

WESTCAS 2015 Annual Conference
San Diego, California
June 17, 2015

Review of WESTCAS 2015 Legislative Plan

2015 Agenda to Date

WESTCAS Considering & Commenting

- Phoenix Workshop and Follow-up
- WOTUS
 - Comment Letter to EPA
 - Letter to the T&I Committee
- FFRMS
 - March 9th FEMA Letter Requesting Extension
 - May 6th Joint Comment Letter to FEMA
- Interstate Water Transfers
 - Meetings with Kiel Weaver, Matt Strictler – Water, Power & Oceans
- ESA (*direction in 2014*)
 - Comment Letter & Testimony at House Natural Resources

Phoenix Workshop and Follow-up

AGENDA PHOENIX WORKSHOP
Homework Paper: Feedback on Session 1 Issues & Preparation for Session 2
February 20, 2015 – 8:30 AM – 1:00 PM

Policy Issues and How WESTCAS Can Make a Difference

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)		
Federal Investment in Western Water		
ESA Reform		
Other Western Water issues (FFRMS, EPA Water Transfer Rule, US Forest Service GW Rule, etc.)		

WESTCAS Priority:
 1.) High – WESTCAS and arid West issue of immediate concern
 2.) Medium – Western states issue of moderate concern (or developing concern)
 3.) 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.

Name: _____

Agency: _____

WOTUS Issue Comments (from handout)

WESTCAS Responder	Priority	Suggested Action	Comments
1	A	1,2,3,4,5	
2	A	4	
3	A	1,2,3,4,5	Primary issue for me and my clients; need to support legislation with possibility of escaping veto- best way to support is with concrete examples of harm
4	A	1	Prepare position paper. Work to support committee bill, maybe with letter outlining vision of new bill
5	A	1,2,4	
6	A		
7	A	1,2,3,4,5	
8	A	3,4,3	
9	A-B		
10	A		Scottsdale provided comments on proposed Rule. Ephemeral wastes needs to be addressed
11	A	1	
12	A	1,3,4,5	
13	A	2, 3, 5	Letter to T&I Chair Shuster and others as discussed. I want to continue working on this issue (Bob Hollander)

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WOTUS Comment Letters

The Western Coalition of Arid States WESTCAS

March 17, 2015

The Honorable Bill Shuster, Chair
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington DC 20515

The Honorable Bob Gibbs, Chair
Subcommittee on Water and the Environment
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington DC 20515

RE: Waters of the U. S. Proposed Rule (WOTUS)

Dear Chairman Shuster:
Dear Chairman Gibbs:

The Western Coalition of Arid States (WESTCAS) is an association of over 50 public water and wastewater agencies, consulting engineers, and legal firms whose mission is to support sound water policy for the Arid West. We deeply appreciate the Joint Waters of the US (WOTUS) hearing that you and Chair Inhofe held on February 4. This letter is directly related to the issues identified during that hearing.

In the Arid West, WOTUS impacts issues ranging from isolated waters, ephemeral streams, man-made conveyances, water reuse facilities, systems, agricultural and roadside ditches to other waters that are impacted by drought. The members of WESTCAS are familiar with all aspects of western hydrology and water resources management. We relative to the WOTUS Rule are to make sure that they are fully addressed before the Rule becomes final.

As you and other Committee Members have observed during the 2015 Joint hearing, both EPA Administrator McCarthy and Assistant Attorney General Dorcey acknowledged that there are problems with the rule. Additionally, they both admitted the need to correct the rule. The rule becomes final. Despite the Administrator's recognition of the rule's flaws, unless the Congress acts to clarify these issues and can be no guarantee that EPA will address them before it is forwarded to finalize the rule.

