



From: Ginger Hamilton <Ginger.Hamilton@yumacountyaz.gov>
Date: Monday, June 8, 2020 at 11:26 AM
To: AO Records <records@americanoversight.org>
Subject: Request for Records -- AZ-YUMA-20-1086

EXTERNAL SENDER

To: Vibha Kannan,

Attached is Yuma County's response to the attached Request For Records. The files were gathered by the Yuma County ITS Department and have been reviewed by the Yuma County Attorney's office and are ready for release.

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From: Lynne Pancrazi <Lynne.Pancrazi@yumacountyaz.gov>

Sent: Wednesday, January 29, 2020 8:52 AM EST

To: Paul Melcher <Paul.Melcher@yumacountyaz.gov>; Russell McCloud <Russell.McCloud@yumacountyaz.gov>

Subject: Fwd: Agribusiness & Water Council of Arizona Policy Development and Legislative-Regulatory Affairs Committee meeting

Attachment(s): "emailsignature.JPG", "ATT00001.htm", "ABWC Tracking Jan 22-2020.pdf", "ATT00002.htm", "Agenda 01-29-20 Policy Development L-RA Committee ABwC.pdf", "ATT00003.htm", "ABwC Bylaws Policy Development and Legislative-Regulatory Affairs Committee.pdf", "ATT00004.htm", "NWRA 2019 Resolutions and Other Information v. 2 [MCS].docx", "ATT00005.htm", "2020 Resolutions FINAL.pdf", "ATT00006.htm", "2020 Positions v 7 FINAL.wpd", "ATT00007.htm"

FYI

Sent from my iPhone

Begin forwarded message:

From: Wade Noble <wade@noblelaw.com>

Date: January 28, 2020 at 2:41:09 PM PST

To: Wade Noble <wade@noblelaw.com>

Subject: Agribusiness & Water Council of Arizona Policy Development and Legislative-Regulatory Affairs Committee meeting

If you have legislation you are interested or legislation you would like to see passed or are a legislator seeking support - please get language to me at wade@noblelaw.com and I will circulate it to the group. wn

The agenda for tomorrow morning's meeting of the Agribusiness & Water Council of Arizona Policy Development and Legislative-Regulatory Affairs Committee is attached and follows:

Policy Development and Legislative-Regulatory Affairs Committee
Agribusiness & Water Council of Arizona

Agenda

WEDNESDAY - January 29, 2020

8:00 AM to 9:30 AM

CONFERENCE CALL NUMBER

1-800-416-4956 PASS CODE 214096#

1. Review AZ bills of significant pertinence to the Council or Council members and develop recommendations for Executive Committee action.
2. Review federal proposed legislation or agency action of significant pertinence to the Council of Council members and develop recommendations for Executive Committee action.
3. Review of proposed 2020 Council priorities and develop recommendations for Executive Committee action.
 - a. State level
 - b. Regional or National level
4. Review Colorado River Water Users Association (CRWUA) Resolutions and Position Statements and develop recommendations for Executive Committee action.
5. Review National Water Resources Association (NWRA) Policies and Position Statements and develop recommendations for Executive Committee action.
6. Review of Council bylaw change affecting Legislative Committee.
7. (As time permits) discuss political races affecting Council members.

Also attached are:

1. ABWC Bylaw on the Policy Development and Legislative-Regulatory Affairs Committee
2. ABWC Jan 22 Bill tracking list from Chis Udall
3. ABWC Priorities List
4. National Water Resources Association Policies and Position Statements
5. Colorado River Water Users Association Resolutions and Position Statements

Section 2. Policy Development and Legislative-Regulatory Affairs Committee. The Council shall have a Policy Development and Legislative-Regulatory Affairs Committee.

A. Purpose. The Committee shall:

1. Prepare and recommend for adoption by the Executive Committee, or as otherwise may be provided, policies of the Council with accompanying position statements.
2. Prepare an action plan for implementation of each Council policy.
3. Be actively engaged in legislative and regulatory efforts regarding Council policies and such efforts that involve Council interests.
4. Meet to discuss and respond to federal and state legislative and regulatory issues and plan and prepare a proposed Council response as deemed appropriate.
5. Provide recommendations to the Council for policy and issue collaboration and outreach.

B. Organization. The Council President shall appoint a Chair and Vice Chair to lead the Committee. The Chair and Vice Chair will provide for a Committee Secretary. Any member or member representative of the Council shall be eligible and invited to serve on the Committee.

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2020 Supporting Position Statements
To Accompany the 2020 Resolutions of the

Colorado River Water Users Association
(â\200\234CRWUAâ\200\235)

Adopted at the Annual Meeting
of the Resolutions Committee
on December 13, 2019
in Las Vegas, Nevada

The Colorado River Water Users Association is a non-profit, non-partisan organization providing a forum for exchanging ideas and perspectives on Colorado River use and management with the intent of developing and advocating common objectives, initiatives and solutions.
Table of Contents

Position Statement â\200\223 Endangered Species Act â\200\223 (Resolution No. 2020-1)	1
Position Statement â\200\223 Invasive Management â\200\223 (Resolution No. 2020-2)	5
Position Statement â\200\223 Reclamationâ\200\231s Water and Power Facilities (Resolution No. 2020-3)	6
Position Statement â\200\223 Colorado River Salinity Control â\200\223 (Resolution No. 2020-4)	8
Position Statement â\200\223 Settlement of Indian Reserved Rights â\200\223 (Resolution No. 2020-5)	9
Position Statement â\200\223 Mitigating Water Quality Impacts Due to the Uranium Mill Tailings Pile near Moab, Utah â\200\223 (Resolution No. 2020-6)	10
Position Statement â\200\223 Colorado River Delta â\200\223 (Resolution No. 2020-7)	11
Position Statement â\200\223 The Department of the Interiorâ\200\231s WaterSMART Initiative â\200\223 (Resolution No. 2020-8)	12
Position Statement â\200\223 Maintaining Financial Stability of the Upper Colorado River Basin Development Fund - (Resolution No. 2020-9)	13
Position Statement â\200\223 Management of Lower Colorado River Water Supplies â\200\223 (Resolution No. 2020-10)	13
Position Statement â\200\223 Augmentation and System Conservation of Colorado River Water Supplies â\200\223 (Resolution No. 2020-11)	14
Position Statement â\200\223 Potential Impacts of Climate Change â\200\223 (Resolution No. 2020-12)	15
Position Statement â\200\223 Western Area Power Administration â\200\223 (Resolution No. 2020-13)	15
Position Statement â\200\223 COMPLETED â\200\223 Minute No. 323 of the International Boundary and Water Commission â\200\223 (Resolution No. 2020-14)	16
Position Statement â\200\223 Drought Contingency Planning â\200\223 (Resolution No. 2020-15)	17
Position Statement â\200\223 Clean Water Act â\200\223 (Resolution 2020-16)	18
Position Statement of the Ten Tribes Partnership In Opposition to Resolution 2020-16 (Clean Water Act)	19
Position Statement â\200\223 Response to Mine Spills in the Colorado River System â\200\223	

Introduction to CRWUAâ\200\231s Position Statements
To Accompany the 2020 Resolutions

The membership of the Colorado River Water Users Association annually update and adopt a comprehensive set of resolutions addressing the major issues, factors and externalities that affect the sharing, use and further development of the Basinâ\200\231s water supply. As the Colorado River is one of the most regulated rivers in the country, a complex asset of state and federal statutes, regulations and judicial decrees, interstate compacts and an international treaty (collectively referred to as â\200\234the Law of the Riverâ\200\235 (â\200\234LORâ\200\235)) govern the allocation, storage, release and uses of the Riverâ\200\231s water. The LOR dictates water resources management decisions made by the 40 million people who depend on the River in the United States for their water supply.

CRWUAâ\200\231s resolutions advocate sound public policy positions that maximize beneficial consumptive use of the available water supply while appropriately conserving important environmental resources, promote storage to ameliorate drought conditions, support generation of electrical power at the many hydroelectric plants at the major federally constructed reservoirs in the River Basin and preserve the rights and prerogatives of the seven states through which the 1200-mile long river flows.

In short, CRWUAâ\200\231s Resolutions address local, state, regional, national, tribal and international relationships among the many interdependent parties who rely on this internationally critical water supply. The resolutions are addressed to, among others, national, local and state governments and nongovernmental organizations. Position statements framing the pertinent issues and justifying and expanding upon the resolution accompany each resolution. The full text of each position statement and resolution can be quickly and conveniently accessed on the Associationâ\200\231s website: <https://www.crwua.org/resolutions/view-resolutions>.

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COLORADO RIVER WATER USERS ASSOCIATION
2020 Position Statements
To Accompany the Associationâ\200\231s Adopted 2020 Resolutions

Position Statement â\200\223 Endangered Species Act â\200\223 (Resolution No. 2020-1)

The Endangered Species Act of 1973 (â\200\234ESAâ\200\235 or â\200\234Actâ\200\235) marked a culmination of federal legislative initiatives in the 20th Century to preserve plant and animal species considered endangered, including the Endangered Species Conservation Act of 1966 and the 1969 Endangered Species Preservation Act. Prior to the ESA, wildlife conservation measures were largely the responsibility of individual states. The ESA has been awaiting reauthorization since 1992. Many acknowledge the ESA is failing the public it is supposed to serve and the species it is intended to protect. Fixing the ESA is critical â\200\223 for species, property owners and our nationâ\200\231s economy, security and well-being.

The Colorado River Water Users Association (â\200\234CRWUAâ\200\235) Supports Re-Authorization and Necessary Reform of the ESA

CRWUA supports the implementation, reauthorization and reform of the ESA to provide consistent and reasonable conservation of endangered species. The Act must produce results that balance species conservation and recovery with the needs of people. That this is possible is demonstrated by the cooperative conservation partnerships CRWUA members are already involved in, including the Upper Colorado River Endangered Fish Recovery Program, the Lower Colorado River Multi-Species Conservation Program, and the San Juan River Basin Recovery Implementation Program. We need a new 21st century ESA that is consistent with these cooperative efforts.

Recognizing the need to prioritize, CRWUA is focused on three goals: 1) increasing the role of the states and tribes; 2) streamlining the Act; and, 3) increasing certainty and direct involvement for landowners and water users.

Reauthorization of the ESA must include reforms to strengthen the role of the states in listing decisions, critical habitat designations, recovery planning, habitat conservation plans, safe harbor agreements and more. Alternatives to the rigid, ESA-mandated listing and federal recovery planning regulations are desperately needed. Cooperative agreements providing authority for states, tribes and involved entities to initiate threatened and endangered species conservation programs should be encouraged. These agreements should include provisions and incentives giving certainty to those who undertake conservation measures in exchange for incidental take authorizations. Cooperative species conservation actions, including candidate species conservation agreements, should be given preference in lieu of ESA species listings. The ESA should provide authority to initiate species conservation plans in advance of listing. If implemented, these plans should provide automatic incidental take permits upon subsequent listing as a means to provide meaningful landowner incentives and thus enhance opportunities to avoid a species listing. More importantly, the ESA should authorize conservation plans that are focused on habitat and ecosystem conservation rather than being species-specific.

Increasing certainty for landowners and water users begins with a fundamental respect for existing law and rights. The notion the ESA trumps other existing law is of tremendous concern to all except those who seek to maintain cost-free land use control through species listing as an end in itself. The Act must be carried out in a manner consistent with other federal laws, authorities and purposes, including the trust responsibility owed by the United States to Indian tribes. The Act cannot abrogate, supersede, supervene or supplant the United States Constitution or the Bill of Rights. The Act cannot be used or construed to permit or justify the involuntary appropriation of property of others, including contractual rights in existence at the time of the species listing.

The ESA Does Not Create Federal Water Law or Federal Rights to Water

The ESA should not be construed or used to impair, abrogate, supersede, amend or reallocate vested water rights granted by federal law or the respective states for beneficial uses; including the rights of contractors to use water pursuant to valid contracts with the Bureau of Reclamation (Reclamation). The same is true as to the rights of Indian tribes established by treaty, statute, settlement or decree and for water apportionments made by interstate compact or U.S. Supreme Court decree. Existing historical water uses and depletions and operation, maintenance and repair of existing water storage, diversion and conveyance facilities should be exempt from the ESA. The Federal Government should not acquire land or water, except on a willing seller/willing buyer basis consistent with applicable substantive and procedural law, nor should it impair the right to receipt and/or delivery of water within a Reclamation project under existing water storage, repayment or water service contracts.

Current Procedures for the Designation of Critical Habitat Create Disincentives for Species Recovery

In 30-plus years of implementing the ESA, the United States Fish and Wildlife Service has found that the designation of critical habitat provides little additional protection to most species while consuming significant amounts of conservation resources and furnishing landowners with negative impressions. America's farmers, ranchers and private property owners have the most important role in saving endangered species as ninety (90%) percent of endangered species in the U.S. have habitat on private land. Research has shown that the current up-front and inflexible ESA critical habitat designation procedures have created disincentives for species recovery, rather than improving their plight.

A combination of factors has distorted the structure under which critical habitat was designed to function. The ESA currently requires agencies to designate critical habitat at the same time a species is listed as endangered or threatened. Designation of critical habitat should be made at or after the recovery planning stage, when there is sufficient information available to decide what habitat is essential for conservation of the species. Critical habitat designations should be made based on sound science and should be narrow, specific and precisely define the included areas. Areas of unoccupied habitat should be excluded unless sufficient information identifies it as truly essential for the species.

Areas covered by habitat conservation plans (HCPs) that include measures for preservation of a protected species' habitat should automatically be excluded f

from critical habitat designations. No designation of critical habitat should occur within areas where an ecosystem management approach has been adopted to manage resources to facilitate species recovery and avoid listings. In these cases, the designation of critical habitat causes unnecessary, time-consuming, and costly review of existing management plans with no increase in the protection provided for endangered species. Providing statutory assurances for HCPs and Section 7 consultations affecting non-federal parties would encourage public acceptance and involvement in these permitting programs.

Critical habitat should not be designated until realistic, peer-reviewed economic analyses have fully evaluated the costs of species listing and critical habitat designation. The Federal Government must fully inform the public and other governmental entities of the social and economic costs and benefits of designating critical habitat. ESA administrative actions, including listing, critical habitat designations, and publication of recovery plans, should be taken only after compliance with the National Environmental Policy Act.

The development of recovery plans and the recovery of threatened and endangered species, including the provision of adequate funding, is a federal obligation, unless and until full partnership efforts are established. Recovery plans should identify:

- quantified goals, a recovery date target and the probability of recovery;
- critical habitat essential for conservation and recovery of the species;
- actions and realistic estimates of those actions' cost necessary for recovery; and,
- potential social and economic impacts associated with achieving recovery.

The ESA should unequivocally support artificially propagating populations of endangered species in order to achieve self-sustaining populations and encourage the designation of experimental non-essential populations to facilitate recovery efforts. Where competition between native species and introduced species is a significant factor, responsible artificial propagation may be the only means to recover a species.

Listing and Delisting Procedures Need Significant Improvements

Listings, designation of critical habitat and recovery plan development often are not accompanied by adequate public notice and involvement. The ESA should provide more meaningful opportunities for landowners and citizen consultation and involvement. The public has a right to know whether it will be impacted due to actions implementing the ESA.

Decisions regarding the listing, protection and recovery of endangered species and designation of critical habitat should be based on adequate, verifiable, peer-reviewed, ground-proofed, scientific information subjected to public scrutiny. The Act should protect only those taxonomic groups that may be significantly different from other groups within the species.

Decisions to list or delist species, designate or rescind critical habitat, and approve recovery plans should be made by the Secretary of the Interior ('Secretary') in a timely manner, after independent review of the record, only after appropriate consultation with the governor or governors of the state or states impacted by the decision, affected Indian tribes, and after a public hearing in the affected area upon receipt of a petition therefore by an interested party.

Individuals or entities whose property or economic interests may be adversely impacted by ESA actions should have standing as parties in ESA litigation and should have 'applicant' status in Section 7 consultations.

The Act should provide for periodic review of species listings, critical habitat designations, and recovery plans to determine if such actions continue to be necessary or appropriate for the continued existence of a species. An administrative process to evaluate the down-listing and delisting of species should be started when the quantitative goals and targets of a recovery plan are met. The Secretary should be given the flexibility to down-list or delist species along state geographic boundaries, when recovery goals within a state or regional recovery program consistent with the purposes of the ESA have been met.

Current ESA Funding is Inadequate to Accomplish ESA's Purposes

ESA funding at the federal and state levels must increase significantly to address the growing list of threatened and endangered species. Existing levels of expenditures to meet the need to protect species and their habitat are inadequate, particularly as state and federal

agencies increasingly assume ESA management activities and embrace ecosystem management strategies. Inadequate funding remains a tremendous impediment to the ESA and is the direct cause of burdens being unfairly placed on local communities and owners of private property.

Contractors In Reclamation Projects Should Be Granted Applicant Status in Section 7 Consultations

The ESA provides applicants for federal permits or licenses with certain rights related to the Section 7 consultation process between the federal permitting/licensing agency and the Fish and Wildlife Service or National Marine Fisheries Service. Reclamation project contractors must be given recognition as applicants for any ESA Section 7 consultation that involves the operation of the project, regardless of whether that consultation involves the renewal or issuance of water service contracts.

Furthermore, the role of applicants in the Section 7 consultation process should be strengthened. Currently, the Section 7 process is treated as a consultation between two federal agencies that largely excludes input from affected non-federal parties. The exclusion of Reclamation project participants from direct involvement in such consultations only encourages their resort to judicial review of biological opinions as the only effective means to have their voices heard. Providing a direct role for Reclamation contractors would establish an improved consultation process with greater scientific and commercial data available that should improve the resulting biological opinions and reduce the need for litigation.

Congress declared that its policy is for federal agencies to cooperate with state and local agencies in resolving water resource issues in concert with conservation of endangered species (16 U.S.C. Â§ 1531 (c)(2)). It is time for Congress to make this policy an enforceable right by water agencies to fully participate in Section 7 consultations alongside federal agencies.

Position Statement on Invasive Management (Resolution No. 2020-2)

Invasive species are one of the most significant threats to native ecosystems in the nation. As defined by Federal Executive Order 13112 (1999), a species is considered invasive if it is not native to the ecosystem under consideration, and its establishment causes or is likely to cause economic, environmental or human harm. Large efforts are underway to fund, develop and implement early detection, monitoring, education, control, and eradication programs to control, manage and hopefully eradicate invasive plant and animal species. Many of the invasive species that are causing substantial damage were imported for ornamental landscaping, as a result of international commerce, from recreational activities, or by accident. Often these introduced species thrive and multiply in their new habitat due to fewer diseases or natural limiting factors and do so to the detriment of native species and ecosystems. Controlling established invasive species is costly and difficult, and complete eradication is extremely difficult. In addition to the environmental damage, these invasive species can impose enormous costs to control or eradicate.

Preventing invasive species from becoming established can be more cost effective than restoring an injured ecosystem. Prevention can avoid the potentially permanent species losses that may result from a pest invasion. For instance, nearly half of the species currently listed as threatened or endangered under the ESA are in jeopardy primarily due to invasive species. Initial changes in ecosystem processes and interactions may be undetectable, depending upon the specific species, prior to devastating impacts of invasions.

Zebra and Quagga mussels are among the most devastating invasive aquatic species to invade North American fresh waters. The mussels first arrived from Europe in the 1980s and spread to many water bodies in the eastern and Midwestern United States and have now been found in a number of western states. The arrival of these mussels in a region creates severe ecological and economic impacts because, once established, the mussels can clog water intake and delivery pipes, infest hydro power infrastructure, adhere to boats and pilings, foul recreational beaches and damage fisheries.

Invasive non-native plant species like Arundo, Giant Salvinia, Hydrilla, Phragmites, Russian Olive, and Saltcedar choke waterways, reduce flood carrying capabilities, alter riparian morphology and soak up scarce water supplies, all to the detriment of native species. These invaders undermine ecosystem protection and restoration in sensitive watersheds throughout the West. The Colorado River Water Users Association urges federal and state agencies, regional and local governments, and individual citizens to work together in concert to prevent invasive species from becoming established and to implement timely, efficient and cost-effective programs for education, detection, monitoring, control and eradication of invasive species.

Existing laws, such as the Lacey Act, were drafted to address the interstate trade in non-native species without considering the impact on western water supply systems that often involve the transport of water from interstate rivers for use throughout arid regions of the West. Congress should add protections to ensure that invasive species laws are not used to disrupt public water supplies or restrict operations of public water supply systems.

Position Statement â\200\223 Reclamationâ\200\231s Water and Power Facilities
(Resolution No. 2020-3)

Inadequate precipitation in the American West required settlers to apply irrigation water for agriculture to succeed. As demand for water increased, Westerners sought the Federal Governmentâ\200\231s investment and assistance with water storage and irrigation projects, recognizing similar Congressional investments for roads, river navigation, harbors, canals and railroads. The irrigation movement demonstrated its strength when pro-irrigation planks found their way into both Democratic and Republican political platforms in 1900. Congress responded to these expressions of need with the passage of the Reclamation Act of June 17, 1902. The Act required that water users repay construction costs for projects from which they received benefits.

