



October 27, 2017  
Phoenix, AZ

# **WESTCAS Fall Conference**

## **Washington Update**

***At a time of uncertainty and turmoil in our nation it is helpful to remember the advice of that great American Yogi Berra:***

"If you don't know where you're going you might end up someplace else."

"When you come to a fork in the road, take it."



# Seriously...

**Who knows where our nation will end up these days but we're coming to a fork in the road and we might as well take it.**



# WESTCAS PREPARATION PACKET

2016 Fall Conference, Phoenix, AZ



Carrying the WESTCAS Message  
to the  
115<sup>th</sup> Congress and New Administration  
*Preparing & Executing a Washington D.C. Plan of Action*

**WESTCAS Position:** We seek to raise awareness of the unique character of arid regions and thereby prompt provisions in proposed legislation and rulemaking that are protective of water resources.

## APPROACH

The following be used as a template to organize/prepare a WESTCAS position &



tions

the Arid West  
ent (Board Consideration)

WESTCAS membership

onsive and effective.

WESTCAS effective presentation

Contacts. Committees, Members and staff that are key

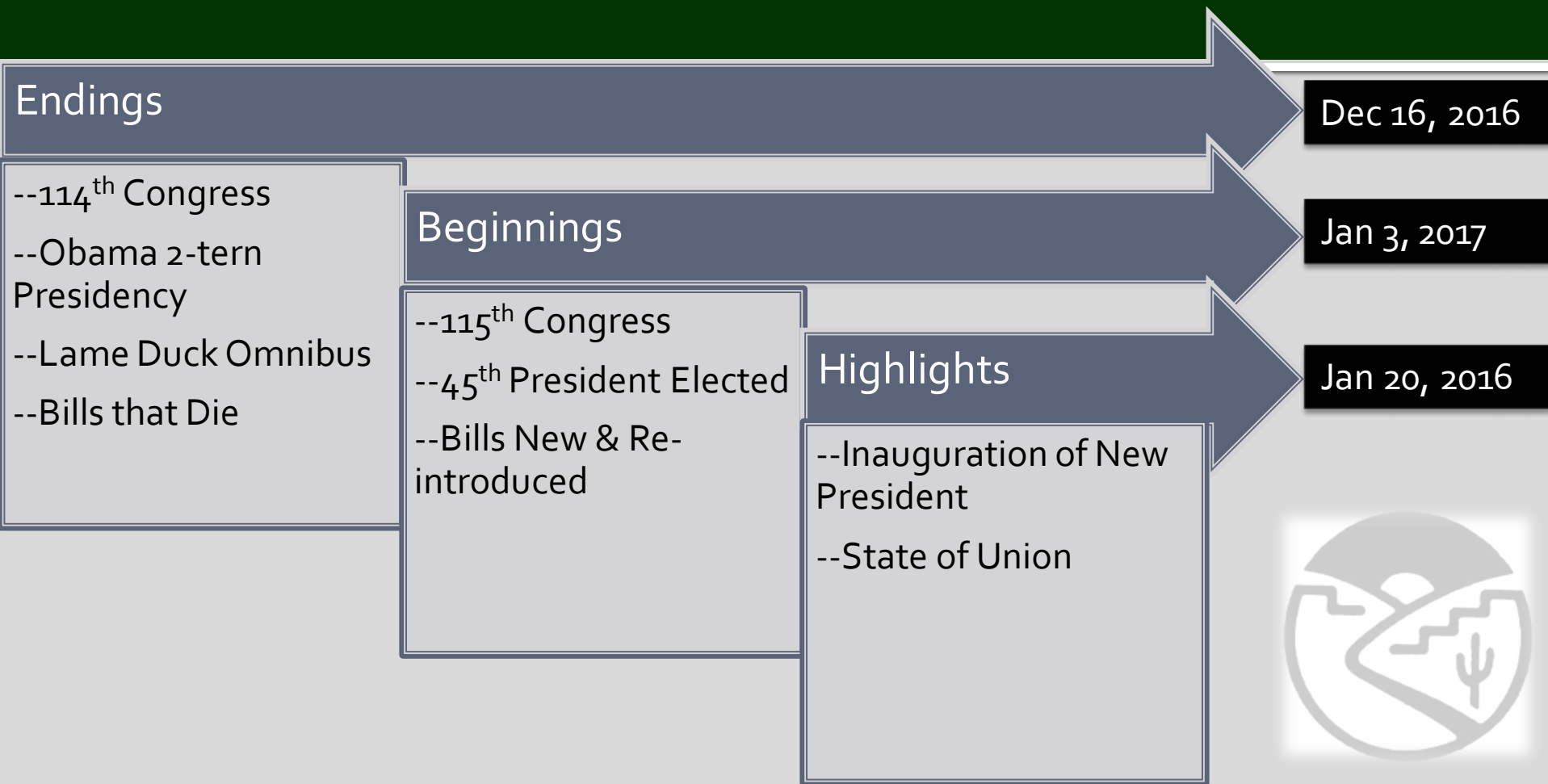




# The Next 100 Days

# The Next 100 Days

## FRAMING THE WESTCAS STRATEGY



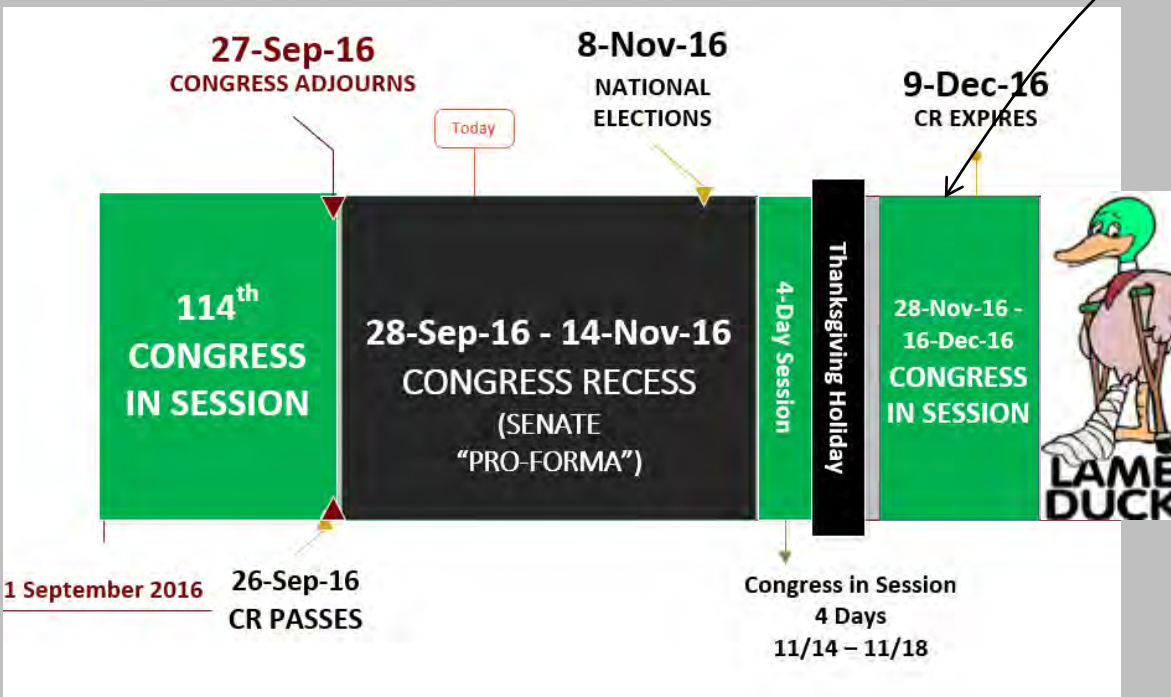


# Closing the 114<sup>th</sup> Congress



So much in so little time!

