ADMINISTRATION/CONGRESS
USFS/Senate Confirmation

On December 12, Aurelia Skipwith was confirmed by a Senate vote of 52-39 to serve as the new Director of the U.S. Fish and Wildlife Service. Skipwith has served as Deputy Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior since April 19, 2017. Senator John Barrasso (R-WY), Chairman of the Senate Committee on Environment and Public Works, noted her qualifications with degrees in biology, molecular genetics, and law, and encouraged support for her nomination.

CONGRESS
FY2020 Appropriations

On December 20, the President signed two appropriations bills that consolidated all twelve congressional subcommittee responsibilities: H.R. 1158 (funding Defense; Commerce, Justice and Science; Financial Services; and Homeland Security) and H.R. 1865 (funding Agriculture; Energy and Water; Interior and Environment; Legislative Branch; Labor, Health, and Education; Military Construction and Veteran’s Affairs; Transportation and Housing; and State and Foreign Operations). The House passed the two bills on December 17, with votes of 280-138 and 297-120, respectively. The Senate passed the two bills on December 19, with votes of 81-11 and 71-23, respectively. With the President’s signature, the legislation provided funds through the remainder of FY2020, and averted either a government shutdown or another continuing resolution.

Under Division B of H.R. 1158, the National Oceanic and Atmospheric Administration (NOAA) received $3.76B, for operations, research, and facilities, with additional funds for fishery activities, construction, salmon recovery, and departmental management. The bill directs NOAA to submit a report to Congress on existing supercomputing capacity and the incremental improvement to operational weather forecasts from investments in additional computing capacity.

The Office of Management and Budget (OMB) is prohibited, under Division C of H.R. 1158, from using funds to evaluate or determine if Army Corps of Engineers (Corps) water resource projects are compliant with laws and regulations as part of the water resources planning process. It also limits OMB budgetary policy reviews of new Corps project reports to 60 days, with the presumption that OMB concurs with the Corps’ report if it does not respond.

For the Department of Agriculture, Title II, Division B of H.R. 1865 appropriated: $6.5M for wellhead and groundwater protection activities, available until expended; $829.6M for the operations of the Natural Resources Conservation Service (NRCS) through September 2021; $175M for watershed and flood prevention operations; and $10M for watershed rehabilitation, with a priority for projects relating to high hazard dams and other watershed structures with recent flooding events. Under Title III, $659.4M was appropriated for rural water, wastewater, waste disposal, and solid waste management programs, with $68M of that specifically allocated toward loans and grants for water and waste disposal systems, and up to $30M to be used for related technical assistance grants. Section 736 requires that all iron and steel products used in such rural water projects be produced in the United States.

The Army Corps of Engineers received the following appropriations under Title I, Division C of H.R. 1865: $151M for investigations, including six new study starts; $2.68B for construction; and $3.79B for operation and maintenance. Congress appropriated $210M through September 2021 for the administration of laws pertaining to navigable waters and wetlands. Another $35M is available for flood control, hurricanes, and other emergency operations. Section 104 authorized the transfer of up to $5.4M to the Fish and Wildlife Service for mitigation of fisheries lost due to Corps projects.

The Department of the Interior’s (DOI) appropriations under Title II, Division C of H.R. 1865 included: $20M for the Central Utah Project; $54.8M for the Central Valley Project Restoration Fund; $33M for the California Bay-Delta Restoration; $1.5B for Bureau of Reclamation projects and facilities (with $69M of that for transfer to the Upper Colorado River Basin Fund, $5M for the Lower Colorado River Basin Development Fund, $10M for the Blackfeet Water Settlement Implementation
Further, under Title I, Division D of H.R. 1865, DOI received: $1.237B for the Bureau of Land Management; $1.364B for the Fish and Wildlife Service; $2.576B for the National Park Service; $1.27B for the U.S. Geological Survey; $24M for the Abandoned Mine Reclamation Fund, with another $115M for grants to states and tribes for abandoned mine reclamation activities; $45.6M for implementation of Indian land and water claim settlements; $952M for wildland fire management, including $194M for fuels management and $20M for burned area rehabilitation; and $300M for wildfire suppression operations.