The Voice of Water Quality in the
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The Western Coalition of Arid States WESTCAS

November 13, 2014

Submitted electronically to: ow-docket@epa.gov

Water Docket
U.S. Environmental Protection Agency
Mail Code: 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: WESTCAS comments regarding U.S. Environmental
Protection Agency and the U.S. Army Corps of Engineers Proposed
Rule Defining the Scope of Waters Protected under the Clean Water
Act - Docket ID No. EPA-HQ-OW-2011-0880

Dear Sir or Madam:

Representatives from the Western Coalition of Arid States (WESTCAS) completed its review of the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (collectively the "agencies") proposed rule defining the scope of waters protected under the Clean Water Act (CWA), 79 Fed. Reg. 22188 (Apr. 21, 2014). WESTCAS appreciates the efforts of the agencies to clarify the scope of CWA

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FFRMS Comment Letters

The Western Coalition of Arid States WESTCAS

Regulatory Affairs Division
Office of Chief Counsel
Federal Emergency Management Agency
8NE, 500 C Street SW
Washington, DC 20472-3100

Attention: Docket ID FEMA 2015-0006

Dear Mr. Wright and Members of the Mitigation Framework Leadership Group:

We are writing on behalf of the Western Coalition of Arid States (WESTCAS), the Texas Water Association (TWA), and the Texas Water Conservation Association (TWCA) to express our concerns over the draft Revised Guidelines for Implementing Executive Order 13690 and to request that your Agency suspend further action on the draft until a sufficient time has been allowed for informed public input by the numerous affected public and private stakeholders impacted by this Order. Changes of the magnitude you are proposing for policies that have been in existence since Executive Order 11988 was issued some 38 years ago should be implemented only after a very public and transparent process. The public comment period which ends May 6 does not meet this standard.

Our associations serve water-related constituencies in the Arid West. Many are facing challenges with regard to severe drought and rapid population growth. The Guidelines which you propose inject a large element of uncertainty and complexity which greatly adds to the problems our members are currently trying to address. We are especially concerned over the one size fits all approach of Executive Order 13690. Different areas of our nation are very different in terms of climate and topography. The Guidelines have the potential to increase the size of the flood plain in the areas served by our members and extend the reach of complex new Federal regulations into areas which rarely if ever are subject to flooding.

The Guidelines provide federal agencies with three options as the basis from which to determine "federal action" in a flood hazard area, including:

1. Using best available climate science.
2. Adding two to three feet of freeboard to the 100-year flood plain elevation.
3. Adopting a 500-year flood plain standard for protection.

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The Western Coalition of Arid States WESTCAS

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cerns with regard to the impact of these three options. This includes numerous Federal agencies charged with implementing the Guidance they believe best meets their need in meeting their responsibilities. It is to work with several different Federal agencies with regard to issues. The prospect of these agencies choosing different options that have been identified would add many new layers of confusion and delay.

each of the three options that are identified in the Guidelines. For use best available climate science but the Guidelines do not appear to be an accepted "climate based science" standard for determining a areas like the Arid West differ markedly from many other regions. If comment with regard to costs and benefits. Any time a policy that is the subject of huge proposed changes, this issue should be addressed.

mine and implement Federal Action on the flood plain are equally important. membership provide and addition 2 or three or more of 00 year floodplain. But local engineering experience and determine where this additional protection can best be employed would require this extra freeboard protection to be employed in all cases using option 2 despite the fact that this might add little to flood protection but be beyond the ability of government at any level to provide structure.

decisions provide flood and stormwater management services. This involves a complex and ongoing process of planning, engineering, and construction. An expansion of the definition of what constitutes a flood plain to a much greater area than is the case at present is not unlimited, this will result in currently planned projects being curtailed. And this in turn could lead to loss of jobs and protection and stormwater management are forced to be a balance between protecting sensitive flood plain areas necessary to protect life and property. But this balance the Guidance is rushed as it currently is.

that the Federal agencies involved in this process should be published within 30 days after the final Guidelines are published. While FEMA, the Army Corps of Engineers, USEPA will implement

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Docket ID FEMA 2015-0006
May 6, 2015

This new policy, it is impossible for stakeholders such as our three associations to offer the start of what must be a process to inform the public with regard to such far-ranging new Guidance with regard to flood plains. We believe that this process has only begun for such a complex issue and we ask that you suspend further action until this process has been fully implemented.

Sincerely,

Ed Curley

Ed Curley, President
Western Coalition of
Arid States

Tim Quinn

Tim Quinn, Executive Director
Association of California
Water Agencies

Leroy Goodson

Leroy Goodson, General
Manager, Texas Water
Conservation Association