Reclamationâ\200\231s projects and the water provided on an annual basis are of critical importance to the Western States. The Reclamation program has been a prominent part of Western U.S.â\200\231s development and Reclamation operates about 180 projects in the 17 Western States. The total Reclamation investment in completed facilities exceeds \$12 billion and these completed works provide agricultural, municipal and industrial water to about one-third of the American Westâ\200\231s population. Over 9 million acres are irrigated with water supplied in whole or in part by Bureau of Reclamation projects. Reclamation is a major American generator of electricity through the operation of 56 hydropower plants associated with its projects. In the West, water infrastructure is every bit as important as transportation and energy infrastructure. It is essential to the continued economic growth and development of the region.

Given the huge investment made by the Federal Government and water users; the critical, life-sustaining importance of the water of the water resources managed by the Reclamation projects, and the water supply challenges being faced in the West (the most rapidly growing portion of the United States), it is essential that Reclamation adequately and properly attend to its water user constituency and responsibly discharge its fiduciary and resource management responsibilities. The enormous financial investment in these critically important water projects must be protected through adequate annual maintenance and rehabilitation expenditures. As these projects were constructed over the past 100 years, adequate and timely annual financial investment must be made to offset the effects of age and maintenance, rehabilitation and updating activities will ultimately lead with emergency circumstances. Sound public policy demands adequate federal maintenance and rehabilitation expenditures in recognition of the absolute necessity and enormous dependence on Reclamation projects to provide a adequate and reliable water supply in the arid West.

The water supply infrastructure in the West should be used to the maximum benefit of the nation. Seven of the ten fastest growing cities of the nation are in the West, and this growing population requires an adequate water supply. Additional water storage is essential to meet the growing demand for water in a â\200\234fast growingâ\200\235 region.

Water transfers play a vital role in water supply. The federally constructed water infrastructure of the Colorado River Basin provides opportunities for meeting supply challenges. CRWUA urges the Department of the Interior and Reclamation to exercise their maximum legal authority to facilitate appropriate water supply and water transfer projects.

Reclamation should do its utmost to manage reservoir conservation storage to avoid or minimize shortages on the Colorado River and maximize power generation benefits in accordance with the laws operating criteria and guidelines governing the respective reservoirsâ\200\231 operation.

Position Statement â\200\223 Colorado River Salinity Control â\200\223
(Resolution No. 2020-4)

The Colorado River provides important water supplies for about 40 million Americans in Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. Nearly 4 million acres are irrigated with the Colorado River system water in the United States. The Colorado River also serves about 3 million people and half a million acres of irrigated farmlands in Mexico. The reduction in salinity associated with the Colorado River Salinity Control Program (â

\200\234SCP\200\235) is estimated to provide hundreds of millions of dollars of benefit to agricultural, municipal and industrial Colorado River water users. The Colorado River Basin Salinity Control Act (\200\234CRBSCA\200\235) (PL 93-320) provides the means for the United States to meet the national water quality obligation to Mexico established in 1972 by Minute 242 of the International Boundary and Water Commission (\200\234IBWC\200\235) and to maintain the Basin-wide water quality standards adopted by the seven Colorado River Basin States (\200\234Basin States\200\235) and approved by the U.S. Environmental Protection Agency (\200\234EPA\200\235) pursuant to the Federal Clean Water Act. It is essential that funding for the Colorado River Basin Salinity Control programs as contained within the budgets of the Bureau of Land Management, Bureau of Reclamation and the United States Department of Agriculture (\200\234USDA\200\235) be appropriated.

The Basin States and their tribal and non-tribal water users have consistently worked with the executive, legislative and judicial branches of the federal government to assure a fair and effective allocation of the Colorado River\200\231s water supply within the terms of the \200\234Law of the River\200\235. Preserving the Basin States\200\231 abilities to develop their apportioned water supplies necessitates maintenance of the Basin-wide water quality standards for salinity. At current salinity levels, the economic damages from high salinity currently experienced by municipal, industrial and agricultural users of Colorado River water in the U.S. are estimated to be several hundred million dollars per year.

In 1974, Congress enacted the CRBSCA to implement the 1973 salinity agreement with Mexico as well as a program for controlling Colorado River salinity levels within the United States in accordance with the Basin-wide water quality standards for salinity. In 1984, PL 93-320 was amended to authorize a new voluntary, cost-shared, on-farm salinity control program by the USDA and to develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management. In 1995, Congress enacted PL 104-20, which provides Reclamation with programmatic authority to initiate new federal and non-federal salinity control measures. In 1996, the USDA\200\231s program was combined with three other federal programs into the newly created Environmental Quality Incentives Program (\200\234EQIP\200\235) by the Federal Agriculture Reform and Improvement Act (PL 104-127). In 2000, PL 106-459 amended the Colorado River Basin Salinity Control Act to increase the appropriation ceiling for the Reclamation\200\231s programmatic authority by \$100 million. In 2002, Public Law 107-171 reauthorized EQIP under which the Secretary of Agriculture carries out salinity control measures. Section 2806 of the Food, Conservation and Energy Act of 2008 (PL 110-246), often referred to as the \200\234Farm Bill\200\235 created the Basin States Program expressly authorizing salinity control practices using Basin Funds.

Pursuant to the CRBSCA, repayment to the Federal Treasury has been made from the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund (with hydropower revenues being the source of Basin Fund monies) for about 25 to 30 percent of the Reclamation and USDA salinity control program expenditures. Since CRBSCA was amended in 1996, upfront cost-sharing from the Upper and Lower Basin development funds, combined with USDA and Reclamation appropriations, have funded the implementation of salinity control measures throughout the upper Colorado River Basin. In addition, farmers and irrigation districts participating in the SCP share in the costs of implementing the salinity control measures.

In recognition of the Congressional inclusion of USDA\200\231s Colorado River Basin Salinity Control Program in the EQIP of PL 104-127, the USDA should take all necessary steps to ensure that salinity control proposals receive adequate funding under EQIP. The Administration must request and Congress must appropriate sufficient funding for salinity control measures to be implemented by the USDA, Reclamation, and the Bureau of Land Management.

A significant portion of the success of the SCP has been due to the Paradox Valley Unit in the Upper Colorado River Basin. This project utilizes an injection well to prevent highly saline water from reaching a tributary of the Colorado River. The injection well is nearing the end of its service life, and an economically feasible alternative must be in place to avoid increased salinity when the injection well becomes inoperative. Selection and implementation of feasible measures should be a high priority for the federal government.

Position Statement \200\223 Settlement of Indian Reserved Rights \200\223
(Resolution No. 2020-5)

Efforts to establish reserved Indian water rights will only be successful when the Federal Government is actively involved. Where the exercise of such water rights requires construction of infrastructure for water storage, transportation, and treatment, federal financial resources must be appropriated in a timely manner to implement these rights and the Federal Government must be creative in finding funding solutions. Where the water will come from to

fill reserved rights continues to be the subject of much debate.

Indian water right claims based on reserved water rights for federal reservations are established under the Winters Doctrine. Water rights adjudication by appropriate administrative or judicial process is normally used to recognize and enforce water usage rights among competing interests. This adjudication process is often long and cumbersome and involves making decisions about how to distribute water amongst competitive and conflicting claims. Settlement of Indian water rights claims through negotiations with all affected parties offers a more efficient, less costly means of resolving these disputes.

Position Statement â\200\223 Mitigating Water Quality Impacts Due to the Uranium Mill Tailings Pile near Moab, Utah â\200\223 (Resolution No. 2020-6)

The Colorado River provides important water supplies for about 33 million people and irrigation for nearly 5.5 million acres of farmland in Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Colorado River also supplies water to about 3 million people and half a million acres of irrigated farmlands in Mexico. Therefore, protection of water quality from sources of contamination is critical. CRWUA is committed to source protection as a strategy preferable to treatment by downstream users.

A 16 million ton pile (covering 130 acres and up to 90 feet high) of uranium mill tailings was left by the Atlas Minerals Corporation near Moab, Utah. The mill tailings pile, located 750 feet from the Colorado River (150 miles upstream of Lake Powell). Groundwater at the Moab site has become contaminated, mainly with ammonia and uranium, from past processing activities. Contaminated groundwater is migrating to the Colorado River.

Public Law 106-398 enacted by Congress in October 2000 directed the Department of Energy (â\200\234DOEâ\200\235) to prepare a plan and to commence remediation of the Moab site as soon as practicable after the completion of the plan. The DOE was directed to conduct remediation at the Moab site in a safe and environmentally sound manner, including groundwater restoration; and to remove, to a site in the State of Utah, for permanent disposition and any necessary stabilization, residual radioactive material and other contaminated material away from the floodplain of the Colorado River. As the final step in complying with the National Environmental Policy Act, DOE signed its Record of Decision on September 14, 2005.

In 2007, DOE awarded a remedial action contract for design and installation of a tailings removal waste handling system, initial tailings movement and operations to relocate the mill tailings and associated wastes to Crescent Junction, a secure disposal cell 30 miles away from the Colorado River. The process of moving the tailings began on April 20, 2009. The next remedial action contract began in 2012 to continue tailings shipments. Since 2009, millions of tons have been relocated to the Crescent Junction disposal site, but more removal is needed.

CRWUA supports this DOE project relocating and properly disposing of the tailings pile. On account of the speed of removing the uranium waste being directly proportional to the Congressional appropriation amount, CRWUA supports additional Congressional appropriations to accelerate the clean-up to protect the millions of downstream users of the River.

Position Statement â\200\223 Colorado River Delta â\200\223 (Resolution No. 2020-7)

There has been much discussion in recent years about the enhancement and restoration of riparian habitat in the Colorado River Delta located in Mexico. The Colorado River Basin States and their water users have consistently worked with the United States, particularly through the IBWC and Mexico, to address issues of mutual concern. The Basin States have pledged continuing cooperation, as a matter of comity, and stated their desire to be active participants with the Federal Government in addressing bi-national Colorado River issues, including Colorado River Delta matters. Efforts to improve the environment in the Colorado River Delta will require study and clearly articulated and agreed upon habitat, species and environmental goals. Working within the framework and allocations in the 1944 Mexican Water Treaty, the Basin States collaborated with the United States and Mexico to develop a pilot project that would provide a one-time pulse flow to the Colorado River Delta to assess environmental benefits. Water generated for this pulse flow was derived from water conserved by Mexico. This effort was memorialized in Minute No. 319 of the IBWC on November 20, 2012. The pulse flow was released from March through mid-May, 2014, and reached the Gulf of California on May 15. The Basin States remain committed to continuing to work on the development of future conservation projects with Mexico that provide bi-national benefits to both countries.

It is critical that there be strict adherence to the Law of the River upon which the Basin

States and their water users rely for certainty and predictability within the continuing dialogue about Colorado River Delta matters. Under the Law of the River, the waters of the Colorado River have been fully appropriated and include water for all needs in Mexico. As a result, any alternatives, to assist Mexico will require innovative solutions involving conservation, improved water management and non-water related actions.

CRWUA supports the implementation of innovative environmental projects like those that are set forth in Minutes No. 319 and 323 of the IBWC. CRWUA supports establishment by the two countries of a common database on their laws and institutions, the operation and management of existing water delivery systems, hydrologic conditions, and the status of species and habitat in the Delta. This information will enhance technical analyses as well as further cooperative efforts among the two countries. International cooperation that has existed between the two countries regarding the Colorado River must continue and include participation by the Basin States.

Position Statement â\200\223 The Department of the Interiorâ\200\231s WaterSMART Initiative â\200\223 (Resolution No. 2020-8)

On February 22, 2010, Secretary Ken Salazar signed a Secretarial order establishing a new water sustainability strategy for the United States, known as WaterSMART. The â\200\234SMART â\200\235 in WaterSMART stands for â\200\234Sustain and Manage Americaâ\200\231s Resources for Tomorrow.â\200\235 Its purpose is to secure and stretch water supplies for use by existing and future generations to benefit people, the economy and the environment; and to identify adaptive measures needed to address climate change and future water demands. This Initiative is aimed at improving water management by encouraging voluntary water banks; assisting local communities by partnering with non-federal stakeholders to develop incentives and best practices for implementing water conservation and wastewater recycling projects. As part of his order, Secretary Salazar announced that he is directing the Department of the Interior to increase available water supply for agricultural, municipal, industrial and environmental uses in the western United States by 350,000 acre-feet by 2012. In its October 2012 progress report, the Department announced that it had achieved cumulative water savings in excess of 500,000 acre-feet, and had set a new goal of 730,000 acre-feet by the end of 2013. CRWUA supports continuation of these efforts.

The American West is the fastest growing region of the country and faces serious water challenges. The prolonged drought in the Western States, population growth in areas with existing water supply challenges and increased need for water for energy production purposes; are exacerbating the demand for water challenging traditional water management approaches. At the same time, historically â\200\234normalâ\200\235 rainfall and snowpack conditions in the West appear to be shifting due to climate change.

The Department of the Interior has an important role to play in providing leadership and assistance to states, tribes and local communities to address competing demands for water. The WaterSMART Initiative commits the Department to pursue a sustainable water supply for the Nation by establishing a framework to provide federal leadership and assistance on the efficient use of water, integrating water and energy policies to support the sustainable use of all natural resources and coordinating the water conservation activities of the various Interior bureaus and offices. This Initiative envisions the Departmentâ\200\231s efforts will contribute to the development of domestic expertise in water-related technologies and sustainable water management practices, thereby enhancing U.S. competitiveness in providing solutions to worldwide water issues in the 21st century.

Position Statement â\200\223 Maintaining Financial Stability of the Upper Colorado River Basin Development Fund - (Resolution No. 2020-9)

The federal CRSP hydropower and delivery systems were authorized by Congress to provide a wide range of significant benefits to millions of citizens in the West, including:

- Flood Control
- Lake and stream recreation
- Irrigation
- Self-sustaining recreational trout fisheries
- Municipal water supply
- Economic development
- River regulation
- Fish and wildlife propagation and mitigation
- Interstate and international compact water deliveries
- Power generation and transmission

Funding for repayment of federal investment in the CRSP storage features and participating irrigation projects and the operation and maintenance of the CRSP facilities and staff of the U.S. Bureau of Reclamation (â\200\234USBRâ\200\235) and the Western Area Power Administration (â\200\234Westernâ\200\235) is provided through power revenues maintained in the Upper Colorado River Basin Fund. A portion of the costs associated with the Colorado River Salinity Control Program, the Glen Canyon Dam Adaptive Management Program, the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program are funded through the Upper Colorado River Basin Fund.

Position Statement â\200\223 Management of Lower Colorado River Water Supplies â\200\223 (Resolution No. 2020-10)

Additional storage is needed for the beneficial use of Colorado River water. The continuing multi-year drought in the basin has resulted in tremendous storage reductions in Lake Powell and Lake Mead. Recently added regulatory storage near the All-American Canal has provided operational flexibility to mitigate over-deliveries of water to Mexico in excess of the U.S treaty obligation. Sediment removal from behind Laguna Dam provides additional storage capacity as well as environmental benefits from habitat restoration. Both projects have the potential to reduce excess flows to Mexico by about 200,000 acre-feet in any normal operating year.

Improving Management of Flows from Parker Dam

Water released from Parker Dam flows to Imperial Dam; because Imperial Dam diversions are so large, it is more challenging to regulate flows below Parker Dam. Changes in weather conditions, water use orders, and inflows affect river management. Limited storage is available in Senator Wash Reservoir. This reservoir is designed for storage of over 12,000 acre-feet; however, operating restrictions limit storage to approximately 7,000 acre-feet.

The Warren H. Brock Reservoir has been constructed east of the Imperial Valley near Drop 2 of the All-American Canal with 8,000 acre-feet of storage. Benefits from the Warren H. Brock Reservoir include conserving reservoir system storage, improving river regulation and water delivery scheduling and providing opportunities for water conservation, storage and conjunctive use programs.

In addition to the Warren H. Brock Reservoir, there is a need to restore other regulatory storage. Removal of sediment behind Laguna Dam permits additional storage and enhanced management of the river. Habitat restoration and enhancement within this project area is being implemented under the Lower Colorado River Multi-Species Conservation Program (â\200\234LCR MSCPâ\200\235). The LCR MSCP has developed a plan for habitat restoration in the area behind the dam known as the Laguna Reach. The habitat restoration elements of the plan would create wetlands and riparian habitat in or parallel to the excavated channel.

Yuma Desalting Plant

An average of 100,000 acre-feet of drainage flows bypass the Yuma Desalting Plant (â\200\234YDPâ\200\235) to Mexico every year due to its high salt concentration. This water is put into the Main Outlet Drain Extension and sent to the Cienega de Santa Clara â\200\223 and is thus not delivered to Mexico as part of the United Statesâ\200\231 annual treaty water delivery obligation.

Position Statement â\200\223 Augmentation and System Conservation of Colorado River Water Supplies â\200\223 (Resolution No. 2020-11)

CRWUA fully supports the Basin Statesâ\200\231 proposal to accomplish a significant amount of water supply increase (e.g. augmentation) in the Colorado River Basin. The Seven Colorado River Basin Statesâ\200\231 April 23, 2007 â\200\234Agreement Concerning Colorado River Management and Operationsâ\200\235 contains a mutual commitment by the Parties to:

â\200\234â\200\231diligently pursue interim water supplies, system augmentation, system efficiency and water enhancement projects within the Colorado River System. The term â\200\230system augmentationâ\200\231 includes the quantifiable addition of new sources to the Colorado River Basin, including importation from outside the Basin or desalination of ocean water or brackish waterâ\200\231The term â\200\230water enhancementâ\200\231 includes projects that may increase available system water, including cloud seeding and non-native vegetation management. Due to the critical importance of implementing these projects in reducing the potential for shortages, the Parties shall continue to jointly pursue the study and implementation of such projects, and to regularly consult on the progress of such projects.â\200\235

CRWUA also supports continued funding a pilot system conservation program by the Federal government. On July 30, 2014, the United States, acting through the Bureau of Reclamation, and major Lower and Upper Colorado River Basin water interests, entered into an agreement for a pilot program to determine whether system conservation undertaken through voluntary, compensated reductions in consumptive use is a viable method for mitigating the impacts of ongoing drought on the Colorado River system. Parties have contributed approximately \$40 million to date to pilot system conservation projects that span the seven Basin States, and, in 2018, congressional authorization of the pilot was extended four years, through September 2022.

Position Statement â\200\223 Potential Impacts of Climate Change â\200\223
(Resolution No. 2020-12)

The potential for climate change-induced impacts to the Colorado River is a matter of considerable public discussion. Many scientists assert that climate change will continue to affect global temperatures, sea levels and precipitation patterns, and will have a corresponding impact to Colorado River runoff. It is appropriate to consider the possibility that climate change could affect patterns of precipitation, temperature, snowpack, runoff and related water resource factors in the Colorado River Basin. CRWUA urges the Bureau of Reclamation, each of the Basin Statesâ\200\231 water management and water development agencies, and each water purveyor within the Basin to implement projects, including increased system capacity to reliably provide water supplies to areas of critical demand, in accordance with applicable law.

Position Statement â\200\223 Western Area Power Administration â\200\223
(Resolution No. 2020-13)

The public benefits of hydropower generation in connection with Reclamation projects were recognized by Congress in the Reclamation Project Act of 1939, which authorized the Secretary to sell the electric power to municipalities and other public corporations at cost. In 1977, Congress directed that the power marketing functions, including transmission, be separated from hydropower generation and transferred to new administrations created within the Department of Energy.

Today the Western Area Power Administration is responsible for marketing the power generated at 56 federal hydropower plants, including transmission of the energy through 17,000 miles of transmission lines. These hydropower plants include the Hoover Dam and Parker-Davis facilities on the lower Colorado River and Glen Canyon Dam on the upper Colorado River.

On March 16, 2012, the Department of Energy issued a memorandum instructing the power administrators to expand their activities in areas of transmission integration and upgrades, and to modify rate structures to incentivize the integration of renewable, variable energy generation and electric-vehicle deployment. This memorandum has raised significant concerns among the many public power agencies that have contracts for federal hydropower.

Traditionally, the cost of constructing, operating, and maintaining federal hydropower plants and transmission facilities have been paid through the cost-based rates paid by the customers receiving power. The changes proposed by the Department of Energy would impose new costs on power customers for integrating power resources that do not benefit those customers. CRWUA joins other organizations, including the American Public Power Association and the National Water Resources Association, in expressing its concerns that the Energy Secretaryâ\200\231s directives not be implemented in a manner that shifts additional costs to existing customers.