Environmental Protection Agency (EPA) appropriations under Title II, Division D of H.R. 1865 included: $716M for science and technology through September 2021; $2.662B for environmental programs and management through September 2021; $4.246B for state and tribal assistance grants, including $1.638B for Clean Water State Revolving Funds (SRFs), $1.126B for Drinking Water SRFs, $25M for the construction of high priority water and wastewater facilities near the US-Mexico border, and $29M for grants to Alaska for rural drinking water and wastewater infrastructure needs, as well as various other grants; and $55M for the Water Infrastructure Finance and Innovation Act (WIFIA) program, with loan guarantees facilitating up to $11.5B in infrastructure loans.

Appropriations under Title III, Division D of H.R. 1865 include: $2.35B for U.S. Forest Service wildland fire management, $1.95B for wildfire suppression operations; and $2.9M for the Council on Environmental Quality and Office of Environmental Quality.

WATER RESOURCES/ORGANIZATIONS

Colorado River/CRWUA

The Colorado River Water Users Association (CRWUA) held its annual meeting in Las Vegas on December 11-13, along with meetings of the Upper Colorado River Commission and the Colorado River Board of California. The first day began with a foundational primer, followed by panels on regulatory and augmentation topics with representation from the states, tribes, water districts and authorities, federal agencies, academics, and attorneys.

The second day provided an Upper and Lower Basin perspective on the Drought Contingency Plans (DCPs). Panelists included Amy Haas, UCRC Executive Director; Rebecca Mitchell, Colorado; Steve Wolff, Wyoming; Tom Buschatzke, Arizona; Peter Nelson, Coachella Valley Water District; and Coby Pellegrino, Southern Nevada Water Authority. There were panel discussions on the 2007 interim guidelines, the science of climate change, tribal water rights, forecasting future water supplies (moderated by WSWC Chair Jeanine Jones, California), and a panel marking the 150th anniversary of the John Wesley Powell expedition down the Colorado River.

On December 13, DOI Secretary David Bernhardt praised the upper and lower Colorado River basin leaders for their agreements on the DCPs for managing operations on the river in a dependable way. He said: “This year’s historic agreements once again demonstrated that the best way to protect the Colorado River is collaboration and cooperation, not litigation. Looking ahead, we are eager to complete a review of our current operations by leveraging that collaborative approach to identify lessons learned from rules that have guided our operations since 2007.” Tom Buschatzke, Director, Arizona Department of Water Resources said building on collaborative efforts toward a more sustainable river is an “absolute necessity” and he applauded Bernhardt’s announcement “that the required review of the interim Guidelines will be expedited.”

The 2007 Interim Guidelines expire in 2026. The first step to develop new or updated guidelines is a review and report, which will be prepared by the Bureau of Reclamation (BOR) in coordination with states, tribes, other federal agencies, and non-governmental organizations. DOI expects to complete this review over the coming year, and the public will have the opportunity to provide input as the report is developed.

BOR Commissioner Brenda Burman said that in two weeks, for the first time, the river system will have voluntary water contributions from Arizona, Nevada, and Mexico, lowering the chance of crisis on the river. She also noted that renegotiating the 2007 Interim Guidelines would take patience, and that it was “not yet time to take up that task.” The states signed the DCPs in May, and they need some time to gain some operational experience as they implement those plans, she said. The parties will be looking at what has worked and what hasn’t since 2007, and considering ideas for improvements before starting the renegotiation process.

The final day also included U.S.-Mexico conversations with representatives of the International Boundary and Water Commission and Mexico’s National Water Commission (CONAGUA), as well as a panel of senior federal water officials on Improving Interagency Coordination for Water Supply Reliability that included Dr. Tim Petty, Assistant Secretary of the Interior for Water and Science; Dr. Tim Gallaudet, Assistant Secretary for Oceans and Atmosphere, Department of Commerce; and Daniel Simmons, Assistant Secretary, Department of Energy, Office of Energy Efficiency and Renewable Energy. See crwua.org.