshop

**YOUR INPUT NEEDED!**

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# QUESTIONS & DISCUSSION

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