Position Statement â\200\223 COMPLETED â\200\223 Minute No. 323 of the International Boundary and Water Commission â\200\223 (Resolution No. 2020-14)

Minute No. 323, the successor to Minute No. 319 of the IBWC to help implement the Treaty between the United States and Mexico Respecting the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, February 3, 1944, U.S.-Mex., 59 Stat. 1219, T.S. 994 (â\200\234Mexican Water Treatyâ\200\235) was signed by representatives of the United States and Mexico on September 21, 2017, in Juarez, Mexico and became effective upon the formal exchange of letters on September 27, 2017, in Santa Fe, New Mexico. Minute No. 323 is in effect until December 31, 2026. Like Minute No. 319, Minute No. 323 is an agreement to proactively manage the Colorado River system to obtain binational benefits and mitigate risks associated with variable water supplies and growing demands. Minute No. 323 benefits both the U.S. and Mexico by determining the manner in which Colorado River water shortages and surpluses would be shared under specifically defined Lake Mead water surface elevations. Mexico agreed to voluntarily share in shortages if the Secretary determines a shortage condition e

exists in the Lower Colorado River Basin (â\200\234Lower Basinâ\200\235). Mexico also may share in the temporary benefit of surpluses available within the U.S. when the Secretary determines a surplus condition in the Lower Basin. Mexico has the opportunity to create Mexicoâ\200\231s Water Reserve by deciding to defer delivery of water volumes through adjustments to its annual delivery schedule resulting from water conservation projects or new water sources projects. As part of a joint-cooperative pilot program, Mexico agreed to allow some of Mexicoâ\200\231s reserved water to be converted to Intentionally Created Mexican Allocation (â\200\234ICMAâ\200\235) for use within the U.S. Other activities include funding water conservation projects in Mexico that will result in additional water being made available for use in the U.S., repairing and improving water infrastructure, enhancing environmental conditions in Mexico, and facilitating Mexicoâ\200\231s provision of water for environmental flows in the Colorado River limitrophe and its delta.

Position Statement â\200\223 Drought Contingency Planning â\200\223
(Resolution No. 2020-15)

Based on the actual operating experience subsequent to the adoption of the 2007 Guidelines and emerging scientific information regarding the increasing variability and anticipated decline in Colorado River flow volumes, the Basin States recognize and acknowledge that those relying on water from the Colorado River System face increased individual and collective risk of temporary or prolonged interruptions in water supplies, with associated adverse impacts on the society, environment and economy of the Colorado River Basin. Therefore, the Basin States and Reclamation have agreed that it is necessary and beneficial to explore additional actions beyond those contemplated in the 2007 Guidelines to reduce the likelihood of reaching critical elevation levels in Lake Mead and Lake Powell through 2025.

The Basin States are in the process of finalizing development of two (2) drought contingency plans: The Upper Basin Drought Contingency Plan (â\200\234Upper Basin DCPâ\200\235), which affects operations above Lee Ferry, and the Lower Basin Drought Contingency Plan (â\200\234Lower Basin DCPâ\200\235), which affects operations below Lee Ferry. Both the Upper Basin DCP and the Lower Basin DCP are supplemental to and in furtherance of the goals of the 2007 Guidelines, and intended to remain in effect only for the Interim Period.

Representatives of the Basin States also participated in negotiations with the IBWC and representatives of Mexico regarding Mexicoâ\200\231s participation in water scarcity planning and collaborative measures that are consistent with and correspond to measures in the Lower Basin DCP, resulting in the adoption of Minute 323 to the 1944 Water Treaty, â\200\234Extension of Cooperative Measures and Adoption of a Binational Water Scarcity Contingency Plan in the Colorado River Basin.â\200\235 Additionally, the Basin States, along with other federal representatives and other water agencies in the Colorado River Basin, executed a Memorandum of Agreement on the Implementation of Minute No. 323 and 2017 Interim Operating Agreement, again acknowledging, among other things, the unique and necessary role of the state and local representatives in management and operation of the Colorado River Basin.

Minute 323 includes a Binational Water Scarcity Contingency Plan for Mexico to participate in the equivalent of drought contingency planning if a Lower Basin DCP is put into effect in the United States. The Binational Water Scarcity Plan is intended to allow Mexico to undertake water savings in parity with U.S. savings for drought contingencies which would be recoverable under specifically improved reservoir conditions.

The Basin Statesâ\200\231 work on finalizing both the Upper Basin DCP and Lower Basin DCP continues. CRWUA supports this effort and asks that the Department of Interior and Reclamation continue to provide full support of this process.

Position Statement â\200\223 Clean Water Act â\200\223 (Resolution 2020-16)

The issue described in item 13 of the â\200\234NPDES Permitsâ\200\235 section of Resolution 2020-16 has been the subject of a decade of litigation. The EPA had historically taken the position that pesticides and herbicides that are applied in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (â\200\234FIFRAâ\200\235) were not pollutants subject to NPDES permit requirements of the CWA. In a decision issued in litigation consolidating challenges across the country, the Federal Sixth Circuit Court of Appeals ruled otherwise in *National Cotton Council v. EPA* (6th Cir. 2009) 553 F. 3d 927. In response to this ruling, the EPA finalized a general permit in June 2013 for the application of pesticides to waters of the United States. CRWUA supports EPAâ\200\231s use of a general permit approach to NPDES compliance for pesticide applications to eliminate the time and cost required to obtain individual permits while allowing for the collection of data regarding how pesticide use may be affecting the nationâ\200\231s water quality.

The issue described in item 15 of the â\200\234NPDES Permitsâ\200\235 section of Resolution 2020-16 is also the subject of years of litigation. In response to lawsuits alleging that water transfers are subject to NPDES permitting requirements, the EPA adopted a rule in 2008 expressly exempting water transfers. 40 CFR Â§ 122.3(i). The negative economic and social impacts of imposing an NPDES permit on water transfers could be extremely disruptive to the tens of millions of western residents who depend upon the extensive water infrastructure conveying water resources across the vast distances of the West. The EPA should leave the rule in place, and it should be affirmed by Congress.

Congress should preserve the existing limited exemptions from NPDES permitting provided by Section 402(l) of the Clean Water Act by reaffirming that discharges composed of irrigation return flows and discharges of storm waters not subject to permitting under Section 402(p) of the Act are exempt.

In any clarifying amendments to the Federal Water Pollution Control Act of 1972, federal jurisdiction over surface waters of the U.S. should not be expanded. Unfortunately, the EPAâ\200\231s draft report on Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence, (September, 2013 External Review Draft, EPA/600/R-11/098B), notice of which was published in the Federal Register at 78 Fed. Reg. 58536 (Sept. 24, 2013) (hereafter â\200\234Draft Reportâ\200\235) attempts to set aside this approach. The Draft Report served as the basis for a rule developed jointly by the EPA and the Army Corps of Engineers to â\200\234clarifyâ\200\235 Clean Water Act jurisdiction, including a description of the factors that influence connectivity and the mechanisms by which connected waters affect downstream waters, over all of the Nationâ\200\231s waters and wetlands. The final rule has been stayed pending resolution of various federal court proceedings. The Colorado River Water Users Association points out the inappropriateness of, and expresses its strong opposition to, this effort by the EPA to broaden federal jurisdiction of the Clean Water Act by expanding the scope of waters of the U.S., including waters effectively regulated under state jurisdictions.

Congress should ensure that irrigated agricultural conveyance systems are not considered to be â\200\234waters of the U.S.â\200\235 and that traditional irrigation canal and drainage system management practices can continue free of federal oversight.

Position Statement of the Ten Tribes Partnership In Opposition to Resolution 2020-16 (Clean Water Act)

The Ten Tribes Partnership appreciates the opportunity to provide these comments with respect to Resolution 2020-16 concerning the Clean Water Act. The users of the Colorado River water are directly affected by the implementation of the Clean Water Act; therefore, it is appropriate for the Colorado River Water Users Association (CRWUA) to express its position concerning that Act. However, the ten Indian nations that comprise the Ten Tribes Partnership are fundamentally different than the water users that comprise the non-tribal membership of CRWUA. The tribes are not only users of Colorado River water, they are sovereign entities with regulatory authority and responsibilities, and in some cases have been determined to be eligible by the U.S. Environmental Protection Agency to be treated as a state in order to implement provisions of the Clean Water Act. Therefore, the tribes have a significant interest in protecting their regulatory authority pursuant to the Clean Water Act.

The tribes take issue with Resolution 2020-16 for the following reasons:

Paragraph 8 purports to oppose USEPAâ\200\231s rule defining â\200\234waters of the United Statesâ\200\235 as set forth at 79 Fed. Reg. 22188 (April 21, 2014), which could potentially diminish the scope of the tribesâ\200\231 regulatory authority.

City of Albuquerque v. Browner, 97 F.3d 415 (10th Cir. 1996), cert denied, 522 U.S. 965 (1997) upheld the right of tribes to establish water quality standards more stringent than federal standards and USEPAâ\200\231s authority to require upstream National Pollution Discharge Elimination System dischargers to comply with the downstream tribal standards. The Brown decision also confirmed USEPAâ\200\231s approval of tribal standards to protect cultural, historical, ecological, habitat, and aesthetic values, including ceremonial use. Instream flow protection is critical for tribes; therefore, the Ten Tribes Partnership cannot support Paragraphs 2 and 11.

For these reasons, the Ten Tribes Partnership is unable to support Resolution 2020-16.

Position Statement â\200\223 Response to Mine Spills in the Colorado River System â\200\223 (Resolution No. 2020-17)

The Animas and San Juan Rivers are significant tributaries in the Upper Basin of the Colorado River, providing water to tribal and non-tribal water users in the Four Corners Area and are critical to the state, tribal and local economies in the region. As a result of the Gold King Mine spill that occurred in August 2015, elevated levels of metallic substances were released into the Animas River, and many downstream water users on the Animas and San Juan Rivers ceased diversions of these waters. The deposition of heavy metals and other potentially contaminated substances has caused some water users to be fearful of the quality of their water, and many of those water users have not resumed diverting waters from these rivers.

In the aftermath of the Gold King Mine spill, there were local communities that saw a reduction in their water supply. Many water users and residents believed that responses to the spill were poorly coordinated and state, tribal and local governments were not informed by federal agencies what steps were being taken to address the problem, to ameliorate the contamination, and to compensate the state, tribal and local governments and individuals who suffered losses as a result of the spill.

The EPA designated the Bonita Peak Mining District consisting of 48 mining-related sources as a Superfund site. Congressional support for the implementation of strategies, options, and projects identified in the National Priorities list in the Colorado River Basin and appropriation of sufficient funding for those purposes is important.

In addition to compensation for past losses, steps need to be taken to avoid similar spills in the future, and that federal agencies coordinate with state, tribal and local governments to determine the appropriate response, remediation, and compensation to those affected by spills or other contamination caused by federal agency action.

Position Statement â\200\223 Hydroelectric Power Qualifies as Renewable Energy -- (Resolution No. 2020-18)

Congress has enacted energy legislation that provides financial incentives for new and upgraded renewable energy projects due to increasing concern for the nationâ\200\231s energy security and for reducing carbon-based energy production. To date, Congress has not included hydropower generation as eligible for these incentives. Hydropower is an efficient, cost-effective, renewable and clean energy generation source that already accounts for approximately 12% of the nationâ\200\231s energy supply and nearly 80% of the nationâ\200\231s total renewable electricity generation. Hydropower is a non-polluting form of electricity generation. The National Hydropower Association estimates that more than 160 million tons of carbon dioxide emissions were avoided in the United States in 2004 because of hydropower generation in the United States.

Hydropower is a clean, reliable, and affordable renewable energy source that serves as a key component in our national environmental and energy policy objectives. It is time Congress recognized that hydropower is renewable, and emissions-free. At a time when there are growing concerns about the impacts of climate change, we need to find energy sources that will help curb greenhouse gas emissions without stifling the economy.

Hydropower should be recognized as a renewable resource similar to wind and solar. Hydropower generation actually complements generation from these alternative renewable sources. With their unique ability to follow electricity demand, hydropower facilities can firm up the load carrying capacity of renewable generators that need help compensating for their problems with intermittency. Hydropower generation can be the perfect partner for less predictable renewable resources such as wind and solar generation. In fact, many utilities rely on hydropower assets to turn the variable output of wind power into a more dependable resource.

Despite assumptions in some quarters that hydropower is a mature or â\200\234tapped outâ\200\235 technology, significant new potential for hydropower exists. For example, additional capacity exists at many current hydropower facilities. In addition, incentives to encourage efficiency improvements and capacity upgrades at existing hydropower facilities would increase our nationâ\200\231s renewable energy supply. Congress took steps in the Energy Policy Act of 2005 and recent tax extender legislation to authorize production tax credits (Production Tax Credit) and tax-credit bonding authority (Clean Renewable Energy Bonds) for incremental hydropower. Many utilities are working to increase the efficiency of their current assets. Currently, the federal government is also studying the potential for increasing electric power production capability at federally-owned water regulation, storage and conveyance projects.

There are also new, undeveloped sites for hydropower generation. The Energy Policy Act of 2005 required the Bureau of Reclamation to submit a report to Congress identifying and describing

ibing the status of potential hydropower facilities included in water surface storage studies undertaken by the Department of Energy that have not been completed or authorized for construction. On November 8, 2005, BOR submitted a comprehensive inventory of Western water storage and hydroelectric projects to the U.S. House Committee on Resources and the Senate Committee on Energy and Natural Resources. See the Section 1840 Reclamationâ\200\231s report on hydropower.

Finally, while environmental restrictions have stifled large-scale development of hydropower potential in this country, there is significant opportunity with smaller existing hydropower technologies that can play a role in the trend toward distributed generation. Technologies such as the application of micro-turbines to public water systems, storm water systems, and small irrigation canal hydropower should be encouraged by renewable energy legislative efforts.

2020 Resolutions

**Adopted by
The Membership of the
Colorado River Water Users Association
("CRWUA")
at their Annual Business Meeting
on December 13, 2019
in Las Vegas, Nevada**

The Colorado River Water Users Association is a non-profit, non-partisan organization providing a forum for exchanging ideas and perspectives on Colorado River use and management with the intent of developing and advocating common objectives, initiatives, and solutions.

Table of Contents

2020-1 - ENDANGERED SPECIES ACT.	1
2020-2 - INVASIVE SPECIES MANAGEMENT	2
2020-3 - RECLAMATION’S WATER AND POWER FACILITIES	3
2020-4 - COLORADO RIVER SALINITY CONTROL	4
2020-5 - SETTLEMENT OF INDIAN RESERVED RIGHTS	4
2020-6 - MITIGATING WATER QUALITY IMPACTS DUE TO THE URANIUM MILL TAILINGS PILE NEAR MOAB, UTAH.	5
2020-7 - COLORADO RIVER DELTA	5
2020-8 - THE DEPARTMENT OF THE INTERIOR’S WATERSMART INITIATIVE	6
2020-9 - MAINTAINING FINANCIAL STABILITY OF THE UPPER COLORADO RIVER BASIN DEVELOPMENT FUND	6
2020-10 - MANAGEMENT OF LOWER COLORADO RIVER WATER SUPPLIES.	7
2020-11 - AUGMENTATION AND SYSTEM CONSERVATION OF COLORADO RIVER WATER SUPPLIES	7
2020-12 - POTENTIAL IMPACTS OF CLIMATE CHANGE.	7
2020-13 - WESTERN AREA POWER ADMINISTRATION	7
2020-14 - MINUTE NO. 323 OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.	8
2020-15 - DROUGHT CONTINGENCY PLANS IMPLEMENTATION	8
2020-16 - CLEAN WATER ACT	9
2020-17 - RESPONSE TO MINE SPILLS IN THE COLORADO RIVER SYSTEM	11
2020-18 - HYDROELECTRIC POWER QUALIFIES AS RENEWABLE ENERGY	12

Introduction to CRWUA's 2020 Resolutions

The membership of the Colorado River Water Users Association ("CRWUA") annually update and adopt a comprehensive set of resolutions addressing the major issues and externalities affecting the sharing, use and further development of the Basin's water supply. As the Colorado River is one of the most regulated rivers in the country, a complex set of state and federal statutes, regulations and judicial decrees, interstate compacts and an international treaty (collectively referred to as "the Law of the River") govern the allocation and water management decisions affecting conservation storage, releases and uses made by the 40 million people who depend on the River for their water supply.

CRWUA's resolutions are addressed to, among others, national, local and state governments and nongovernmental organizations. These resolutions advocate sound public policy positions to maximize beneficial consumptive use of the available water supply while appropriately conserving important environmental resources, promote storage to ameliorate drought conditions and support generation of electrical power at the many hydroelectric plants and federally constructed reservoirs in the River Basin and preserve the rights and prerogatives of the jurisdictions through which the 1200-mile long river flows. Collaboration and cooperation to accomplish mutually beneficial environmental restoration and necessary water development actions are encouraged in these resolutions; they emphasize the maintenance of long-established legal frameworks and water management tenets (including satisfaction of contractual water supply rights) affecting water supply certainty and dependability in the arid, desert country through which the River flows. The positions espoused by CRWUA's resolutions support the continuation of basin-wide water quality improvement programs and environmental restoration programs to stretch the finite water supply available in the fastest growing region of the United States. In short, CRWUA's resolutions address local, state, regional, tribal, national and internationally-critical, region-wide water supply.

Position statements framing the relevant issues and justifying the Association's resolutions are found on the CRWUA website: (<https://www.crwua.org/resolutions/view-resolutions>). The adopted resolutions reflect the consensus of the hundreds of diverse water users who gather from across the seven state area (comprising one-twelfth of the United States land surface) each December at the annual CRWUA conference and have been doing so for more than sixty years. Each of these resolutions is in effect until the 2020 annual conference of CRWUA.

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**COLORADO RIVER WATER USERS ASSOCIATION
2020 RESOLUTIONS**

Resolution No. 2020-1 - ENDANGERED SPECIES ACT

Recognizing that the purpose of the federal Endangered Species Act ("ESA") is to conserve and recover listed species in a cost-effective and timely manner and to maintain and manage the ecosystems upon which threatened and endangered species depend, CRWUA urges the administration of, and legislative amendments to, the federal ESA to:

1. Implement the Congressional policy that federal agencies shall cooperate with state and local agencies, including tribal agencies, in resolving water resource issues in concert with conservation of endangered species by assuring applicant status to water contractors and water rights holders, and increasing their role in Section 7 consultations and other ESA decision processes, such as listing decisions, critical habitat designations, recovery planning, Habitat Conservation Plans and Safe Harbor agreements.
2. Recognize and protect property rights and water rights.
3. Fairly treat property owners and water right holders.
4. Minimize social and economic impacts.
5. Use sound science in concert with clear and objective scientific standards for listing of species and designation of critical habitat.
6. Provide positive incentives to conserve listed and declining species, including statutory provisions for:
 - * Assurances – "no surprises" for non-federal stakeholders affected by federal agency Section 7 consultations.
 - * Ecosystem-based conservation plans.
7. Ensure that the Federal Government complies with applicable state laws and regulations regarding water resources and water management in implementing consultation and permit conditions through the administration of the ESA.
8. Continue appropriation of cost-sharing funds by Congress and the legislatures of the States of Colorado, New Mexico, Utah, and Wyoming for the Upper Colorado River Endangered Fish Recovery Program, and the San Juan River Basin Recovery Implementation Program.
9. Adequately fund implementation of the Lower Colorado River Multi-Species Conservation Program by Congress, the legislatures of the Lower Colorado Basin States and other program participants.

10. Adequately fund U.S. Fish and Wildlife Service and other federal agency participation in state and local endangered species recovery programs.
11. Proactively address conflicts involving threatened and endangered species arising from additional stressors on the limited Colorado River water supply, including those caused by natural or regulatory drought, increasing demands or other factors that would reduce the reliability of water supplies.

Resolution No. 2020-2 - INVASIVE SPECIES MANAGEMENT

Invasive species are a significant national problem affecting, among others, water users across all seven of the Colorado River states. CRWUA urges:

1. Continued funding and implementation of measures to increase private, local, state, tribal and federal land managers' capabilities for on-the-ground control of invasive species. In the Colorado River Basin, efforts to control and eradicate salt cedar (*Tamarix spp.*) should continue and be supported with appropriate funding. Areas of salt cedar that have been defoliated by the tamarisk beetle should be revegetated appropriately.
2. Enforcement of existing laws to further discourage the import, transport, and introduction and cultivation of potential invasive species and to penalize those violating these laws with fines and imprisonment more appropriately recognizing the harm and clean-up costs associated with unlawful actions.
3. Congress should add protections for the operation of public water systems in existing laws related to nuisance or invasive species, including the Lacey Act so that the infestation of interstate water bodies by invasive species does not adversely affect the availability of public water supplies.
4. Additional and more effective working partnerships among and between federal, state and tribal agencies, regional and local governments, and individual citizens that result in timely, efficient and cost-effective programs for education, detection, monitoring, control and eradication of invasive species.
5. Accelerated research and development of early detection and rapid response mechanisms to achieve cost-effective control and eradication methodologies.
6. Development, adoption, and implementation of an invasive species control plan for the Western United States to monitor, rapidly detect and stop the spread of invasive species. In recognition of its importance as a high national priority, adopt and implement the Quagga-Zebra Mussel Action Plan for Western U.S. Waters prepared by the Western Regional Panel on Aquatic Nuisance Species for the Aquatic Nuisance Species Task Force.