# Closing the 114<sup>th</sup> Congress

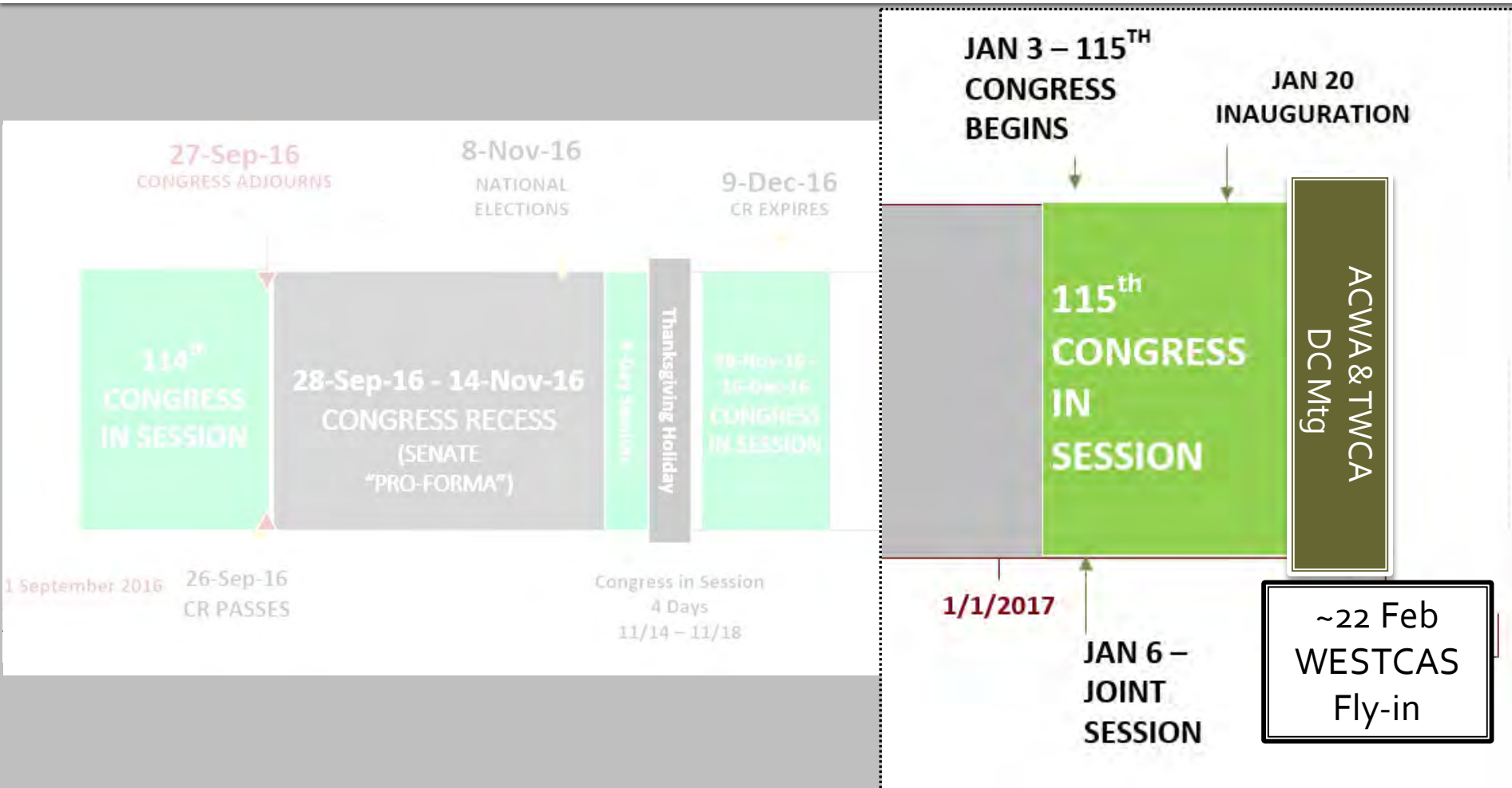


## Lame Duck Omnibus

- Unpassed FY17 Appropriations
- +
- Whatever else? (e.g., WRDA)



# Starting the 115<sup>th</sup> Congress



# CR – Delayed Funding Decisions

10-week funding period

Sept 26th

Congress  
Recess

Nov 14th

19  
days

Dec 9th

5-6  
days

Dec 16th

CR expires

114<sup>th</sup> ends

**TAKE AWAY:**  
Critical Funding Decisions  
must be completed  
in very short period of  
time!

... cent  
... decrease fits 'budget cap'

