Issue #2416
September 4, 2020

Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN GOVERNORS/ENVIRONMENT

Endangered Species

On September 3, Western Governors requested that federal agencies and state wildlife managers "maintain a close working relationship" in comments to the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) about the proposed rule, Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat. The proposed rule would establish a regulatory definition of "habitat" in the context of critical habitat designations under the Endangered Species Act (ESA). The Governors assert that collaboration on that definition will "ensure that any new interpretation or application of the term does not result in unintended consequences for state management of species." The letter was signed by WGA Chair Oregon Gov. Kate Brown and Vice Chair Idaho Gov. Brad Little. See https://westgov.org.

WATER RESOURCES

Water and Tribes Initiative

The Water and Tribes Initiative, a collaboration between the Center of Natural Resources and Environmental Policy at the University of Montana, the Babbitt Center for Land and Water Policy, Walton Family Foundation, Ten Tribes Partnership and other individuals and groups, has published a report called "*Toward a Sense of the Basin: Designing a Collaborative Process to Develop the Next Set of Guidelines for the Colorado River System*." This report was developed over the past year and a half in response to the upcoming negotiations beginning in late 2020 on new guidelines to replace Bureau of Reclamation's (USBR) 2007 Interim Guidelines for operating the Colorado River. The effort consisted of over 100 interviews in 2019 and three workshops in 2019 and early 2020 that allowed stakeholders to discuss and provide feedback. Many Western States Water Council members were interviewed as part of the effort, as well as other state representatives, tribes, local water providers, foundations, conservation groups, academics, and individuals from the International Boundary and Water Commission, the Department of the Interior and USBR.

The report synthesized and catalogued the diverse perspectives on the long-term visions for the Colorado River; issues that need to be addressed in the next set of operational guidelines; options to enhance participation and collaboration, specifically tribal participation; and how to better define and integrate the role of science and technical information, including local and indigenous knowledge. The effort contemplated a range of alternative futures for the river, and asked participants to identify opportunities and challenges to making those visions reality.

"One striking theme that emerged from the interviews was the vision and passion many people have for the river as a river, not just a water supply pipe," the report noted. "Concerns about sustainability, connection of communities to the river, and its ecological values and life-giving qualities were pervasive…. [T]hese values translated into a desire for better integration of water supply operations with the ecological, cultural, sacred, environmental, recreational and natural values of the river."

Participants recognized that the development of the next set of guidelines will likely follow a federal and state-led process, similar to the 2007 Interim Guidelines, but identified changes that needed to be made in order for a broader range of priorities to be included and represented.

"Most interviewees…suggested that this process could be enhanced in a number of ways, such as a Sovereign Review Team [SRT] that creates a level playing field among the basin's federal, state, and tribal sovereigns and provides opportunities for all stakeholders, experts, and the public to be involved; a multi-stakeholder collaborative process, similar to [USBR's] Moving Forward Effort; a network of networks, or an organic system of many nested processes for participation and collaboration, from international and basin-wide forums to more local and place-based forums; and public participation, including innovative methods to inform and educate the general public as well as ways to seek their input and advice." Another suggestion was to create a 25-year plan that builds in systems of learning, adaptive management and collaborative decision-making strategies that can be

assessed on a year-to-year basis, rather than having a series of 3-5 year plans that require starting from a blank slate each time.

Regarding tribal participation, the report noted, "There currently seems to be a consensus that basin tribes should be more meaningfully involved in policy discussion and negotiations about the future of the river system, including the development of the next set of guidelines." Participants discussed a range of options that could enable this, including developing a Tribal Advisory Council or other forum for tribes to "build capacity, exchange information and forge common ground;" creating a SRT; or ensuring tribes work with the states in which their reservations are located to ensure tribal needs and priorities are included in the state negotiating strategy.

Finally, participants identified issues and concerns related to the role of scientific and technical information and indigenous knowledge. The report stated: "In addition to emphasizing the need to better integrate scientific and indigenous knowledge into decision-making, plan for uncertainty, and facilitate adaptive management, interviewees highlighted the need to manage risk; translate tribal spiritual and cultural values into terms useful for water managers; and more completely assess the trade-offs between water supply decisions and ecological values and objectives." Increasing capacity for individuals and organizations to access, analyze and understand the science, and better communicating science and technical information to decision-makers and lay people, were also highlighted as important challenges. The report can be found at: http://naturalresourcespolicy.org/docs/colorado-river-basin/basin-report-2020.pdf.

WATER RESOURCES/ORGANIZATION

Water Economics/National Academy of Sciences

On August 24, the *Proceedings of the National Academy of Sciences* published an article called "The Global Value of Water in Agriculture." It highlighted that the value of water is hard to determine because of the absence of water markets to price it accurately, with only seven countries (including the United States) where water markets and trading of water rights can be found. Additionally, the pervasive use of government subsidies that cover water infrastructure development, maintenance and operations, as well as costs associated with the supply, treatment, storage and distribution of water resources mean that when water is traded, the price of water reflects the extrinsic value expressed by users' willingness to pay and willingness of water rights holders to accept compensation rather than its full value.

The goal of the study was to develop an economic model to determine the value generated by water in irrigated agriculture. The researchers were able to develop a model that largely reflected median prices found in regions with water markets, making it a potentially useful tool for regions that do not have developed water markets to price water directly. However, they also found that overall, water used in irrigated agriculture is not necessarily how it is "best used," in an economic sense, because it does not generate its maximum price. In fact, water used for irrigated agriculture tends to be priced at least one order of magnitude less than in other sectors (mining, industry or municipal).

As an example, they found the median global values of water to be $\$0.13/m^3$. This compares to reports in 2012 that Colorado farmers paid between \$0.02 to $\$0.08/m^3$ for irrigation water. In the presence of competition from the oil industry, "farmers [were] outbid in water market transactions at prices ranging from \$0.81 to $\$1.62/m^3$. This suggests that when demand from another industry that is willing to pay a higher price for water comes into play, farmers sell their water rights if the price exceeds the value of water in agriculture." The study was able to provide the estimates of those values. This type of modeling could be useful for both investors and local communities or farmers engaged in land and water negotiations, and could potentially help even out the asymmetry in knowledge and unbalanced power relations that are often prevalent in these negotiations. See https://www.pnas.org/content/pnas/early/2020/08/19/2005835117.full.pdf.

MEETINGS/ORGANIZATIONS

Association of Fish and Wildlife Agencies

On August 10, the Association of Fish and Wildlife Agencies (AFWA) Fisheries and Water and Resources Policy Committee, Subcommittee on Water, and Western States Water Council held a Water Data Webinar that featured presentations on the WSWC Water Data Exchange (WaDE) program, Internet of Water (IoW), Interstate Council on Water Policy (ICWP) Water Data Committee efforts and the Western AFWA's Crucial Habitat Assessment Tool (CHAT). The meeting was chaired by Jason Olive (AR), with background and introductions by Christopher Estes (AK). Information can be accessed with this public portal link: https://drive.google.com/drive/folders/1UCWCgV0vfXizhjqcC_hH2BRutEaUHfHL?usp=sharing.

PEOPLE

Governor Brad Little has appointed **Jess Byrne** as Director of the Idaho Department of Environmental Quality (DEQ). Jess has served as Deputy Director for the DEQ since April of 2012. Jess will replace DEQ Director **John Tippets**, who was appointed to the position in July 2015 and retired in July 2020. We congratulate Jess on his new position and look forward to working with him.