Resolution No. 2020-3 - RECLAMATION'S WATER AND POWER FACILITIES

CRWUA urges the U.S. Bureau of Reclamation ("Reclamation") to honor commitments to contract holders regarding maintenance of project infrastructure and governing storage and release of water, in accordance with the following:

1. Reclamation must not remove, bypass, or breach federal dams in the Colorado River Basin, nor restrict or abrogate state and/or tribal rights to manage or control their water resources while respecting the federal role in managing interstate waters.
2. Reclamation-constructed and maintained water storage and conveyance systems situated throughout the Colorado River Basin are critically important to the growing economies, the quality of life, and the survival of the increasing population that depend upon waters from the Basin. In order to avoid huge financial impacts associated with performing maintenance that was deferred or making future repairs on an emergency basis, Congress should recognize and appropriate requisite funding to maintain aging, critically important water and power infrastructure in the Colorado River Basin and across the West. Reclamation should focus efforts on, and dedicate increased funding to, maintain existing water project infrastructure, establish a more proactive infrastructure rehabilitation program, and develop additional storage capacity. Water infrastructure is every bit as important as transportation and energy infrastructure.
3. Water service contracts should be renewed for the same quantity of supply as has been historically beneficially used and should provide the same availability to water users as has been historically enjoyed. Water service contracts should be renewed for the maximum allowable term.
4. Reclamation should manage reservoir conservation storage in each of the Colorado River system reservoirs in accordance with the laws, operating criteria, and guidelines governing each respective reservoir's operation. Reservoir storage should be managed to avoid or minimize shortages of water supply for water contractors. Furthermore, Reclamation should exercise its maximum authority under existing law to enter into contracts for the storage of non-project water in excess project space and project water in non-project space, including water for irrigation, municipal and industrial purposes, and for the use of excess capacity in project conveyance and distribution facilities for conveyance of non-project water.
5. Project benefits should not be reallocated without the consent of project beneficiaries. Beneficiaries should not pay for project benefits reallocated to another use. Changes in project operations should not impair existing contracts or water rights under federal or state law.
6. All reservoirs and dams on the Colorado River should be operated in compliance with applicable law and authorized project purposes. Operational changes to benefit recreation, fishery or environmental mandates should minimally impact hydropower production. The Federal Government, not existing water or power contractors, should pay for environmental

enhancement and mitigation required by federal law. The Federal Government should also pay the cost of power to replace reduced hydropower generation due to operational changes for recreation, fisheries, or the environment.

7. Reclamation should continue to implement the measures identified in its *Managing for Excellence* action plan and concluding report. The action plan was issued in response to the National Research Council's *Managing Construction and Infrastructure in the 21st Century* Bureau of Reclamation report.

Resolution No. 2020-4 - COLORADO RIVER SALINITY CONTROL

CRWUA urges continued funding and implementation of measures to control the salinity of the Colorado River. For over four decades, federal and state agencies have worked cooperatively to control salinity levels through the Colorado River Basin Salinity Control Program. Through these efforts, the salt load of the Colorado River has been reduced by about 1.3 million tons per year. Recently, the operation of the Paradox Valley Unit ("PVU"), which provides about 8 percent of the total salinity control implemented in the Upper Colorado River Basin, has been curtailed indefinitely due to earthquakes in the region and may never return to service. Reclamation should continue to work with the Basin States to develop and implement a plan to offset the salinity impacts of the non-operation of the aging well as quickly as practical. Reclamation should also continue to work on other opportunities for mitigation of salinity impacts to the Colorado River. The Administration should request, and Congress should provide, sufficient funding for the Colorado River Basin Salinity Control Program.

Resolution No. 2020-5 - SETTLEMENT OF INDIAN RESERVED RIGHTS

CRWUA supports the settlement of Indian reserved water rights by negotiation or agreement, recognizing that:

1. Settlements should result in the least possible disruption of existing water uses and the economies based on those uses, while at the same time providing the affected tribes with the firm water supplies required to meet the long-term needs of the reservation inhabitants and to establish lasting tribal economies.
2. The achievement of these objectives requires federally funded water projects designed to ensure that all of the tribal water needs in the subject basin or watershed are met.
3. Appropriate participation of the federal, state, tribal and local governmental entities and non-Indian water users in the settlement process is required for the success of any negotiated settlement.
4. Any water rights settlements that have been approved by the respective parties should be immediately and fully funded to implement their terms within the specified timeframes. The Federal Government must take advantage of existing funding authorizations; such as Title VI, Emergency Fund for Indian Safety and Health, of P.L. 110-293, by complying in a timely manner with Congressional mandates and budgeting funds, while continuing to explore and

develop new creative solutions to fund Indian water rights settlements. CRWUA commends Congressional creative mandatory funding mechanisms for the four Indian Water Rights Settlements and the Navajo Gallup Water Supply Project included in P.L. 111-291, the Claims Resolution Act of 2010. Congress should develop a permanent funding mechanism for future water rights settlements.

5. Negotiation and implementation teams possessing the requisite technical, legal and political expertise should be appointed by the Federal Government and must actively participate in tribal water settlement negotiations to facilitate informed water rights decisions being made by all parties. Sufficient financial resources must be made available by the Federal Government to allow settlement and implementation negotiations to move forward.

Resolution No. 2020-6 - MITIGATING WATER QUALITY IMPACTS DUE TO THE URANIUM MILL TAILINGS PILE NEAR MOAB, UTAH

CRWUA urges Congress to appropriate sufficient funding to allow the Department of Energy ("DOE") to continue to relocate the Atlas Corporation's uranium mill tailings pile near Moab, Utah, away from the Colorado River and complete the project by 2030. DOE is responsible for cleaning up the mill site and for bringing groundwater contamination at the former processing site into compliance with EPA standards. Since 2009, DOE has relocated millions of uranium mill tailings from the Moab site under the Uranium Mill Tailings Remedial Action Project to the disposal cell near Crescent Junction, Utah. Fifty percent (50%) of remediation has been completed. In order to meet the 2030 end date, it is critical additional funds be appropriated for construction to create storage for the continuation of tailings shipment.

Resolution No. 2020-7 - COLORADO RIVER DELTA

In recognition of the authority and interests of the seven Colorado River Basin States in the water, power, recreational and environmental resources provided by the Colorado River, CRWUA urges:

1. The Federal Government to communicate closely with and encourage the participation of each of those states in addressing issues of mutual interest between the United States and Mexico concerning the Colorado River Delta; and,
2. The Federal Government to use the following criteria to guide discussions concerning the Colorado River Delta:
 - * Each of the water apportionments among the Basin states must remain certain and unimpaired.
 - * Any proposal to manage or deliver water for any purpose in the Colorado River Delta must be undertaken pursuant to the Law of the River, and must not enhance, diminish, or abrogate any provision thereof, particularly the 1944 Treaty between the United States and Mexico.

- * Any proposal to manage water and other natural resources for environmental purposes in the Delta involving the United States should be consistent with and support the habitat restoration and maintenance goals of the Lower Colorado River Multi-Species Conservation Program. Protected species that utilize aquatic and riparian habitat in both countries may benefit from cooperative efforts to protect the Delta environment.
- * Any action to assist in improving the environment in the Delta will require study and innovative solutions involving conservation, improved water management, and non-water related actions.

Resolution No. 2020-8 - THE DEPARTMENT OF THE INTERIOR'S WATERSMART INITIATIVE

CRWUA supports the purposes, strategies and programs of the Department of the Interior's *WaterSMART Initiative*. Aspects of the previous *Water 2025* and *Water for America* programs have been incorporated into the *WaterSMART (Sustain and Manage America's Resources for Tomorrow) Initiative*. This initiative reflects the Department's efforts to foster sustainable water strategies to assist local communities in stretching water supplies and improving water management. Congress should appropriately fund this initiative in future fiscal years.

Resolution No. 2020-9 - MAINTAINING FINANCIAL STABILITY OF THE UPPER COLORADO RIVER BASIN DEVELOPMENT FUND

CRWUA urges:

1. Reclamation and the Western Area Power Administration ("Western") to implement additional cost-cutting measures to improve the status of the Upper Colorado River Basin Fund and stabilize the Colorado River Storage Project ("CRSP") power rate. Reclamation and Western should work in partnership with CRSP customers to develop an operational financial and rate-setting strategy to address hydropower impacts associated with the effects of recurring drought in the Basin, create a sustainable cash flow for the Basin Fund and maintain a viable CRSP power rate.
2. The passage of federal legislation to create a mechanism to allow the appropriation of funds to Reclamation and Western to ensure sufficient funding for CRSP operations and other required annual funding obligations.

Resolution No. 2020-10 - MANAGEMENT OF LOWER COLORADO RIVER WATER SUPPLIES

CRWUA urges:

1. The Bureau of Reclamation to expeditiously improve its capability to regulate Colorado River flows at Imperial Dam, and bring the Yuma Desalting Plant ("YDP") to operational status.

CRWUA supports the operation of the YDP and urges the United States to make necessary modifications to the YDP and to make sufficient resources available to bring the YDP into full operation in the shortest possible time.

2. Effective operation of the Warren H. Brock Re-Regulatory Water Management Reservoir at the Drop 2 site along the All-American Canal to replace lost regulation capacity previously available at Senator Wash Reservoir. Additional operational benefits could be realized by repairs to Senator Wash Reservoir.
3. Excavation of sediments accumulated behind Laguna Dam should continue to supplement the existing in-stream storage capacity at Imperial Dam, restore in-channel storage capacity for regulation of flows released from Parker Dam and provide incidental improvements to fish and wildlife habitat between Laguna Dam and Imperial Dam.

Resolution No. 2020-11 - AUGMENTATION AND SYSTEM CONSERVATION OF COLORADO RIVER WATER SUPPLIES

CRWUA commends the parties for their voluntary efforts in funding and executing a pilot system conservation program. While many of the activities engaged in during the pilot program may be used to meet DCP obligations, CRWUA urges the Federal Government to assist the Basin States, consistent with the terms of the DCPs, and the Colorado River Basin Tribes Partnership in developing and implementing other voluntary plans and projects to augment the water supply of the Colorado River. These plans and projects should have as their goal to initiate efforts to increase the long-term dependable water supplies of the Colorado River system by at least one million acre-feet per year by 2050.

Resolution No. 2020-12 - POTENTIAL IMPACTS OF CLIMATE CHANGE

CRWUA urges the Bureau of Reclamation, each of the Basin States' and tribes' water management and water development agencies, and each water purveyor within the Basin to consider the potential impacts of climate change in all aspects of its water resources management and planning to assure the continued reliability of the Colorado River water supply and to meet water supply demands, in accordance with applicable law.

Resolution No. 2020-13 - WESTERN AREA POWER ADMINISTRATION

The hydropower generated at the Colorado River federal dams provides a significant public benefit of low-cost, clean, renewable energy. This valuable public resource has been paid for by the public agency customers that utilize this energy throughout the southwestern United States. CRWUA urges the Secretary of Energy to work with those customers before imposing changes in the way the Western Area Power Administration manages and operates its system and rate structure. In particular, hydropower customers should not bear increased costs incurred for the benefit of other power generators or power users.

**Resolution No. 2020-14 - MINUTE NO. 323
OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION**

CRWUA supports the intent and purposes of Minute No. 323 of the International Boundary and Water Commission to help implement the Treaty Concerning the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (Feb. 3, 1944, U.S.-Mex., 59 Stat. 1219, T.S. 994). CRWUA urges the parties thereto to appropriately cooperate and coordinate with one another to ensure all of the contemplated benefits to water users in both the United States and Mexico are fully realized. CRWUA urges Congress of the United States to appropriate funds to the Department of the Interior needed to honor the terms and commitments made within Minute No. 323. CRWUA urges Congress to appropriate funds for the pilot projects authorized consistently with the Contributed Funds Agreement.

Resolution No. 2020-15 - DROUGHT CONTINGENCY PLANS IMPLEMENTATION

The Upper and Lower Basin Drought Contingency Plans (DCPs) were signed on May 20, 2019, making the agreements effective in both basins. In April 2019, federal legislation authorizing the Upper and Lower Basin DCPs was passed by Congress and signed into law by the President. The DCPs will reduce the risks of Lake Powell and Lake Mead, the Colorado River's two major reservoirs, declining to critical elevations between now and December 31, 2025 (through the preparation of the 2026 Annual Operating Plan). CRWUA supports the implementation of the DCPs and asks that the Department of the Interior and Reclamation continue to provide full support to the basin states for DCP implementation, including: assisting the Upper Division States in investigations into the feasibility of an Upper Basin Demand Management Program, assisting the Upper Division States in the preparation of a Drought Response Operation Plan at the appropriate time, and providing guidance for integrating the Lower Basin Drought Contingency Operations into the existing operations of Lake Mead.

To build upon the success of the implementation of the Memorandum of Understanding for Pilot Drought Response Actions, and to meet the provisions of the Lower Basin Drought Contingency Plan Agreement, CRWUA urges the Secretary to pursue full funding and support for the development of a Lower Basin program, or programs, to generate an additional 100,000 acre-feet of Colorado River System water per year over the term of the Lower Basin Drought Contingency Plan.

Resolution No. 2020-16 - CLEAN WATER ACT

The Clean Water Act ("CWA") should be utilized only to regulate the discharge of pollutants to waters of the United States. The CRWUA urges:

1. Section 101 (g) of the Act should be reaffirmed as applying to all sections and all programs under the Clean Water Act. The CWA and any amendments thereto shall not directly or indirectly create a federal water quality law or program which supersedes, abrogates or impairs state water allocation systems or compacts and rights to water created and managed thereunder.

2. The CWA should not be expanded, construed or applied to create a national recreational, cultural, historical, ecological, habitat, aesthetic, instream flow, or land use law or program, or otherwise be used to regulate anything other than the protection of designated water body uses and the control of point and nonpoint pollutant discharges.
3. The purpose and need for water development projects proposed by states, tribes or other local governmental subdivisions should be defined by the project sponsor.
4. State certification requirements under Section 401 of the CWA should not be used directly or indirectly to control activities which do not result in a discharge of pollutants.
5. States and tribes with treatment as state authority should be allowed to develop and administer water quality standards appropriate for ephemeral and/or effluent-dominated streams taking into account (I) the intermittent nature and other physical limitations of such streams, (ii) the net environmental benefit associated with the continued discharge of water to such streams, and (iii) the need to protect downstream beneficial users. Congress and EPA should recognize the value of water reuse and increased instream flow associated with reclamation and reuse projects.
6. EPA should defer to state classification for intrastate bodies of water, state-established water quality standards for the protection of such classifications, and other aspects of state implementation of the CWA.
7. States and tribes with treatment as state authority should exercise primary authority in meeting the requirements of Section 303(d) of the CWA, with specific reference to:
 - * the identification of impaired water bodies;
 - * the prioritization of impaired water bodies;
 - * the establishment and implementation of total maximum daily loads ("TMDLs"); and,
 - * the selection of appropriate mechanisms for addressing non-point sources of pollutants.
8. The concept of "navigability" as is currently in the CWA must remain intact, with the continual recognition of (I) the constitutional and statutory limitations on the scope of federal jurisdiction and (ii) due deference to state and local authority.
9. The identification and implementation of any anti-degradation policy including but not limited to the designation of outstanding natural resource waters shall be a state and or tribal prerogative.
10. Water conservation and water use efficiency measures should be addressed separate and independent of the CWA so that such measures may be evaluated on their own merits rather than tied to permit or grant and loan programs associated with the elimination of

pollutant discharges under the CWA.

11. No provision of the CWA should allow a state or Indian tribe to apply its water quality standards in such a fashion as to (I) supersede, impair, or abrogate the water allocation system of another state or tribe or waters decreed thereunder, or (ii) cause an unreasonable economic burden to be placed upon such other state or tribe where that state or tribe has ensured the establishment of classifications and standards for waters within its jurisdiction and such standards are being appropriately enforced.
12. A Good Samaritan provision should be adopted which allows for the prompt voluntary clean-up of abandoned mine drainage without fear of unwarranted liability attaching to such actions.

National Pollution Discharge Elimination System ("NPDES") Permits:

13. EPA's adoption of a Pesticide General Permit for NPDES compliance for the use of materials approved by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act will reduce the cost and time required for most applicators to comply with the CWA as compared to an individual permitting process.
14. Ditches, canals and off-river storage, and other man-made features used in operation of public water and wastewater systems should not be classified as waters of the United States for regulatory purposes.
15. The discharge of water from a water transfer that conveys or connects to waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use should not require an NPDES permit under Section 402 of the CWA. The EPA should not rescind, reconsider or change its rule to this effect. States should determine the best method to control, if necessary, pollutants contained in transferred water, including non-point source control methods. Use of water for power generation in a hydroelectric facility in the course of such a water transfer should not be considered an intervening industrial, municipal or commercial use for NPDES permitting purposes.

Dredge and Fill Permits:

16. The EPA and the U.S. Fish and Wildlife Service should establish guidelines and objective measures for mitigation, and defer to the Corps of Engineers on matters of engineering, economics, flood control and other areas within the Corps' expertise.
17. States and tribes should be fully consulted and engaged in rulemaking regarding jurisdiction of the CWA. Waters of the United States should be defined for regulatory purposes consistent with Supreme Court opinions and Congress' intent under the CWA. Tributaries, adjacent waters, or other waters should not be determined jurisdictional unless they clearly directly or indirectly affect the chemical, physical, and biological integrity of traditional navigable waters, interstate waters, the territorial seas or impoundments of waters of the

United States (CWA (a)(1) through (a)(4) waters.)

Non-point Source:

18. The CWA should encourage necessary, cost-effective and reasonable voluntary measures to control non-point source discharges including the use of best management practices ("BMPs") and pollutant trading.
19. Non-point source controls should be integrated to the extent determined appropriate by state and local entities with watershed management programs designed to achieve overall progress towards water quality objectives in that watershed.

Federal Mandates:

20. The CWA should allow for adequate phase-in time for new limitations or standards so as not to impose unnecessary or substantial hardships on regulated entities or their constituents unless dictated by substantiated societal health and safety considerations.
21. Actions required by the CWA should be supported by adequate federal funding.
22. No private property should be taken under the CWA without just compensation to the owner, as required by the Fifth and Fourteenth Amendments to the Constitution of the United States.

Resolution No. 2020-17 - RESPONSE TO MINE SPILLS IN THE COLORADO RIVER SYSTEM

In the aftermath of the Gold King Mine spill that occurred in August of 2015, CRWUA urges that the following actions be taken by the Administration and by Congress, as appropriate in response:

1. When events occur involving a federal agency that threaten the integrity of water supplies in the Colorado River system, (a) tribal, state, and local governments should be immediately notified of such events and kept apprised of all developments and remedial actions, (b) adequate resources must be made available to the federal, state, tribal, and local agencies involved in the emergency response and disaster management, and (c) processes must be set up to reimburse costs incurred by tribal, state, and local governments in response to such events.
2. If communities affected by such events are deprived of the use of water, the Federal Government needs to work with state, tribal, and local governments to provide and pay for supplemental water supplies as needed.
3. Water users damaged by such events must be promptly and fully compensated.
4. EPA should conduct a review of ongoing projects in the Colorado River Basin that are similar in nature to those at the Gold King Mine. It is important that any lessons learned from this

incident be included in future remediation plans. In addition, the EPA must have immediate contingency plans in place in case of further instability and contaminant releases from other mines in the Basin under remediation by the EPA. In the long-term, the EPA and any other involved federal agencies should work together in coordination with state, tribal, and local officials to develop mitigation and emergency response plans for all EPA actions. It is crucial that these risks be taken seriously and that unnecessary delays in emergency response procedures be avoided in the future.

5. Long-term planning to protect the Colorado River Basin by removing heavy metals released from mine sites should involve the consideration of all options, including enforcement of existing federal processes to prevent future spills.
6. CRWUA urges Congress to appropriate sufficient funding to allow the EPA to investigate and address the sites on the national Priorities list in the Colorado River Basin.

RESOLUTION No. 2020-18 - HYDROELECTRIC POWER QUALIFIES AS RENEWABLE ENERGY

Congress should recognize hydroelectric power as a qualifying renewable energy for the purposes of national energy policy and legislation.

Section 2. **Policy Development and Legislative-Regulatory Affairs Committee.** The Council shall have a Policy Development and Legislative-Regulatory Affairs Committee.