Funding 'earmarked' in CR

- Continues \$1.1 billion Zika
- Adds \$500 million La area flooding
- Full FY17 military/veterans appr

# Point

*to keep in mind during the next 100 days!*

With cataclysmic and unsettled political  
environment

+

With very little time to act



**Tendency to do only absolutely  
necessary & avoid more  
complicated issues**



# Point

*to keep in mind during the next 100 days!*

**Pre-arranged agreements will  
constrain the FY17 funding options**



# The Secret Agreement

-the **Bipartisan Budget Act of 2015** or "The Secret Agreement" as it is called will constrain FY17 Appropriations spending.

--The "Secret Agreement" was the consensus reached by then Speaker Boehner, Representative Nancy Pelosi, Senators Mitch McConnell and Harry Reid, and President Obama.

--This agreement sets a **ceiling of \$1.7 trillion for Federal FY17 Discretionary spending.**



# The Secret Agreement

## (& Pizza Making)

These spending constraints mean that the FY17 Appropriations spending levels for House and Senate are much like a **Digiorno's Pizza**.

- ⊙ Digiorno's pizza - made up beforehand and placed in the frozen foods section

- ⊙ Simply take out frozen pizza, pop in oven, and consume.

- ⊙ "Secret Budget Agreement" - FY17 spending are ready to pop into the "oven" of the lame duck session of Congress.

- ⊙ Finished *pie* should be FY17 the appropriations bills through Sep 30, 2017.

Like a Digiorno pizza there will not be many opportunities to alter or add to the initial product of lame duck appropriations. Few if any "riders" and very few earmarks.





# Expectations - New Administration

## *Suggested Positions on Key WESTCAS* Interests

- Infrastructure Funding
- Regulations



# US Infrastructure – What's Needed

## Trump and

The infrastructure spending.

### The problem with Clinton and Trump's infrastructure plans

DE They say rebuilding roads and bridges will create jobs. But the industry already faces a labor shortage.  
By DANNY VINIK 10/8/16 11:37 AM EDT

Job openings in the construction industry are also nearing their pre-recession peak. Headlines now repeatedly warn of a shortage in construction workers.

Society of Civil Engineers  
There is more than \$3 trillion of work to do before 2020 in order to repair, reinforce, and rebuild America's circuitry, including almost two trillion dollars for roads and bridges and several hundred billion more for airports and waterways.

# Infrastructure (IS) Positions

## CLINTON ADMINISTRATION

- Underinvesting for too long
- Efficiency to save energy
- Boost federal by \$275 B over next 5 years
  - \$250 B allocated to public
- Paid for by “business tax reform”
- Reauthorize Build America Bonds
- Create \$25 B national IS bank – leverage to \$225 B
- Select on merits not politics
- Projects demonstrate in public interest

## TRUMP ADMINISTRATION

- Articulated his position on campaign trail:

*“Her number is a fraction of what we are talking about. I would say at least double her numbers and you’re going to need a lot more than that.”*
- Called for \$1 Trillion on roads, bridges, broadband, etc.