A. **Purpose.** The Committee shall:

1. Prepare and recommend for adoption by the Executive Committee, or as otherwise may be provided, policies of the Council with accompanying position statements.
2. Prepare an action plan for implementation of each Council policy.
3. Be actively engaged in legislative and regulatory efforts regarding Council policies and such efforts that involve Council interests.
4. Meet to discuss and respond to federal and state legislative and regulatory issues and plan and prepare a proposed Council response as deemed appropriate.
5. Provide recommendations to the Council for policy and issue collaboration and outreach.

B. **Organization.** The Council President shall appoint a Chair and Vice Chair to lead the Committee. The Chair and Vice Chair will provide for a Committee Secretary. Any member or member representative of the Council shall be eligible and invited to serve on the Committee.

C. **Action.** The Committee shall act upon majority vote at a meeting or by electronic voting. Notice of the proposed action shall be given in advance to the Council Executive Committee and any others who have participated with the Committee by the Committee leaders. Meetings shall include conference calls, webinars, and electronic submittal for consideration and response. There shall be no quorum requirement for meeting or action. However, the Committee shall not act without the affirmative vote of at least three of five participating individuals.

D. **Polices of Affiliated Organizations.** The Committee shall recommend to the Executive Committee adoption "as is", or adoption "as modified", the policies, resolutions and position statements of the National Water Resources Association and the Colorado River Water Users Association. The Committee shall also consider policies and resolutions of other organizations.

E. **Ratification.** The actions of the Executive Committee on policy shall be ratified and the annual meeting of the Council.

ABWC Partial Tracking List as of January 22, 2020

H2076 APPROPRIATION; DWR; ADDITIONAL STAFF

Lists



Makes a supplemental appropriation of \$6.1 million from the general fund in FY2020-21 to the Department of Water Resources to hire additional hydrologists, groundwater flow modelers and support staff members.

ARS Titles Affected: 41

First sponsor: Rep. Gabaldon (D - Dist 2)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2076 Daily History

Date

Action

No actions posted for this bill.

H2098 DAM SAFETY STUDY COMMITTEE

Lists



Establishes a 5-member Dam Safety Study Committee to collect information on the status of dams in Arizona with respect to their safety, age and need for maintenance. The Committee is required to submit a report of its findings to the Governor and the Legislature by December 31, 2020, and self-repeals July 1, 2021.

ARS Titles Affected: 41

First sponsor: Rep. Griffin (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2098 Daily History

Date Action

DAM SAFETY STUDY COMMITTEE 1/13 referred to House nat res-energy-water.

H2122 TECH CORRECTION; WATER RESOURCES

Lists



Minor change in Title 45 (Waters) related to the Department of Water Resources. Apparent striker bus.

ARS Titles Affected: 45

First sponsor: Rep. Cook (R - Dist 8)

Others: Rep. Roberts (R - Dist 11)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2122 Daily History

Date

Action

No actions posted for this bill.

H2158 WATER; WELL METERING; NONEXEMPT WELLS

Lists



A person who withdraws groundwater from any nonexempt well, instead of only those in active management areas, is required to use a water measuring device approved by the Department of Water Resources, unless another statutory exemption applies.

ARS Titles Affected: 45

First sponsor: Rep. Engel (D - Dist 10)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2158 Daily History

Date

Action

No actions posted for this bill.

H2159 WATER ADEQUACY REQUIREMENTS; STATEWIDE APPLICABILITY



County boards of supervisors are required, instead of permitted, to adopt regulations requiring all subdivisions to either have a determination of an adequate water supply from the Department of Water Resources or obtain a written commitment of water service for the subdivision from a municipal or private water company designated as having an adequate water supply by the Dept.

ARS Titles Affected: 11 32 45

First sponsor: Rep. Engel (D - Dist 10)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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H2159 Daily History

Date

Action

No actions posted for this bill.

H2160 ADJUDICATION AMENDMENTS; INTENT SECTION REPEAL



Repeals the legislative intent section of Laws 1995, Chapter 9 relating to general adjudication of water rights.

ARS Titles Affected: 41

First sponsor: Rep. Engel (D - Dist 10)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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H2160 Daily History

Date

Action

No actions posted for this bill.

H2161 IRRIGATION NON-EXPANSION AREAS; WATER SUPPLIES



Modifies the circumstances under which the Director of the Department of Water Resources is authorized to designate an area that is not in an active management area as a subsequent irrigation non-expansion area to require the Director to consider future demand for irrigation and non-irrigation uses of water and its effect on water supplies for currently irrigated lands and other uses.

ARS Titles Affected: 45

First sponsor: Rep. Engel (D - Dist 10)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW
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H2161 Daily History

Date

Action

No actions posted for this bill.

H2162 ENERGY MEASURING; REPORTING; PROHIBITION; REPEAL



Repeals statutes prohibiting counties and municipalities from requiring an owner, operator or tenant of a business, commercial building or multifamily housing property to measure and report energy usage and consumption.

ARS Titles Affected: 9

First sponsor: Rep. Engel (D - Dist 10)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW
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H2162 Daily History

Date

Action

No actions posted for this bill.

H2174	EXEMPT WELLS; CAPACITY	Lists
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For the purpose of the groundwater code, the definition of "exempt wells" is modified to exclude wells with a maximum pump capacity of more than 20 gallons per minute, instead of more than 35 gallons per minute.

ARS Titles Affected: 45

First sponsor: Rep. Blanc (D - Dist 26)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2174 Daily History	Date	Action
No actions posted for this bill.		

H2213	WQARF; APPROPRIATION	Lists
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Makes a supplemental appropriation of \$20 million from the general fund in FY2020-21 to the Water Quality Assurance Revolving Fund.

ARS Titles Affected: 41

First sponsor: Rep. Gabaldon (D - Dist 2)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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ABW
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H2213 Daily History	Date	Action
No actions posted for this bill.		

H2226	WATER MEASURING DEVICES; REPORT
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If the Director of the Department of Water Resources determines it necessary for water management purposes, in areas outside of an active management area and for a well that has a pump with a maximum capacity of more than 35 gallons per minute, the Director is authorized to require the use of a water measuring device and to require an annual report that includes the quantity of groundwater delivered during the calendar year. The Director is required to provide 60 days' notice of any water measuring device requirement and for good cause may extend the time for compliance. The director is authorized to enforce these requirements by issuing a cease and desist order at an administrative hearing, except that civil penalties cannot be awarded. In any action to enforce these requirements, the prevailing party must be awarded attorney fees and costs.

ARS Titles Affected: 45

First sponsor: Rep. Kavanagh (R - Dist 23)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW
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H2226 Daily History	Date	Action
No actions posted for this bill.		

H2245	MELONS; VEGETABLES; SHIPPING; ADJOINING STATES
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The article of statute regulating fruit and vegetable standardization does not prevent a producer or shipper from shipping, transporting or moving melons and vegetables in field bins or bulk out of Arizona a distance of up to 25 miles beyond the border into any adjoining state within the U.S., if a list of specified conditions are met, including that the producer or shipper obtains a permit from the Associate Director of the Citrus, Fruit and Vegetable Division of the Department of Agriculture.

ARS Titles Affected: 3

First sponsor: Rep. Cook (R - Dist 8)

Others: Rep. Dunn (R - Dist 13) , Rep. Finchem (R - Dist 11) , Rep. Roberts (R - Dist 11)

Lists

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NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2245 Daily History

Date

Action

No actions posted for this bill.

H2289 APPROPRIATION; PLANT SERVICES DIVISION; INSPECTORS



Lists

Appropriates \$887,400 from the general fund in FY2020-21 to the Dangerous Plants, Pests And Diseases Trust Fund. The Department of Agriculture is required to use the monies to hire inspectors. Any monies remaining unexpended and unencumbered on September 30, 2021 from this appropriation revert to the general fund.

ARS Titles Affected: 41

First sponsor: Rep. Dunn (R - Dist 13)

Others: Rep. Nutt (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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Hearing:House Land & Agriculture (Thursday 01/23/20 at 9:00AM, House Rm. 3)

H2289 Daily History

Date Action

APPROPRIATION; PLANT SERVICES DIVISION; INSPECTORS 1/16 referred to House land-agri, appro.

H2292 CITRUS RESEARCH COUNCIL; FEE INCREASE



Lists

Increases the maximum fee that the Arizona Citrus Research Council is required to assess to 5 cents per standard carton or 40 pounds of equivalent weight in bulk bins of citrus produced, from 1.5 cents per standard carton. The Council is authorized to assess the fee for citrus produced for the fresh market and the fee for citrus produced for juice production at different amounts. Due to a potential increase in state revenue, this legislation requires the affirmative vote of at least 2/3 of the members of each house of the Legislature for passage, and becomes effective on signature of the Governor.

ARS Titles Affected: 3

First sponsor: Rep. Dunn (R - Dist 13)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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Hearing:House Land & Agriculture (Thursday 01/23/20 at 9:00AM, House Rm. 3)

H2292 Daily History

Date Action

CITRUS RESEARCH COUNCIL; FEE INCREASE 1/16 referred to House land-agri.

H2295 APPROPRIATION; NATURAL RESOURCE CONSERVATION DISTRICTS



Lists

Appropriates \$110,600 from the general fund in FY2020-21 to the Environmental Special Plate Fund. The Legislature intends that these monies will be available to distribute to natural resource conservation districts and education centers as provided by specified statutes.

ARS Titles Affected: 41

First sponsor: Rep. Dunn (R - Dist 13)

Others: Rep. Griffin (R - Dist 14) , Rep. Nutt (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2295 Daily History

Date Action

APPROPRIATION; NATURAL RESOURCE CONSERVATION DISTRICTS 1/22 from House nat res-energy-water do pass.
APPROPRIATION; NATURAL RESOURCE CONSERVATION DISTRICTS 1/21 House nat res-energy-water do pass; report awaited.
APPROPRIATION; NATURAL RESOURCE CONSERVATION DISTRICTS 1/16 referred to House nat res-energy-water, appro.

H2297 WATER INFRASTRUCTURE FINANCE PROGRAM; REPORT

Lists



The chairpersons of the legislative committees on natural resources are required to provide to the Secretary of State a copy of the annual report that the Board of Directors of the Arizona Finance Authority submits to the Legislature.

ARS Titles Affected: 49

First sponsor: Rep. Shope (R - Dist 8)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2297 Daily History

Date Action

WATER INFRASTRUCTURE FINANCE PROGRAM; REPORT 1/22 referred to House nat res-energy-water.

H2300 WATERSHED IMPROVEMENT PROGRAM; REPEAL

Lists



The Watershed Improvement Program is repealed.

ARS Titles Affected: 45

First sponsor: Rep. Shope (R - Dist 8)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2300 Daily History

Date

Action

No actions posted for this bill.

H2309 GROUNDWATER; WATERLOGGED AREA EXEMPTION; DATE

Lists



The exemption from irrigation water duties for persons entitled to use groundwater under an irrigation grandfathered right is extended ten years, to December 31, 2034. The exemption from any applicable conservation requirements for the distribution of groundwater for the Arlington Canal Company, the Buckeye Water Conservation and Drainage District and the St. John's Irrigation District is extended ten years, to December 31, 2034. The Director of the Department of Water Resources is required to submit a recommendation to the Governor and the Legislature by November 15, 2031 regarding extending these exemptions.

ARS Titles Affected: 45

First sponsor: Rep. Dunn (R - Dist 13)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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H2309 Daily History

Date Action

GROUNDWATER; WATERLOGGED AREA EXEMPTION; DATE 1/22 referred to House nat res-energy-water.

H2365 CONSERVATION DISTRICTS; INVASIVE VEGETATION; RESEARCH

Lists



The powers of natural resource conservation districts are expanded to include conducting surveys, investigations and research relating to eradicating invasive vegetation, and cooperating and entering into agreements with a landowner or agency to carry on programs of eradicating invasive vegetation.

ARS Titles Affected: 37

First sponsor: Rep. Dunn (R - Dist 13)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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ABW
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H2365 Daily History

Date

Action

*No actions posted for this bill.***H2434****TECH CORRECTION; AGRICULTURAL EXTENSION**

Lists



Minor change in Title 3 (Agriculture) related to agricultural extension work. Apparent striker bus.

ARS Titles Affected: 3

First sponsor: Rep. Cobb (R - Dist 5)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

ABW
C**H2434 Daily History**

Date

Action

*No actions posted for this bill.***H2613****WATER RESOURCES ANNUAL REPORT**

Lists



The deadline for the Department of Water Resources to provide the Governor and the Legislature with an annual operations report is moved to August 15 of each year, from July 1. The report must be made available to the public on the Dept's website.

ARS Titles Affected: 45

First sponsor: Rep. Dunn (R - Dist 13)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

ABW
C**H2613 Daily History**

Date

Action

*No actions posted for this bill.***H2617****TEMPORARY IRRIGATION EFFICIENCY PROJECTS FUND**

Lists



Modifies the requirements for an irrigation district to qualify for funding from the Temporary Groundwater and Irrigation Efficiency Projects Fund so that the requirement that the district did not deliver surface water other than Central Arizona Project water in calendar year 2017 applies only to irrigation districts located in the Phoenix Active Management Area.

ARS Titles Affected: 45

First sponsor: Rep. Griffin (R - Dist 14)

Others: Rep. Nutt (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

ABW
C**H2617 Daily History**

Date Action

TEMPORARY IRRIGATION EFFICIENCY PROJECTS FUND 1/22 referred to House nat res-energy-water.

H2618**DEPARTMENT OF WATER RESOURCES; CONTINUATION**

Lists



The statutory life of the Department of Water Resources is extended eight years to July 1, 2028. Retroactive to July 1, 2020.

ARS Titles Affected: 41

First sponsor: Rep. Griffin (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

ABW
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H2618 Daily History

Date

Action

*No actions posted for this bill.***H2620 OMBUDSMAN; ASSISTANCE; SURFACE WATER ADJUDICATIONS**

The Ombudsman-Citizens Aide is required to appoint an assistant to assist claimants in the general adjudication of water rights who are not represented by counsel. The assistance is limited to procedural matters and cannot include legal advice regarding the validity of claims or defenses or the investigation of any agency. The Ombudsman-Citizens Aide is required to cooperate and coordinate with any law school in Arizona to provide for law school students under the supervision of the law school's clinical instructors to assist parties in the adjudication who have fewer legal resources available to them when compared to other parties in the adjudication.

ARS Titles Affected: 41

First sponsor: Rep. Bowers (R - Dist 25)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW

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**H2620 Daily History**

Date

Action

*No actions posted for this bill.***H2621 TAX CREDIT; WATER CONSERVATION SYSTEM**

Modifies the qualifications for the individual income tax credit for expenses incurred to purchase and install an agricultural water conservation system to require the expense to be consistent with a conservation plan the taxpayer has filed with a natural resource conservation district in Arizona, instead of the U.S. Department of Agriculture soil conservation service.

ARS Titles Affected: 43

First sponsor: Rep. Dunn (R - Dist 13)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW

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**H2621 Daily History**

Date

Action

*No actions posted for this bill.***H2671 WATER SUPPLY DEVELOPMENT FUND; APPROPRIATION**

Appropriates \$50 million from the general fund in FY2020-21 to the Water Supply Development Revolving Fund.

ARS Titles Affected: 41

First sponsor: Rep. Griffin (R - Dist 14)

Others: Rep. Bowers (R - Dist 25)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW

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**H2671 Daily History**

Date Action

WATER SUPPLY DEVELOPMENT FUND; APPROPRIATION 1/22 referred to House nat res-energy-water, appro.

H2672 WATER RIGHTS

A person, the state or a political subdivision with a better right to appropriate water may not prevent the exercise of a junior right to that water unless preventing the exercise of the junior right would produce water for beneficial use for the better right holder.

ARS Titles Affected: 45

Lists

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ABW

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First sponsor: Rep. Griffin (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

H2672 Daily History

Date

Action

No actions posted for this bill.

H2674

WATER; SUBSTITUTE ACREAGE



A person who owns acres of land that may be irrigated lawfully is authorized to permanently retire those acres from irrigation and substitute for those acres the same number of acres in the same contiguous farming unit if the owner demonstrates to the Department of Water Resources that the legally irrigated acres were damaged by "floodwaters" after being irrigated and that it is not economically feasible to restore the flood damaged acres to irrigation use. A person who owns contiguous acres of land that may be irrigated lawfully is authorized to apply to the Dept to permanently retire a portion of those acres from irrigation and substitute for the retired acres the same number of acres within the same farm unit. The Dept may approve the substitution of acres if the owner demonstrates that all of a list of specified conditions apply, including that a "limiting condition" associated with the acres to be retired from irrigation substantially impedes the implementation of efficient irrigation practices on the legally irrigated acres. Does not affect the person's existing or vested rights to the use of water.

ARS Titles Affected: 45

First sponsor: Rep. Griffin (R - Dist 14)

Others: Rep. Bowers (R - Dist 25) , Rep. Nutt (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW
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H2674 Daily History

Date

Action

No actions posted for this bill.

H2675

WATER CONSERVATION NOTICE; NO ABANDONMENT



A water right holder is authorized to file with the Department of Water Resources a water conservation plan notice at any time. Information that must be included in the notice is listed. On filing a water conservation plan notice, the water rights in the notice are not subject to a claim of abandonment or nonuse. A person cannot accrue long-term storage credits for any water that is prescribed in a water conservation plan notice.

ARS Titles Affected: 45

First sponsor: Rep. Griffin (R - Dist 14)

Others: Rep. Bowers (R - Dist 25) , Rep. Dunn (R - Dist 13) , Rep. Nutt (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW
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H2675 Daily History

Date

Action

No actions posted for this bill.

H2677

GROUNDWATER REPLENISHMENT RESERVES



Modifies the calculation for groundwater replenishment reserve targets for active management areas within a multi-county water conservation district.

ARS Titles Affected: 48

First sponsor: Rep. Griffin (R - Dist 14)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW
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H2677 Daily History

Date

Action

No actions posted for this bill.

S1019**PROHIBITION; REGULATION; INDUSTRIAL HEMP SITES**

Lists



Counties and municipalities are prohibited from imposing any regulation or restriction on an industrial hemp site.

ARS Titles Affected: 9 11

First sponsor: Sen. Borrelli (R - Dist 5)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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ABW
C**S1019 Daily History****Date Action**

PROHIBITION; REGULATION; INDUSTRIAL HEMP SITES 1/13 referred to Senate gov.

S1083**AGRICULTURE DEPARTMENT; LIVESTOCK LOSS BOARD**

Lists



The Livestock Loss Board is authorized to compensate, using monies in the Livestock Compensation Fund, landowners, lessees or livestock operators for implementing "avoidance measures" (defined) to prevent wolf depredation on livestock.

ARS Titles Affected: 3

First sponsor: Sen. S. Allen (R - Dist 6)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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ABW
C**S1083 Daily History****Date Action**

AGRICULTURE DEPARTMENT; LIVESTOCK LOSS BOARD 1/13 referred to Senate water-agri.

S1145**TEMPORARY IRRIGATION EFFICIENCY PROJECTS FUND**

Lists



Modifies the requirements for an irrigation district to qualify for funding from the Temporary Groundwater and Irrigation Efficiency Projects Fund so that the requirement that the district did not deliver surface water other than Central Arizona Project water in calendar year 2017 applies only to irrigation districts located in the Phoenix Active Management Area.

ARS Titles Affected: 45

First sponsor: Sen. Kerr (R - Dist 13)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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Hearing: Senate Water & Agriculture (Thursday 01/23/20 at 10:00AM, Senate Rm. 3)

S1145 Daily History**Date Action**

TEMPORARY IRRIGATION EFFICIENCY PROJECTS FUND 1/21 referred to Senate water-agri.

S1148**TECH CORRECTION; WATER PROTECTION**

Lists



Minor change in Title 45 (Waters) related to water protection. Apparent striker bus.

ARS Titles Affected: 45

First sponsor: Sen. Kerr (R - Dist 13)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

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ABW
C**S1148 Daily History****Date Action**

TECH CORRECTION; WATER PROTECTION 1/21 referred to Senate rules.

S1206 AGRICULTURE WORKFORCE PROGRAM; INTERNS; APPROPRIATION



Establishes the Agricultural Workforce Development Program in the Department of Agriculture to provide incentives to food-producing agricultural organizations to hire interns by partially reimbursing internship costs. The Dept is required to adopt rules for the Program, including qualifications for participation, criteria for selecting interns, intern wage rates, and a process for reimbursement. By December 1 of each year, the Dept is required to submit a report on the Program to the Governor and the Legislature. Appropriates \$250,000 from the general fund in each of FY2020-21 through FY2023-24 to the Dept for the Program. Effective January 1, 2021.

ARS Titles Affected: 3

First sponsor: Sen. Pratt (R - Dist 8)

Others: Sen. S. Allen (R - Dist 6) , Sen. Gray (R - Dist 21) , Sen. Navarrete (D - Dist 30) , Sen. Otondo (D - Dist 4)

NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.

Lists

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ABW
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S1206 Daily History

Date Action

AGRICULTURE WORKFORCE PROGRAM; INTERNS; APPROPRIATION 1/22 referred to Senate water-agri, appro.

Policy Development and Legislative-Regulatory Affairs Committee
Agribusiness & Water Council of Arizona

Agenda
WEDNESDAY - January 29, 2020
8:00 AM to 9:30 AM

CONFERENCE CALL NUMBER
1-800-416-4956 PASS CODE 214096#

1. Review AZ bills of significant pertinence to the Council or Council members and develop recommendations for Executive Committee action.
2. Review federal proposed legislation or agency action of significant pertinence to the Council of Council members and develop recommendations for Executive Committee action.
3. Review of proposed 2020 Council priorities and develop recommendations for Executive Committee action.
 - a. State level
 - b. Regional or National level
4. Review Colorado River Water Users Association (CRWUA) Resolutions and Position Statements and develop recommendations for Executive Committee action.
5. Review National Water Resources Association (NWRA) Policies and Position Statements and develop recommendations for Executive Committee action.
6. Review of Council bylaw change affecting Legislative Committee.
7. (As time permits) discuss political races affecting Council members.



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***National
Water
Resources
Association***

For the 117th Session of Congress

***Mission Statement
Objectives
Resolutions
Position Statements***

Of the Policy Development Committee

Adopted by the Board of Directors, November 2019

TABLE OF CONTENTS

MISSION STATEMENT	4
OBJECTIVES	4
Promote the Following Principles of Water Management:	4
Research and Public Information Programs	4
Compliance with State Laws and Interstate Compacts.....	4
Protection of Private and Public Property	5
Use of Reclamation Project Water for Generation of Hydroelectric Power	5
Preservation Legislation	5
Access to Federal Lands	5
Pre-FLPMA Rights-of-Way for Water Facilities	5
Adherence to Project Purposes	6
Elimination of Duplicative Research.....	6
Transfer of Title upon Repayment.....	6
Watershed Management/Water Storage	6
Tax-Exempt Bonds	6
Environmental Impact Statements	6
National Energy Policy.....	7
Water Resource Investment and Financing	7
Weather Data Collection.....	7
Dam Safety	7
McCarran Amendment	7
Review and Approval of Agency Regulations	7
Overdesign Criteria for Water Projects	8
Rural Clean Water Actions.....	8
Water Conservation	8
Protection of Water Resources from Contamination.....	8
Cost Sharing	8
Uniform Reallocation Payment Standards: Corps of Engineers Reservoirs	9
Federal Power Program	9
Risk Assessment	9
Recycled Water Projects.....	9
RESOLUTIONS	10
Resolution of Resource Conflicts	10
Integrated Resource Planning for Energy Consumption	10
Ground Water Management and Protection	10
Federal Non-Reserved Water Rights	11
Drought Mitigation and Assistance	11
Wilderness and Roadless Areas.....	11

Competing Uses at Federal Water Projects and Surcharges.....	13
Federal Policy on Non-Agricultural Transfers of Water in Reclamation Projects.....	14
Instream Flows - Federal Agencies	15
Clean Water Act Reauthorization.....	15
Safe Drinking Water Supplies	16
Invasive Species	17
Hydroelectric Power Qualifies as Renewable Energy.....	18
Reauthorization of the Endangered Species Act	18
Implementation of the Clean Water Act.....	19
Dam Removal	24
Implementation of the Endangered Species Act.....	25
FERC Licensing Procedures for Hydroelectric Development.....	25
Low Impact Hydropower Generation Exemption	26
Warren Act Amendments	26
Flow Augmentation	26
Municipal Discharges into Irrigation Works Exemption.....	27
Policy on Addressing Impacts of Potential Climate Change.....	27
Water Infrastructure Financing.....	27
Aging Infrastructure Funding	28
USGS National Streamgauge Monitoring Network	28
Double Permitting of Pesticide Applications	28
Water Resources Development Act (WRDA).....	28
Forest Health.....	29
Water Transfers Rule.....	29
NEPA Streamlining	29

POSITION STATEMENTS	31
Resolution of Resource Conflicts	31
Integrated Resource Planning for Energy Consumption	32
Groundwater Protection and Management	33
Federal Non-Reserved Water Rights	34
Drought Mitigation and Assistance	34
Wilderness and Roadless Areas.....	35
Competing Uses at Federal Water Projects and Surcharges.....	36
Federal Policy on Non-Agricultural Transfers of Water in Reclamation Projects.....	37
Instream Flow - Federal Agencies.....	39
Clean Water Act Reauthorization.....	40
Safe Drinking Water Supplies	41
Invasive Species	42
Hydroelectric Power Qualifies as Renewable Energy.....	43
Reauthorization of the Endangered Species Act	44
Implementation of the Clean Water Act.....	46
Dam Removal	50
Implementation of the Endangered Species Act.....	51
Federal Energy Regulatory Commission (“FERC”) Licensing Procedures for Hydroelectric Development.....	51

Low Impact Hydropower Generation Exemption	53
Warren Act Amendments	53
Flow Augmentation	55
Municipal Discharges into Irrigation Works Exemption.....	56
Policy on Addressing Impacts of Potential Climate Change.....	56
Water Infrastructure Financing.....	57
Aging Infrastructure Funding	57
USGS National Streamgauge Monitoring Network	57
Double Permitting of Pesticide Applications	58
Water Resources Development Act (WRDA).....	59
Forest Health.....	59
Water Transfers Rule	60
NEPA Streamlining	60
NWRA POLICY DEVELOPMENT COMMITTEE	62

MISSION STATEMENT

Promote the best use of the water resources of the nation for the benefit of our people and environment.

OBJECTIVES

Promote the Following Principles of Water Management:

- The inherent right and obligation of the people of all states to fully develop their water resources within the framework of applicable interstate compacts, and the water laws of the respective states.
- Integrated and multiple utilization of water development projects.
- Authorization of and adequate appropriations for projects to develop, control, conserve and utilize total water resources.
- The need for additional long-term water storage to provide adequate water for domestic, agricultural, industrial and other water uses during extended drought.

Research and Public Information Programs

Clearly inform the public of the primary and secondary regional and national economic benefits and the great contributions water resource developments make to human needs, including food, recreation, sanitation, power, social progress, and a high quality environment, and to the overall strength and needs of our nation, and establish an objective factual record on the environmental and economic impacts of existing and proposed water resources development projects; present such factual record in appropriate forums; assist, as appropriate and justified, in the defense of water resource development projects; and present testimony before Congress, state legislatures and other legally constituted agencies of government that will lead to the orderly authorization, funding, construction, and operation of needed and meritorious projects.

Compliance with State Laws and Interstate Compacts

The federal government, its agents, employees, licensees, and permittees shall comply with all applicable state laws and regulations and interstate compacts governing the appropriation, distribution, control, or use of water, whether such water originates on federally owned or controlled lands or elsewhere.

Protection of Private and Public Property

Property needed for federal or state use shall be acquired by contract, purchase or condemnation proceedings in all instances. When land in a reclamation project is taken for public use, compensation

for the taking must include payments which will adequately fund the repayment obligation for construction charges and operation and maintenance costs allocable to such land together with the costs of modifying or relocating water facilities made necessary by such taking.

Use of Reclamation Project Water for Generation of Hydroelectric Power

The development of current and projected reclamation programs using the sale of power and energy to assist in paying for the reclamation project in conformance with the authorized project purposes. That utilization, either directly or by exchange, of reclamation power reserved for reclamation project purposes shall have priority over all other uses and the rates for received reclamation power continue to be based on cost- based rate-making policies in accordance with the principles of Reclamation Law.

Preservation Legislation

In the designation by the Secretary of Interior, Secretary of Agriculture, or Congress of wild and scenic rivers, wilderness, and other such preservation legislation, due consideration and recognition shall be given to the principles of multiple use and recognition of water rights under the laws of the respective state. The designation of a river as wild and scenic shall occur only after an in-depth study of alternate uses and after approval by affected states. Lands necessary to the development and use of existing water user facilities, or water storage or diversion facilities shall be excluded from wilderness, national monument, or national conservation area designation.

Access to Federal Lands

Each federal department responsible for federal lands shall permit normal reasonable access to such lands consistent with the needs of preservation, maintenance, construction, or reconstruction of water facilities.

Pre-FLPMA Rights-of-Way for Water Facilities

Each federal department responsible for federal lands shall honor valid, existing rights-of- way created prior to the passage of the Federal Land Policy and Management Act consistent with the terms of the applicable grant.

Adherence to Project Purposes

No administrative change in the control of water and land use or development of a reclamation project shall occur unless approved by the project beneficiaries.

Elimination of Duplicative Research

Water departments and government agencies responsible for water resource development shall adopt procedures to eliminate or minimize duplication of investigation, research, and basic work common to them, and shall disseminate information developed by them to the public at reasonable cost.

Transfer of Title upon Repayment

Upon completion of repayment to the United States and request to the Secretary of Interior by the contracting party, fee title to any works, facilities, or land for appropriate non-controversial projects, which were paid for by the contracting party, shall be conveyed to such contracting party without a requirement for congressional action.

Watershed Management/Water Storage

Develop watershed management programs to:

Reduce erosion and transported sediment, thereby stabilizing stream conditions and improving water quality;

Improve efficiency of water deliveries to downstream users;

Decrease flood hazard to improved areas, thereby protecting developed lands adjacent to river channels and other improved areas; and,

Promote the beneficial use and reuse of water resources.

Tax-Exempt Bonds

Legislation and regulations should strengthen the tax-exempt status of bonds issued or to be issued by public entities to provide for irrigation, municipal and industrial water supplies; sewage and solid waste disposal facilities; air and water pollution control facilities; and the production and marketing of electrical energy without regard to the area in which such services are provided and without regard to whether the purchaser of such services is a public or private entity.

Environmental Impact Statements

In the preparation of future recommendations and reports on water resource projects, the requirements of the National Environmental Policy Act (“NEPA”) shall include within a single project report or recommendation all beneficial and adverse environmental and economic impacts.

National Energy Policy

Hydropower should be recognized as a renewable energy resource and a valuable domestic energy source. Encourage exploration and use of our energy producing natural resources and urge Congress to provide funds for continued research and development of new technology to reduce water consumption in the development of such energy sources.

Water Resource Investment and Financing

Legislation shall be adopted to establish procedures for the orderly development of national water resources investment programs to establish a revolving fund for financing operation, maintenance and replacement costs of certain water and power projects which are currently funded by appropriations.

Weather Data Collection

Provide sufficient funding and staffing to allow the Natural Resources Conservation Service, the Geological Survey, and the National Weather Service to continue to provide precipitation, temperature, snow surveys, stream flow watershed data, surface water supply forecasts, and ground water supply monitoring in a cost-effective manner to all interested entities; and to retain the related gathering, interpretive, dissemination, and archival services provided by those agencies.

Dam Safety

Federal agencies shall maximize the use of state programs and expertise for dam safety.

McCarran Amendment

Oppose all efforts to repeal the McCarran Amendment and oppose any change, amendment or repeal of the McCarran Amendment which would give exclusive jurisdiction to the federal courts or deprive state courts of jurisdiction over the United States and any beneficiaries of trusts under which the United States has a trust relationship in water rights adjudications.

Review and Approval of Agency Regulations

Congress and the legislatures of each respective state, when enacting legislation, shall define the extent to which agencies shall be authorized to adopt regulations implementing legislative enactments, and shall provide that each agency shall be liable for any damages resulting from the adoption and enforcement of regulations not authorized by the legislative enactment.

Overdesign Criteria for Water Projects

Federal and state governments shall eliminate all practices involving overdesign and excessive requirements beyond acceptable engineering and safety standards that cause unnecessary expenses for water projects.

Rural Clean Water Actions

Local landowners, Natural Resources Conservation Service, and area water agencies or local conservation districts shall be encouraged to voluntarily implement best management practices on agricultural lands and waters of the nation.

Water Conservation

Urge support of Reclamation's commitment to a proactive, but non-regulatory, approach to administering the water conservation provisions of the Reclamation Reform Act of 1982 (RRA), and to the continuing development of the Water Conservation Field Services Program (WCFSP) as an incentive-based program of technical and financial assistance, through voluntary federal-state-local partnerships, as the appropriate long-term role for Reclamation in encouraging water conservation

Support development of reasonable and cost-effective local water conservation practices to supplement prudent water supply planning and development for future needs.

Protection of Water Resources from Contamination

Congress and the federal agencies shall increase their financial and technical support, cooperate with, and assist state and local agencies in monitoring and regulating the generation, treatment, storage, or disposal of hazardous wastes; other toxic material; and other contaminants so as to prevent impairment of water resource programs; and to implement in a timely and cost-effective fashion salinity control programs.

Cost Sharing

Establish a federal policy on cost sharing by state and local entities for the reimbursable portion of water resource projects that:

- Fairly and equitably applies to all water users and recognizes and embodies the principles of Reclamation Law;
- Recognizes the value and benefit to the federal government of the goods and services, national and regional economic benefits, and the substantial tax revenues produced as a direct result of water development projects and the significant in-kind and financial contribution that has been made by state and local entities to the development of these projects, which in kind contribution should be valued on a parity with federal contributions;
- Attributes the costs resulting from federal regulatory requirements, features which serve federal purposes, and delays relating to such requirement or purposes, to the federal government; and,
- Guarantees the full rights of nonfederal sponsors to participate in all planning, development, construction, and operation and maintenance on all cost shared projects.

Uniform Reallocation Payment Standards: Corps of Engineers Reservoirs

Congress and the Administration through the United States Army Corps of Engineers shall adopt and follow a uniform policy for the recovery of original costs only, rather than current replacement costs for the use of reservoir storage capacity, that lawfully may have been reallocated for uses other than those for which a reservoir may have originally been authorized.

Federal Power Program

That Congress maintain support for the federal power program and existing repayment policies and that it reject proposals for mandatory scheduled amortization, i.e., straight line or compound interest, market rates; and that Congress reject proposals for auctioning PMA assets or other proposals that will reduce competition in the electric utility industry in areas served by PMA's or that will change long-standing commitments or policies.

Risk Assessment

In the establishment of environmental regulatory criteria, all federal and state agencies should engage in a risk assessment process that includes independent scientific peer review, comparative risk analysis across environmental media, interagency coordination, and a clear identification of assumptions, default options, criteria for conducting uncertainty analysis, the range of risk to humans and other species, and such other information as would be useful to the agencies and the public in determining the appropriate level of acceptable risk.

Recycled Water Projects

Adequate federal financial assistance for water recycling and groundwater recovery projects will greatly improve Western States' water supply reliability and provide environmental benefits through effective water recycling and recovery of degraded groundwater.

RESOLUTIONS

1. Resolution of Resource Conflicts

That the Secretary of Interior establish a policy for timely resolution of conflicts in proposed uses of natural resources that will assure full prior consideration of the views of all affected federal, state, and local agencies, and full prior evaluation of economics, engineering, and environmental factors; and that will prevent federal agencies from accepting contributions of interests in real property, acquiring real property, or taking positions in litigation or taking any other actions that would be inconsistent with state law and state water policy.

Further, when the interests in real property that have been contributed or acquired without full consideration of the views of all affected federal, state, and local agencies impinge upon and/or preclude the implementation of essential water resource projects, such actions shall be null and void if and when the respective state permitting process finds it to be in the public interest to issue the necessary permits for implementation, and where such permits have been issued.

2. Integrated Resource Planning for Energy Consumption

To urge the Department of Energy and Western Area Power Administration in any revisit or review of regulations as required by Section 114 of the Energy Policy Act of 1992, to:

1. Recognize the special problems encountered by customers whose loads include substantial amounts of irrigation pumping.
2. Recognize the limited economic, managerial, and resource capabilities that small customers must accomplish integrated resource planning.
3. Recognize that long-term contracts for power supply are necessary to accomplish meaningful long-range integrated resource planning as required by the Act.
4. Fully recognize the requirements imposed by the Rural Electrification Administration.
5. Fully recognize integrated resource plans prepared in compliance with Federal, State or other initiatives.

3. Ground Water Management and Protection

To urge the United States to ensure the primacy of the states as to the ownership, administration, and management of the groundwater found within their borders, consistent with international treaties, interstate agreements, and judicial decrees.

4. Federal Non-Reserved Water Rights

To urge that the Administration through the Department of Justice order a review of the Office of

Legal Counsel's opinion of June 16, 1982, to conform that opinion to the Interior Department Solicitor's opinion of September 11, 1981, Number M 36914, which declared that the so-called doctrine of federal non-reserved water rights is repugnant to the proper relationship between the states and the federal government in the critical field of water supply and management. The United States should appropriate, or purchase water needed for uses of the United States in accordance with state water law of the affected state, except where Congress has specifically established a water right or where Congress has explicitly set aside a federal land area with a reserved water right.

5. Drought Mitigation and Assistance

To urge Congress and the Administration to pursue a national policy of water development and conservation that will:

1. Provide a water supply infrastructure capable of supporting domestic, agricultural, and industrial needs through times of prolonged drought.
2. Provide technical and financial assistance to state and local governments in formulating drought response plans.
3. Ensure that state and local drought planning is regionally and nationally balanced.
4. Examine the merits of extending the benefits of the Reclamation Program to states and/or regions outside the Reclamation West.
5. Provide permanent authority for the Secretary of Interior to take such actions as may be necessary to mitigate the financial impact of droughts on water users, including temporary relief with respect to repayment.

6. Wilderness and Roadless Areas

To urge:

1. That Congress amend the Wilderness Act, the Federal Land Management Policy Act, the Wild and Scenic Rivers Act, and the Antiquities Act of 1906, as necessary, to ensure that administration of the provisions of these acts will not preclude or restrict access to and the development of water rights and water projects under state law, and the collection of hydro meteorological information necessary to the management of water resources including, but not limited to, research and demonstration projects, and not preclude or restrict the multiple use of federal lands;
2. That, without the concurrence of the legislature and governor of the state involved, Congress and the administration: include no lands in a roadless or wilderness classification, within a designated national monument or within a national conservation area; or close a road or public

way;

3. That those lands found not suitable for wilderness be released;
4. That any Act of Congress designating areas as part of the National Wilderness System or as a national conservation area provide that no provisions of the Act or any other Act of Congress designating areas as wilderness, nor any guidelines, rules or regulations issued thereunder, shall constitute the establishment of a right to the use or flow of water by the federal government due to the designation as wilderness;
5. That any Act of Congress funding any area as part of a national monument or national conservation area provide that no administrative designation, no provisions of the Act, or any other Act of Congress designating areas as national monuments or national conservation areas, nor any guidelines, rules, or regulations issued thereunder, shall constitute the establishment of a right to the use or flow of water by the federal government due to the designation as a national monument or national conservation area;
6. That any proposed and/or designated wilderness, national monument, or national conservation area allow access necessary to build and to subsequently maintain water user facilities located within the wilderness, monument, or national conservation area and necessary to place to beneficial use previously decreed water rights;
7. That any water user facility within a wilderness, national monument, or national conservation area, having been in existence and operation prior to the wilderness, national monument, or national conservation area designation, be protected with a right of construction completion, operation and repair maintenance, or replacement of the facilities necessary to exercise existing water rights in the wilderness, national monument, or national conservation areas with modern construction equipment, including, but not limited to, mechanized equipment; and,
8. That any renovation and updating request of such facilities automatically include the permit to accomplish the necessary work.

7. Competing Uses at Federal Water Projects and Surcharges

To urge federal agencies and all other interested parties to participate constructively in reconciling the conflicting demands of original and new project interests under the following guidelines:

1. New Project Purposes and Revision of Existing Purposes
 - a. Beneficiaries of authorized project purposes may not be asked to underwrite the addition of new or expanded project purposes that reallocate project benefits.
 - b. If project benefits are transferred from one project to another, cost responsibility must be transferred, and lost benefits compensated, and/or existing repayment obligations adjusted.

- c. Changes in project operation or designation of new project purposes must not be pursued on a generic basis, since only case-by-case authorization can ensure that changes in project operation are warranted, appropriate, cost-effective, and are consistent with national and state objectives.
- d. Changes in project operations or designation of new project purposes may not be made in violation of existing contracts or state water rights granted for or related to the project, or in a manner that will impair contractual rights of project beneficiaries.