# Question?

**Is adding infrastructure to  
WRDA a part of the answer?**

# Water Resources Development Act (WRDA)



# WRDA – Opportunities / Challenges

S. 2848



H.R. 5303





# WRDA – Opportunities / Challenges

## SENATE VERSION - S. 2848

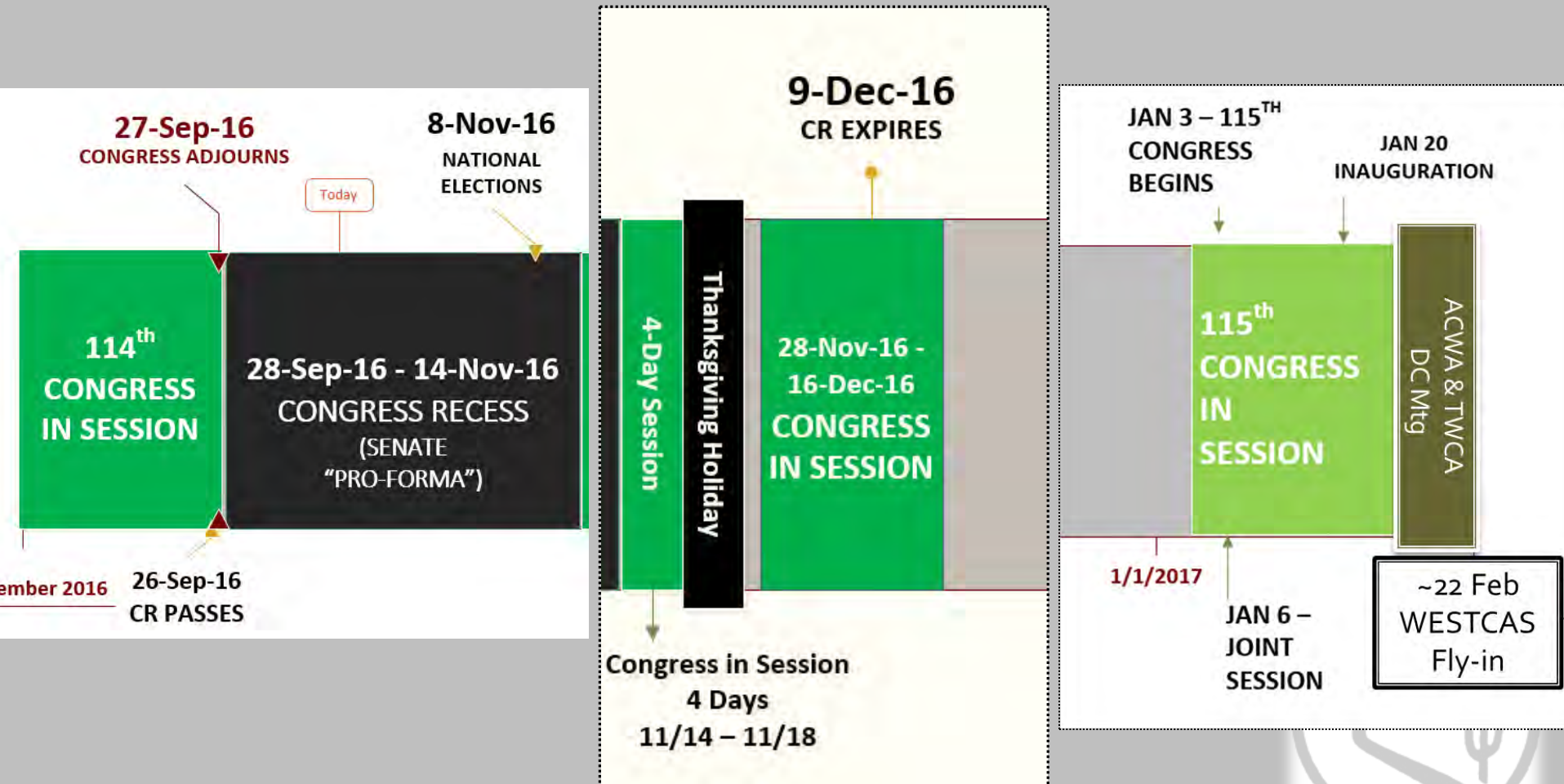
- 562 pages
- Passed 95 to 3
- \$10.6 Billion
- Title VII – CWA & SDWA & BOR provisions

## HOUSE VERSION - H.R. 5303

- 158 pages
- Passed 399 to 25
- \$ 5.4 Billion
- No CWA / SDWA / BOR

Is adding CLEAN WATER AND DRINKING WATER INFRASTRUCTURE AND ENVIRONMENTAL CLEANUP a part of the WRDA answer?"