2. Cost of Environmental Mitigation

- a. Beneficiaries of vested rights in a project purpose, evidenced by confirmed contracts, shall not be subject to a surcharge, to be imposed as part of that beneficiaries' allocation of operation and maintenance of the project or otherwise, for the establishment of a natural resources restoration fund or other environmental mitigation or enhancement purposes, that deny said beneficiaries equal protection of the law, are contrary to the contractual rights and obligations of the beneficiaries, that result in class discrimination, or are not authorized by the laws of the United States.
- b. A distinction between environmental mitigation and enhancement is critical in determining the financial responsibility, if any, of existing project beneficiaries to improve environmental conditions at federal multipurpose water projects.
- c. All project beneficiaries and the public at-large must share financial responsibility for environmental mitigation efforts which encompass those reasonable and cost-effective efforts designed to offset identified environmental impacts resulting from construction of these projects.
- d. The direct beneficiaries of enhanced environmental opportunities and the public at-large must bear the financial responsibility for environmental enhancement measures that comprise those efforts designed to improve the environment to a state that did not exist prior to construction of the facility.

3. Conservation

- a. Conservation plans should be a local prerogative developed at the individual project level with appropriate input from the Bureau of Reclamation. Existing project beneficiaries should continue to pursue appropriate, cost-effective, end-use and system efficiency measures.
- b. Prior to any reallocation of unallocated stored project water for consumptive use, existing project beneficiaries believe that the intended beneficiary should be required to make positive showing that the water is needed after the implementation of appropriate, cost-effective, end-use water management practices.
- c. There should be no attempt to reallocate water resources away from identified project purposes and traditional project beneficial uses of irrigation, municipal and industrial water supply, and

power generation to new instream uses, such as recreation or environmental enhancement, through the imposition of conservation plans or practices. Any transfer of conserved water must be accomplished under state water law practices.

4. Operating Criteria

- a. The Secretary of Interior and the Secretary of the Army shall fully comply with all applicable legislation, federal regulations, contractual commitments, and water appropriation laws of the state before changing the operating criteria for any federal reservoir, either permanently or as an interim measure, and only upon completion of a NEPA process.

8. **Federal Policy on Non-Agricultural Transfers of Water in Reclamation Projects**

To oppose any federal policies on non-agricultural transfers of water at reclamation projects that:

1. Improperly assert control over water rights in reclamation projects;
2. Impose barriers to efficient water transfer to new uses;
3. Usurp state water law;
4. Impose fees on transfers of waters of a project by the beneficial owners of said water; or
5. Impact the irrigation exemption under the Fair Labor Standards Act.

9. **Instream Flows - Federal Agencies**

1. The Administration shall recognize the constitutional authority of each state to allocate quantities of water within its jurisdiction and the policy of Congress against superseding, abrogating, or impairing rights to quantities of water granted by the respective states for beneficial uses.
2. Federal agencies should not use water quality, land management, navigation, endangered species, or other laws, directly or indirectly, to establish and maintain instream flows, bypass flows, or releases in a manner that is contrary to or disregards the appropriation of water under the laws of a respective state or that adversely affect allocations of water among states pursuant to interstate compacts, treaties of the United States, or decrees of the U.S. Supreme Court, or that impair, injure, or abrogate vested contractual rights to the use of water.
3. No federal agency action shall indirectly or directly impair or prohibit the diversion, transportation, storage, exchange, or release of water duly appropriated under state law.

10. **Clean Water Act Reauthorization**

To urge Congress and the Administration to incorporate the following principles in any activities regarding the Clean Water Act (“CWA”):

1. Section 101(g) of the Act should be reaffirmed as applying to all sections of the CWA and all programs thereunder, including programs under sections 208, 303, 319, 401, 402, 404 and 510(2) and that the Act and any amendments thereto shall not directly or indirectly create a federal water quality law or program which supersedes, abrogates, or impairs state water allocation systems or compacts and rights to water created and managed thereunder.
2. The CWA should not be expanded, construed, or applied to create a national recreational, cultural, historical, ecological, habitat, aesthetic, instream flow, or land use law or program, or otherwise be utilized to regulate or address anything other than the protection of designated water body uses and the control of discharges by point and nonpoint sources of pollutants to such water bodies.
3. No provision of the CWA should allow a state or Indian tribe to apply its water quality standards in such a fashion as to: (a) supersede, impair, or abrogate the water allocation system of another state or tribe or waters decreed thereunder, or (b) cause an unreasonable economic burden to be placed upon such other state or tribe where that state or tribe has ensured the establishment of classifications and standards for waters within its jurisdiction and such standards are being appropriately enforced.
4. A Good Samaritan provision should be adopted that allows for the prompt voluntary clean-up of abandoned mine drainage without fear of unwarranted liability attaching to such actions.
5. The concept of “navigability” as currently in the Act must remain intact, with the continual recognition of (a) the constitutional and statutory limitations on the scope of federal jurisdiction, and (b) due deference to state and local authority.
6. Establish appropriate use classification and water quality standards for ephemeral and effluent dependent streams, and recognize, in the adoption of water quality standards, the value of water reuse and increased instream flow associated with reclamation and reuse projects.
7. The identification and implementation of any anti-degradation policy, including, but not limited to, the designation of outstanding national resource waters, shall be a state prerogative.
8. To address water conservation and water use efficiency measures separately and independently of the CWA, so that such measures may be evaluated on their own merits rather than tied to permit or grant and loan programs under the CWA whose purpose is the elimination of pollutant discharges to the waters of the United States.
9. The Association urges Congress, in any amendments to the Federal Water Pollution Control Act of 1972, where the federal jurisdiction over surface waters of the U.S. is changed, to adopt a definition of “waters of the U.S.” as set forth in 40 CFR 122.2.

11. Safe Drinking Water Supplies

To urge Congress and the Environmental Protection Agency (“EPA”) to:

1. Consider both the risk posed to human health and the cost to communities for compliance when setting safe drinking water standards.
2. Expedite the CCL review process so regulatory decisions can be made in a timely manner by:
3. Supporting national and regional occurrence data-gathering projects and epidemiological studies; and,
4. Supporting research programs on health effects of proposed contaminants.
5. Fully fund the Safe Drinking Water Act Revolving Fund without relying on new taxes and fees.
6. Ensure all communities have access to safe drinking water by providing more financial assistance to small systems.
7. Support research programs on treatment technologies to reduce treatment costs and speed the development of new technologies.
8. Ensure the delivery of a safe and reliable water supply through appropriate agency oversight of security within drinking water facilities.

12. Invasive Species

To urge Congress and the Administration to develop a national policy to address the impacts of invasive species on water resources and natural ecosystems by supporting programs to:

1. Establish a national effort to provide improved coordination among the Departments of Interior, Agriculture, Commerce, the EPA, the U.S. Army Corps of Engineers (“Corps of Engineers”) and other federal agencies to prevent the introduction of invasive species and provide for their control, with a goal to minimize the economic, ecological, and human health impacts caused by invasive species.
2. Modify and strengthen existing laws to protect the import, transport, and introduction and cultivation of potential invasive species.
3. Provide funding, technical assistance and establish working partnerships with states, regional, and local governments, as well as individual landowners in programs of education, detection, monitoring, control, eradication, and restoration of invasive species.
4. Continue research into early detection, rapid response, and cost-effective control and eradication methodologies.
5. Develop, as a high priority, an Invasive Mussel Control Plan for Western States to rapidly

detect, monitor, and stop the spread of quagga and zebra mussels.

13. Hydroelectric Power Qualifies as Renewable Energy

Congress should recognize hydroelectric power as a qualifying renewable energy for the purposes of national energy policy and legislation.

14. Reauthorization of the Endangered Species Act

That as part of the reauthorization process to amend the Endangered Species Act of 1973 (“ESA”), Congress provide that:

1. Decisions regarding protection and conservation of endangered species and associated critical habitat should be based on sound science and measurable benefits;
2. Only those subspecies which are genetically significantly different from the primary species be protected;
3. The use of artificial propagation in achieving the purposes of ESA be clearly supported;
4. When a species is listed, the appropriate government agency shall simultaneously publish a recovery plan that identifies: a) the proposed actions for recovery, b) the estimated cost of recovery, c) the probability of recovery if actions are taken, d) the federal action agency activities that will be subject to Section 7 consultation as a result of the listing, e) the preliminary “conservation measures” or “reasonable and prudent alternatives” needed to avoid jeopardy, and f) the potential economic impacts of recovery to regional economies;
5. Quantifiable goals for delisting purposes be set for the recovery of a given species;
6. Authority of a federal agency shall not be implied by the Act to authorize the agency to acquire land or water, except on a voluntary basis, in carrying out programs for the conservation of listed endangered and threatened species;
7. The Act shall prohibit a federal agency from, in any manner, impairing the right to project water by the landowners within a reclamation project under water storage excess capacity contracts, repayment contracts, or water service contracts duly executed, in existence, or approved for execution at the time of any listing, or impairing any water right of any project;
8. “No surprises” and “safe harbor” provisions be authorized and issued to non- federal parties entering into Section 10a Habitat Conservation Plans (“HCPs”) and Section 6 cooperative agreements and those affected by Section 7 consultations;
9. Federal agencies be allowed to increase habitat-focused species protections through more proactive, collaborative, and incentive-based management agreements with property owners and resource managers;

10. There be no designation of critical habitat below the highest water level of a water storage reservoir, structure, canal, or other artificial water delivery facility, if such habitat is periodically created and destroyed as a result of fluctuations in water levels caused by operation of the water facility; and,
11. Involved agencies collect, use, and consider local data on economic impacts resulting from critical habitat designation.

15. Implementation of the Clean Water Act

To urge the Administration, in implementing the Clean Water Act, to:

1. State Water Rights - Recognize that nothing in the Act, including, but not limited to, the water quality standards provisions of Section 303, the certification provisions of Section 401, and the permit requirements of Section 404, should be construed or used to impair, abrogate or supersede rights to quantities of water allocated by the respective states for beneficial uses.
2. Instream Uses - Reaffirm the authority of the states to determine stream classifications and to establish appropriate water quality standards for the protection of such classifications and clearly require a determination of the cost- to-benefit relationship of water quality standards and related effluent limitations.
3. Return Flows - Recognize the importance of irrigation and wastewater return flows to instream flows and instream quality and quantity, including maintenance of the aquatic ecosystem; and maintain the irrigation return flows exemption from treatment as a point source.
4. “Waters of the United States” – The EPA and the Corps of Engineers shall not redefine or reinterpret the definition of “waters of the United States” under the Act so as to expand the number of waters subject to federal jurisdiction beyond those historically subject to oversight under the Commerce Clause and U.S. Supreme Court decisions regarding the Act.
5. Indian Tribes - Consult effectively with the affected states sharing common water bodies with Indian tribes in developing:
 - a. Regulations for treating the tribes as states under Sections 303, 401, 404 and other provisions of the Act; and,
 - b. A mechanism for resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by states and Indian tribes located on common bodies of water.
6. Nonpoint Source Program - In implementing the nonpoint source program provisions of Section 319, EPA should:
 - a. Consult closely with the Bureau of Reclamation, Natural Resources Conservation Service, and

all affected state and local entities.

- b. Orient the nonpoint source control program towards cost-effective and reasonable voluntary measures which will not interfere with water rights and water allocations under state law and interstate compacts, and which are demonstrably necessary to protect beneficial uses made of water supplies.
 - c. Appropriate adequate funds to implement the provisions of the Act, including those authorized for Section 319 nonpoint source control, such as abatement of abandoned mine drainage affecting public drinking water supplies.
 - d. Acknowledge that its authority does not extend to control over the removal of flows, including dilution flows.
7. National Estuarine Program - Recognize the importance of protecting public water supplies diverted from streams above estuarine areas within the Section 320 National Estuarine Program and allow full participation in the program by public agencies relying on those water supplies.
8. Nationwide Permits - Diligently renew existing nationwide (404) permits as they expire and promulgate new nationwide permits so as to ensure that such general permits are readily available to the regulated community for the conduct of all activities which cause only minimal adverse environmental effects, either separately or cumulatively, including those activities previously authorized under NWP 26.
9. Protection of Wetlands and Municipal Water Supplies
- a. Encourage the Corps of Engineers to make consistent its regulatory and NEPA review for municipal water supply reservoirs with a permit application generally outlining practicable alternatives that would serve as the “scope” for subsequent studies and review. A principal feature of such studies and review should be deference to local determinations of project purpose and need.
 - b. Require rules for prioritizing wetland resources, development of wetland mitigation banks, and integration of wetlands protection with drinking water requirements.
 - c. Acknowledge sole local control over intrastate wetland areas that are not hydrologically connected to other bodies of water.
 - d. Acknowledge that the incidental or de minimis discharge of dredge or fill material in land clearing, draining, excavation, or other activities not historically subject to Section 404 jurisdiction will not be cause for regulating such actions under Section 404, or for examining those potential impacts of an activity unrelated to the discharge.
10. Interstate Application - Recognize the authority of individual states to adopt classifications and standards, and to enforce the same within their territorial boundaries, while providing for comment by potentially affected downstream states upon discharge authorizations, or federal

licenses or permits issued in upstream states, and for the consideration of downstream states' concerns in the issuance of such permits or licenses, while avoiding the vesting of any veto authority in the downstream state over discharges or activities occurring in the upstream state.

11. Coordination with Endangered Species Requirements - In the establishment and approval of water quality standards, the states, the EPA, National Oceanic and Atmospheric Administration ("NOAA"), and the U.S. Fish and Wildlife Service ("USFWS") should work cooperatively so as to ensure that water quality standards with a nexus to endangered species or their habitat are examined in a timely fashion and in conjunction with the state triennial review process, and that such standards to be set on a site-specific basis after the completion of appropriate, peer reviewed scientific research.
12. TMDL's - Afford the states and tribes maximum flexibility in meeting the requirements of Section 303(d) of the Act, including the identification and prioritization of impaired waters and the implementation of controls upon point and nonpoint sources in order to attain and maintain classified uses.
13. Water Quality Standards - In the consideration of new criteria and standards, with specific reference to sediment criteria, flow criteria, temperature criteria, biological criteria, and wildlife criteria, EPA must defer to state and local control over land use and water allocation decisions and must refrain from implementing any such criteria to the extent it may interfere with such state and local prerogatives.
14. Point Source Discharge Permit Triggers – The point source discharge permit provisions of Section 402 of the CWA should not be triggered by either:
 - a. The mere transfer of water, whether by ditch, pipeline, tunnel, or other conveyance structure, for purposes of applying the water to a beneficial use; or,
 - b. The application of herbicides or pesticides for their intended use in accordance with label directions.
15. Section 401 of the CWA shall not be utilized by EPA or any federal agency directly or indirectly, to impose or require instream or by-pass flows as a condition of any federal permit, license, or approval or to control activities which do not result in a point source discharge of pollutants.
16. Section 404 protections and allowances for water dependent activities should be expanded, particularly with regard to permitting for facilities that are related to the exercise of state-created water rights. Deference should be accorded to local determination of water project purposes and need. Section 404 should be interpreted to provide for:
 - a. Local Responsibility - The primary responsibility for determining the need for, timing, and the siting of a water project lies with the local and state governmental units or other sponsoring individual or organization subject to the state laws governing the appropriation of water.

Consistent with Sections 101 and 510 of the CWA, the Corps of Engineers should show due deference to the determinations of such entities upon these matters.

- b. Decision Authority - The Corps of Engineers has the decision authority to issue 404 permits and the EPA has oversight responsibilities. The ability of the EPA Administrator to veto permit applications should be limited to giving unresolved concerns to the Secretary of the Army and allowing the Secretary to make the final decision.
- c. General Permits - Simplified procedures for state program delegation should be adopted; certain categories of water such as headwaters, isolated waters, and certain intrastate waters should be excluded from permit requirement consistent with the original intent of Congress; a five-year review period for nationwide permits should be substituted; and review processes with other federal and state programs should be reduced.
- d. State Water Law - The Corps of Engineers or EPA may not prohibit or in any way restrict or condition water diversions, depletions, or the consumptive use of water or water rights that are authorized or decreed under state law.
- e. Guidelines
 - i. The EPA and USFWS must establish guidelines which provide objective mitigation criteria, allow premitigation, defer to the Corps of Engineers in matters of engineering, economics, and other technical areas within their expertise.
 - ii. EPA and the Corps should adopt guidelines for implementation of the 404 program that expedite the application review process, clarify the jurisdictional authority of the agencies in a manner consistent with the language of the Act and U.S. Supreme Court interpretations thereof, and minimize the costs associated with permit application review.
- f. Memorandum of Agreement - The February 7, 1990 Memorandum of Agreement on mitigation between the Corps of Engineers and EPA establishes a regulatory norm and should be rescinded until proper public rulemaking processes are followed. The same is true regarding the Corps of Engineers' Wetlands Delineation Manual. Analysis of practicable alternatives should allow credit for mitigation in determining the least environmentally damaging alternative, and a balancing of project benefits against reasonably foreseeable wetland harm should be undertaken.
- g. Artificial Water Areas - Limit Section 404 and wetland jurisdiction so that it does not apply to water surfaces and water-related vegetation areas created artificially incidental to irrigation, hydropower, flood control, and water supply projects.
- h. Documentation - Require EPA to document its concerns and recommendations to the Corps of Engineers as part of the permit process, after thorough analysis of project impacts. The Corps of Engineers would then have to consider EPA's formal statement in a manner similar to a biological opinion rendered by the USFWS under Section 7 of the ESA.
- i. Continuing Cooperation - All relevant agencies, including EPA, shall participate in the

preapplication consultations and shall continue to work constructively with applicants to resolve any problems that may arise.

- j. Maintenance - Provide in Section 404 for routine ongoing maintenance activities to be covered by the initial permit process so that periodic new permits would not be required for repetitious maintenance activities essential to a project.
 - k. Exemptions - Provide an exemption for construction of emergency municipal water supply projects and activities directly related to federal (Stafford Act) or state-declared disaster recovery.
- 17. Non-point source pollution control under the CWA should be pursued through a tiered approach for non-point source management which begins with the voluntary cooperative implementation of best management practices. The states should have primary responsibility for identifying and administering non-point source management programs. Federal funds and assistance should be made available for implementing BMP's, as funding was provided for publicly owned treatment works (POTWs) under the 1977 Clean Water Act and its predecessor, the 1972 FWPCA Amendments.
 - 18. Establish appropriate use classification and water quality standards for ephemeral and effluent dependent streams, and recognize, in the adoption of water quality standards, the value of water reuse and increased instream flow associated with reclamation and reuse projects.
 - 19. The identification and implementation of any anti-degradation policy, including but not limited to, the designation of outstanding national resource waters, shall be a state prerogative.
 - 20. To address water conservation and water use efficiency measures separately and independently of the CWA, so that such measures may be evaluated on their own merits rather than tied to permit or grant and loan programs under a CWA whose purpose is the elimination of pollutant discharges to waters of the United States.

16. Dam Removal

Proposals to breach or remove dams pose an alarming challenge to water supply, flood control, water rights, water quality, and power production for millions of consumers. Dams provide significant regional and national benefits, including:

- 1. Municipal, agricultural and industrial water supply;
- 2. Clean, renewable hydropower;
- 3. Flood control;
- 4. Navigation;
- 5. Recreation and fishery benefits; and,

6. Environmental resource restoration.

Removal of federal dams would negatively impact the federal debt repayment obligation associated with such dams. Therefore, proposals to bypass, breach, or remove dams and to alter, abrogate, or restrict the state or local rights to manage its water resource and associated storage infrastructure should be rejected. The vast benefits of the nation's multipurpose water projects far outweigh any alleged positive result from removal or breaching of dams.

17. Implementation of the Endangered Species Act

To urge the Administration, in implementing the ESA as enacted or as hereafter amended, to recognize that nothing in the ESA, including Section 7 consultation, shall be construed or used to justify the involuntary appropriation, acquisition, or reallocation of property of others, including water rights, contractual rights to water, or other contractual rights in existence at the time of the listing of any species for any purpose.

18. FERC Licensing Procedures for Hydroelectric Development

To urge:

1. Legislative and regulatory reform that requires federal resources agencies to consider the ramifications of their mandatory conditioning under the Federal Power Act and that requires the Federal Energy Regulatory Commission to have the tools necessary to expedite the relicensing process to ensure a timely relicensing process, protection of environmental value, and the continued generation of cost-effective hydroelectric power generation.
2. That FERC fully coordinate any licensing, relicensing, or amendments of hydroelectric projects with the Corp of Engineers or Bureau of Reclamation, whichever is appropriate, and the state agencies in charge of water resource allocation in which the project is located, to ensure the inclusion of provisions in FERC licenses that will accommodate the objectives and goals of the Department of Interior or the Corps of Engineers, as appropriate, and the state water plan and policies of the affected state, and that, in recognition of the primacy of the states to adjudicate and administer state-granted rights for the use of its water for irrigation, municipal, industrial, or other beneficial uses, FERC not include any provision that is in conflict with existing state-granted water rights.