# WRDA – Opportunities / Challenges



# WESTCAS – WRDA POSITION

## Position Options?

- Title VII “must have”  
*or*
- Title VII “nice to have”  
*plus*
- Recommend Traditional WRDA
- 2-year cycle
- Commend both House/Senate





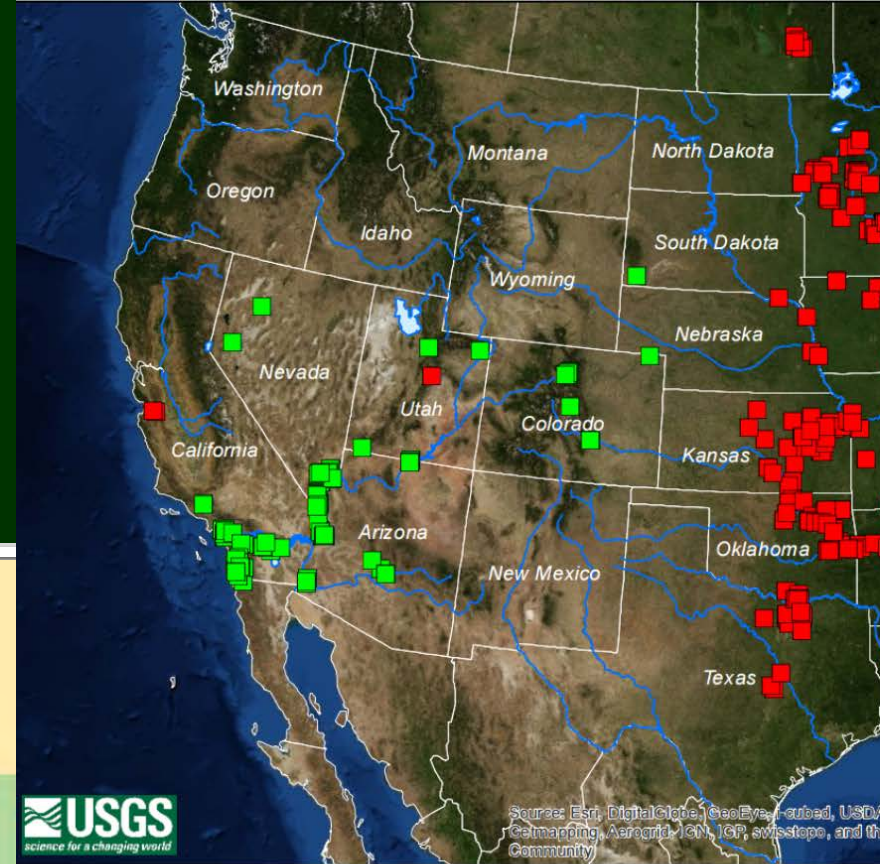
# Lacey Act

Why is it a WESTCAS issue?

✓ Interstate water transfers exist & increase in West

✓ Invasive species listings increase & occurrence spreads West

\*\* Potential increased Lacey Act conflicts throughout the West.



■ Quagga mussel sightings

■ Zebra mussel sightings

## CALIFORNIA

Parker Dam - 2007  
 Shadow Lake Estates lake - 2012  
 Coachella Canal - 2012  
 Ridgemark Golf Course - 2012  
 Lake Matthews - 2007  
 Lake Skinner - 2007  
 Dixon Reservoir - 2007  
 Lower Otay Reservoir - 2007  
 San Vicente Reservoir - 2007  
 Murray Reservoir - 2007  
 Lake Miramar - 2007  
 Sweetwater Reservoir - 2007  
 San Justo Lake - 2008  
 El Capitan Reservoir - 2008  
 Lake Jennings - 2008  
 Olivenhain Reservoir - 2008  
 Irvine Lake - 2008  
 Rattlesnake Reservoir - 2008  
 Lake Ramona - 2009  
 Walnut Canyon Reservoir - 2009  
 Kraemer Basin - 2009  
 Anaheim Lake - 2009  
 Black and Gold Golf Course pond - 2010  
 Lake Poway - 2010

## CALIFORNIA (continued)

Lake Havasu - 2007  
 Central Arizona Project Canal - 2007  
 Lake Pleasant - 2007  
 Imperial Dam - 2008  
 Salt River - 2008  
 Lake Powell - 2012

## COLORADO

Pueblo Reservoir - 2008 (Both Species)  
 Lake Granby - 2008  
 Grand Lake - 2008 (Both Species)  
 Willow Creek Reservoir - 2008  
 Shadow Mountain Reservoir - 2008  
 Jumbo Lake - 2008  
 Tarryall Reservoir - 2008

## NEVADA

Lake Mead - 2007  
 Lake Mohave - 2007  
 Lahontan Reservoir - 2007  
 Rye Patch Reservoir - 2007

## UTAH

Electric Lake - 2007  
 Red Fleet Reservoir - 2007  
 Sand Hollow Reservoir - 2007  
 Deer Creek Reservoir - 2007

## TEXAS

Lake Texoma - 2007  
 Lake Ray Hubbard - 2007  
 Ray Roberts Reservoir - 2007  
 Lake Bridgeport - 2007  
 Lewisville Lake - 2007  
 Belton Lake - 2007  
 Lake Lavon - 2007

## SOUTH DAKOTA

Angostura Reservoir - 2007

# Lacey Act

## Lacey Act Update

--H.R. 5430 the "Public Works  
introduct

--Co  
Bab  
Rep

--Hea  
Subco

--Legis  
Louisia

Efforts to make interstate water transfers compatible  
with the Lacey Act...where are we?

WESTCAS members taking the lead!

- San Juan Water Commission
- Eastern MWD/Cochella VWD/MET
- Tarrant RWD, NTMWD



# Lacey Act – *How HR 5430 applies...*

Lacey Act ***shall not apply*** if one or more of the following applies:

- (A) All prohibited species in the water transferred are located in both of the public water supplies between which water is transferred.
- (B) The water is transferred directly between such water supplies.
- (C) The water is transferred in a closed conveyance.





# Lacey Act – HR 5430 status...

--***Running out of time*** in the current Congress to pass this legislation but its introduction has encouraged dialogue with both Republicans and Democrats and a growing consensus that the Lacey Act must be modified to recognize current and future water practices in the West.

--***Specific recommendations and requests*** from House Democratic and Republican Committee staff that water community stakeholders seek to involve Democrats in Congress and also Native American Tribes whenever possible.



# Lacey Act – HR 5430 moving forward...

**Aaron Chavez & San Juan Water Commission ~**  
spearhead the effort to reach out to Democrats.

- Congressman Ben Ray Lujan – letter to USFWS
- How the Lacey Act would apply to Animas-La Plata Project (Colorado – New Mexico)
- Recent Senator Heinrich (D-NM)

## **Question asked:**

*“If quagga mussels make their way to the Four Corners Region, and if quagga mussels are listed under the Lacey Act, will our water supply from Animas-La Plata be interrupted?”*



# Lacey Act – *Immediate next steps...*

**Use the remainder of 2016 to generate**

Delegations questions to the USEPA  
Oklahoma-Texas water  
Nevada

**TAKE AWAY:**

**Essential that Western water supply be reliably assured  
decades into the future.**

**Re-i**  
the in  
will be  
agenci

**Start e**  
legislatio  
transfers

At present, water agencies from Louisiana to Southern California are no more than an invasive listing away from losing their water supply to the Lacey Act.

A bi-partisan consensus is required to address this issue and WESTCAS, as the "Voice of Water in the Arid West" can play a leadership role in this effort.



# WESTCAS – LACEY ACT POSITION

## Position Options?

- **Support Compatibility**  
*by*
- ***Prepare WESTCAS Position Statement***
- ***Prepare Advocacy Letter(s)***



# ISSUES for 115<sup>th</sup> – *What is the WESTCAS Position?*

Water Conservation Rebate – Tax Issue?

Western Drought Bill?

Will ESA Reforms be considered?

WOTUS – Will there be new legislation considered?

Federal Funding – continuing issue

See Table on  
Page 2 of  
"Preparation  
Packet"



# WESTCAS Reg-Leg Fly-in!

## Pre-Fly in, Planning Conference Call/Work session

- Interactive/Input Focused
- Web-based
- January timeframe

**NEED TO SIGN UP NOW!**





# Other Emerging Issues



# FFRMS – FEMA Proposed Rule

## Concerns with FFRMS Implementation?

How far will it go?

Assurances from  
FEMA?

Definitely need to  
monitor!