19. Low Impact Hydropower Generation Exemption

That Congress pass legislation that exempts water providers seeking to implement low impact power generation sites at multiple places throughout the providers' service area from Section 1 of the Federal Power Act. Water providers seeking to implement multiple low impact hydropower generation currently must undergo costly and time-consuming exemption or licensing processes through FERC. Streamlining the exemption process still does not bring the cost down to justify the expense of low impact hydropower generation. An exemption from the Federal Power Act from licensing or

exemption processes will allow low impact hydropower to become a reality and contribute towards renewable, green energy

20. Warren Act Amendments

Reclamation law should be amended so as to permit, subject to appropriate review by project operators and repayment entities and full protection of, and consent by, existing project beneficiaries, the execution of contracts for the storage of non-project water in excess project space and project water in non-project space, including water for irrigation, municipal and industrial purposes and the use of excess capacity in distribution facilities by the project operator for conveyance of non-project water.

In addition, revenues from the storage of water in excess project space or use of excess capacity in distribution facilities shall be used first to satisfy operation and maintenance costs, then to satisfy construction costs, and then to be paid to project beneficiaries for use in the improvement of project facilities.

21. Flow Augmentation

To urge:

1. That the National Marine Fisheries Service and USFWS, when charged with the enforcement of the ESA, recognize state water rights and compacts, and that in any biological opinion or recovery plan of said agency, it reject flow augmentation using previously appropriated water of water users or the Bureau of Reclamation for the benefit of water users, without the water user's consent and then only under such conditions as the owners of said water rights or the beneficial use may impose, and that no flow augmentation be a part of any biological opinion or recovery plan to mitigate activities of third parties, including the United States, when such flow augmentation requires the use of water appropriated by others.
2. That Congress enact legislation which provides for the recovery of attorneys' fees and costs incurred by owners of vested water rights, rights to water acquired under state law, or the beneficial users of water under such rights for the defense or protection of said rights from unlawful or unauthorized claims or demands for water of said owners or beneficial users to provide mitigation for or to support an incidental take decision for activities of third parties, including the United States.

22. Municipal Discharges into Irrigation Works Exemption

To urge Congress to clarify and extend the present, limited exemptions from National Pollutant Discharge Elimination System ("NPDES") permitting provided by Section 402(1) of the CWA by doing the following:

1. Include discharges composed of irrigation return flows from irrigated agriculture and discharges of storm waters not subject to permitting under Section 402(p);

2. Include discharges composed of irrigation return flows from irrigated agriculture and discharges from permitted municipal storm water systems operating in permit compliance; and,
3. Clarify the status of agricultural canals and drains that carry irrigation waters, or agricultural return-flows and storm waters, to the effect that these conveyance systems are not considered to be “waters of the U.S.”

23. Policy on Addressing Impacts of Potential Climate Change

That Congress and the Administration consider effects of potential climate change in all actions impacting water resources management and planning to maximize the continued reliability of water supply.

24. Water Infrastructure Financing

That Congress develop a comprehensive national policy on water infrastructure financing using, as its foundation, the following seven (7) criteria:

1. New or modified financing programs should adhere to the “cost causation” principle, i.e., they who cause the cost pay for it and all resulting associated costs.
2. New financing programs should not compete with existing programs for appropriations.
3. New or modified financing programs should be available to both existing and new projects and programs.
4. New or modified financing programs should allow for: a) 100% federal funding, b) federal and non-federal loans, grants, and other financing tools, c) any combination of federal and non-federal financing, and d) 100% non-federal financing.
5. New or modified financing programs should be structured so as to make them available to non-federal operators of federally-owned infrastructure in a manner comparable to financing available to operators of non-federal facilities.
6. New financing programs should provide funding based on economic viability rather than arbitrary minimum or maximum funding limits.

New or modified financing programs should provide streamlined, efficient and effective processes for considering funding proposals in a manner designed to facilitate the application and/or approval process while maintaining fiscal management requirements.

25. Aging Infrastructure Funding

To urge Congress to strategically target funding increases for the Bureau of Reclamation and the Corps of Engineers for projects that improve aging water and power infrastructure; and to pass legislation establishing funding mechanisms, such as a revolving loan fund, to address the rehabilitation and

modernization of said infrastructure.

26. USGS National Streamgauge Monitoring Network

To urge Congress to increase funding for the Federal Priority Streamgauges (FPS), formerly known as the National Streamflow Information Program (NSIP), and to restore Cooperative Water Program (CWP) funding to a level sufficient to restore 50% matching funds with cooperators.

27. Double Permitting of Pesticide Applications

To urge Congress to pass legislation that would exempt pesticide users who spray over navigable waters from having to obtain a General Permit under the CWA's NPDES program, in addition to a permit under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA").

28. Water Resources Development Act (WRDA)

To urge Congress to:

1. Keep passing WRDA bills every two years.
2. Expand the opportunity for a meaningful exchange of ideas with regard to Implementation Guidance.
3. Encourage the Corps of Engineers to work with water providers to increase water supply opportunities without hindering other operations at Corps of Engineers facilities.
4. Prohibit the implementation of the revised Federal Flood Risk Management Standard until local and state input and coordination has been completed.
5. Strategically target funding increases for the Corps of Engineers for projects that increase water supply, address current and future drought concerns, meet aging infrastructure needs, address rural water concerns, and increase project operational efficiency.

29. Forest Health

To urge Congress to address both regulatory and funding challenges associated with improving and maintaining forest health. Congress must provide adequate and stable funding to the Departments of Interior and Agriculture to support sustained development and implementation of programs that improve the condition, trend, and resiliency of federally-managed watersheds. We support maintaining a permanent fix to prevent "fire borrowing" and believe that this fix must also address regulatory challenges that unnecessarily hinder forest health improvements. Current laws and regulations must be improved to reflect the urgency of reducing fire risk in western forests and to recognize that catastrophic wildfire is the greatest risk to forest ecosystems and species, and to water quality and water supplies originating from our watersheds.

30. Water Transfers Rule

To urge Congress to pass legislation codifying the EPA’s 2008 Water Transfers Rule, which states that water transfers, defined as “an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use,” are not subject to the CWA’s NPDES permitting program.

31. NEPA Streamlining

To urge Congress to improve administrative review of water resource projects. Congress should codify not only “One Federal Decision,” set forth in President Trump’s Executive Order 13807 titled “Establishing Discipline and Accountability in Environmental Review and Permitting for Infrastructure Projects,” but also amend the NEPA to establish best practices for authorizing and/or review of infrastructure projects, set milestones and deadlines for agencies, hold federal agencies accountable for meeting said deadlines, and expedite authorizations. Federal agencies should be required to align alternative analyses consistent with NEPA, in particular as it relates to the Corps of Engineers analysis of the LEDPA. In addition, to prevent administrative and regulatory duplication, if a State requires equivalent or more stringent project impact reports, those should be accepted as sufficient to satisfy NEPA requirements for any areas of subject matter overlap.

POSITION STATEMENTS

1. Resolution of Resource Conflicts

A conflict has developed in the use of lands which form a part of an area which is the site of a proposed water supply project. USFWS has accepted a donation of interests in 3,802 acres in Wood County, Texas from the Little Sandy Hunting and Fishing Club. This same land forms a part of the Waters Bluff Reservoir Project proposed for development by the Sabine River Authority of Texas in cooperation with the Bureau of Reclamation. The actions are mutually exclusive.

FWS proceeded with hearings and invited public comment regarding the proposed donation and related environmental assessment as a part of its “Bottomlands Hardwood Preservation Program.” The FWS summary downplayed the adverse impact of acceptance of the donation of land on projected water development though such acceptance would legally preclude the development of the reservoir on donated lands. It is noted that after the donation, the general public does not have access to the donated lands which remain a private hunting and fishing club. Little if any coordination occurred between FWS and Reclamation in pursuing their divergent objectives even though both operate under the Secretary of Interior. This is not an isolated conflict, but rather is a direct result of divergent objectives of the FWS and agencies seeking water resource development throughout the nation.

At the direction of the Texas Legislature, the Texas Water Development Board (“TWDB”) is responsible for the development of the State Water Plan. Pursuant to Senate Bill 1 of the 75th Texas Legislature, the State Water Plan is developed through the deliberations and actions of sixteen (16) regional water planning groups, each of which is comprised of representatives of eleven (11) stakeholder groups including municipalities, environmental interests, and the public. Once adopted at the regional level, each of the 16 regional water plans is approved as to compliance with TWDB rules and state law and becomes a part of the State Water Plan for meeting projected water needs for the next half century.

The Fastrill Reservoir project on the Neches River is a planned water supply source for the City of Dallas and the Upper Neches River Municipal Water Authority (UNRMWA). The state planning region in which Dallas is located made Fastrill Reservoir the only new reservoir recommended to meet projected water needs for Dallas within the planning horizon. The state planning region in which the Fastrill Reservoir site is located identified Fastrill Reservoir as an alternative water supply for UNRMWA. Both of these regional water plans were deemed consistent with one another, approved by the TWDB in early 2006, and are included in the 2007 State Water Plan.

Unfortunately, an action of the FWS unilaterally set aside decisions made through a public and legislatively-mandated process in Texas. On June 11, 2006, the Director of FWS approved a Finding of No Significant Impact (FONSI) establishing the Neches River National Wildlife Refuge on one of fourteen (14) Priority 1 sites identified in the Texas Bottomland Hardwood Preservation Program. The majority of this refuge lies within the proposed conservation storage pool of Fastrill Reservoir and, once lands are accepted or acquired by the United States, development of this reservoir will be effectively precluded.

If donated lands are accepted or real property is acquired by FWS within proposed reservoir projects,

such projects must realistically be abandoned. Significant is the fact that numerous other proposed reservoir sites have been targeted by FWS as "Bottomland Hardwood Preservation Sites."

Determination as to what is in the best interest of the general public requires that a balance be determined and observed between competing constituencies. The preferable course is for proponents of water development and environment preservationists to reach accommodation. There must surely be co-existence between man and nature, and this can be achieved by rational people representing both concerns. There is no reason why water supply reservoirs and waterfowl cannot co-exist and that room cannot be found around reservoir sites or at alternative locations for preservation of some bottomland hardwoods.

For the foregoing reasons, it is suggested that the Secretary of Interior establish a policy for timely resolution of conflicts in proposed uses of natural resources that will assure full prior consideration of the views of all affected federal, state, and local agencies and full prior evaluation of economics, engineering, and environmental factors. An example of such a procedure is found in the 1994 Framework Agreement involving the Secretary of the Interior and various federal and state agencies which establishes a process intended to lead a long-term solution to water supply reliability and environmental problems in California's Bay-Delta estuary. The policy should prevent federal agencies from accepting contributions of interests in real property, acquiring real property, or taking positions in litigation or any other actions that would be inconsistent with state law and state water policy.

2. Integrated Resource Planning for Energy Consumption

Section 114 of the Energy Policy Act of 1992 is an amendment of Title II of the Hoover Powerplant Act of 1984. The purpose of the amendment is "to require the Western Area Power Administration to issue rules requiring all but the smallest customers to engage in integrated resource planning (IRP)."

In passing this Act, Congress took special note of the problems of small customers and the potential for duplicative, wasted efforts if other IRP requirements are not fully recognized. The language of the Act, Congressional Record, and legislative history are explicit on these matters. Long-term power contracts are essential to any long-range planning effort. Before an adequate IRP that includes Federal power as part of the resource can be accomplished and implemented, there must be a clear and binding understanding as to the amount and period of availability of that resource. NWRA urges the Western Area Power Administration to use its existing authorities to enter into longer-term contracts and make those contracts a part of the IRP process.

3. Groundwater Protection and Management

State primacy should be respected by all federal agency claims to the ownership, administration, and management of groundwater located within each individual state's boundaries. For example, in 2014, the United States Forest Service proposed to establish policy regarding groundwater contrary to state water rights. The public should be given ample opportunities to be fully informed and heard.

The NWRA fully supports local and state groundwater agencies and associations in their efforts to conserve, manage and administer the groundwater within their respective areas. Additionally, the NWRA fully supports the use of conservation measures, including groundwater storage, aquifer

recharge programs, water reuse, and public education practices, recognizing that claims to the appropriation of groundwater in some regions of the western United States now far exceed the available resource.

Federal farm programs and other groundwater related legislation can and should provide significant opportunities to improve groundwater management and should incorporate or continue to incorporate the following:

1. The Conservation Reserve Program (“CRP”) should be enhanced with increased financial incentives to target contracts associated with critical and vulnerable groundwater supplies on lands that have very poor water use efficiency capabilities, in addition to continuing current contract receipts on lands susceptible to soil erosion.
2. The Environmental Quality Incentives Program should allow for the lease or buy- out of water rights in state-targeted priority areas on a willing-seller basis to reduce water table declines. Moreover, the program should allow for multi-year contracts to effect program goals.
3. Federal financial support for groundwater should additionally be made available to states through block grant methods rather than exclusively through existing or new federal agencies/entities.

Related federal, state, and local programs in groundwater monitoring, data collection, and analysis should be closely coordinated to provide the most cost-effective and productive groundwater management program possible.

4. Federal Non-Reserved Water Rights

The Association concurs with the Department of Interior in reaffirming the historic primacy of state water management by announcing the Department's repudiation of a controversial 1979 legal opinion that sought to establish a so-called “federal non-reserved water right.”

The doctrine of so- called federal non-reserved water rights has been the subject of four legal opinions by the United States government within the past several years (Solicitors Krulitz, Martz, Coldiron, and the Office of Legal Counsel - Department of Justice). This doctrine is antithetical to orderly water supply and management because it purports to create a whole new class of water rights held by the United States government. The alleged non-reserved water rights, if recognized, can seriously disrupt rights created under state law systems, rights which are vital to the economic and physical well-being of countless water users. The federal reserved rights doctrine itself was a substantial incursion into state water law systems. The assertion of federal non-reserved rights, in addition to reserved rights, is intolerable.

The opinion released by former Interior Solicitor William Coldiron overruled a June 25, 1979, opinion by Leo Krulitz, one of Coldiron's predecessors. State officials throughout the West had expressed long-standing dissatisfaction with Krulitz's opinion, contending that its illegally interfered with their control

of state water resources.

Coldiron's opinion affirmed that Congress had power to control the use of water for the benefit of federal lands, but that Congress has demonstrated its intent for the states to control the allocation of waters within boundaries, in all but the most limited circumstances.

Following Coldiron's lead, the President should specifically direct federal agencies to apply to appropriate or purchase water needed for uses of the United States in the same way that any water user in the state must do so.

5. Drought Mitigation and Assistance

The West and much of the nation is experiencing major extended drought conditions. Lack of adequate water supply and storage in some regions of the country has resulted in a collapse of the regions' economic base and the social well-being of their residents.

Federal water development programs of the Corps of Engineers, Bureau of Reclamation, Department of Agriculture, and various other federal agencies have provided water supply storage and drought management programs that have mitigated the effects of periods of drought for many regions and communities.

During this century, the federal government has invested approximately \$15 billion in the nation's domestic, industrial, and agricultural water supply infrastructure. Virtually all water users served by federal projects have been spared the devastating effects of the current drought. Conversely, regions without adequate surface storage have suffered the full effect. Drought relief legislation enacted over the past forty years has cost several times the federal investment in water supply and has resulted in only minimal short-term assistance. It is, therefore, clearly in the interest and welfare of the nation that Congress, and the President pursue a program of water supply infrastructure development and that this program be comprehensive, addressing the unique climatic and hydrological features of various regions.

The ability of state and local governments to cope with and react to severe drought conditions varies greatly across the nation. There is an overwhelming need for federal technical and financial assistance in drought response planning and regional coordination. This assistance must be centralized in one agency of government and not fragmented among several departments and agencies.

6. Wilderness and Roadless Areas

Federal reservations, including wilderness designations, are subject to valid, existing rights. The statutes creating these designations routinely acknowledge this fundamental legal principle. Rights of access to water supply facilities fall within the scope of valid existing rights.

In addition, the proponents of wilderness designation often acknowledge other vested interests and long-standing historical uses, such as livestock grazing, when seeking support for legislation during the hearing and review process prior to enactment. The status of these historical interests and rights loses support after the wilderness bills become law, but these interests and rights have no less value to the

American public or to those who have developed these rights by use and perfection over many decades.

The Wilderness Act established criteria for areas to qualify as wilderness. The designated area should be “untrammeled by man,... retaining its primeval character..., without permanent improvements or human habitation, ... with the imprint of man's work substantially unnoticeable, [and with] outstanding opportunities for solitude or a primitive and unconfined type of recreation” and should have “at least five thousand acres of land or [be] of sufficient size as to make practicable its preservation and use in an unimpaired condition.” These standards have eroded over time under pressure from special interest groups who have a narrow focus on recreation or on preventing productive human use of publicly owned lands. As a result, Congressional designations have enlarged the areas considered for wilderness protection far beyond those that truly met these standards. Consequently, many areas contain permanent improvements expressly developed to support water rights, grazing rights, and other historical uses of the federal lands.

Because most wilderness has been inventoried in the western United States, actions that interfere with or prevent the exercise of historic interests and rights on these lands affects the vested interests of Westerners, principally in the states that are members of the National Water Resources Association. These designations, as carried out, restrict the use of these lands for water and other resource development.

Federal administrative agencies should not abandon the fundamental principles of law necessary to ensure the proper management of the public domain, whether under the purview of the United States Forest Service, the Bureau of Land Management, the National Park Service, or other federal agencies managing lands that may be subject to these designations and uses. The proper and fair applications of the rule of law, as set forth in wilderness designations, should respect valid existing rights and historic uses and should not prevent the appropriate use of federal lands for water and energy development to meet the needs of the people.

7. Competing Uses at Federal Water Projects and Surcharges

For decades, federal water policy has been designed to harness the nation's rivers to promote specific purposes and uses. The federal multipurpose water projects are authorized to meet specific purposes with specific benefits and repayment responsibilities.

Project beneficiaries recognize the value and finite nature of water resources and consequently support their efficient use, including conservation, load management, and system efficiency programs. The development of the nation's rivers has created environmental costs, benefits, and opportunities that have led to additional, unanticipated uses of these projects. In most instances, environmental benefits have been provided without cost to the general public. Great injustices will occur by the adoption of any policy which attempts to reallocate storage water or allows changes in project operations without regard to both vested rights or beneficiaries of that project and the laws of the state in which the project is located. Such proposals cannot and should not be proposed or implemented under the ESA to mitigate harm to critical habitat or the taking of an endangered or threatened species by federal or private activities unrelated to the project in question.

Water stored at federal facilities is allocated among existing authorized purposes and the water is released in a manner consistent with those authorized purposes and established water rights. The advocates of new and unanticipated project uses are seeking changes in the operation, use, and management of federal water projects and the use of federal power revenues in order to secure or enhance their interests.

The additional demands placed on the resource by advocates of such new or expanded project purposes will reduce the benefits of the project to existing project users as originally authorized and will increase their costs.

In the construction of many federal reclamation projects, environmental impacts have been fully mitigated and the responsibilities for this mitigation appropriately allocated. It is totally inappropriate to arbitrarily assess a surcharge upon project water, ostensibly to meet environmental mitigation objectives, as was the case with the 1993 administration proposal for the creation of a natural resource's restoration fund. Justifiable remediation efforts should be undertaken on a case-by-case basis, considering all appropriate factors, including the benefits associated with the project and the project beneficiaries' ability to pay.

8. Federal Policy on Non-Agricultural Transfers of Water in Reclamation Projects

The Department of the Interior adopted principles, dated December 16, 1988, governing voluntary transactions that involved or affected facilities owned or operated by the department. As a part of those December 16, 1988 principles, voluntary water transaction criteria and guidance was set forth. Some of the principles adopted were:

1. The role of the Federal Government arises from its being an owner of water storage and conveyance facilities by which it can assist state, tribal, and local authorities by improving or facilitating the improvement of management practices with respect to existing water supplies.
2. Exchanges in type, location, or priority of use accomplished according to state law can allow water to be used more efficiently to meet changing water demands.
3. Interior will be asked to approve, facilitate, or otherwise accommodate voluntary water transactions that involve or affect facilities owned or operated by its agencies.

The principles were intended to afford maximum flexibility to state, tribal, and local entities to arrive at mutually-agreeable solutions to their water resource problems and demands; to clarify legal, contractual, and regulatory concerns of the department; to ensure all proposed transactions be between willing parties and in accordance with applicable state law. Some of the principles recognized were:

1. Voluntary water transactions must be in accordance with applicable state and federal laws.
2. Voluntary water transactions can be accomplished without diminution of service to the water users of the project.

3. Voluntary water transactions can be accomplished where there are no adverse third-party consequences and are in accordance with applicable state law.

On March 13, 2000, the Bureau of Reclamation published a draft of a paper entitled “Objectives, Principles, and Policies Governing the Voluntary Transfer of Water at Bureau of Reclamation Projects.” The principles and policies set forth therein were purportedly to supplement and expand upon the 1988 principles of the Department of the Interior. There is a substantial change in the position of Reclamation in these draft Objectives, Principles and Policies. In the Introduction, the agency asserts that it has developed substantial water supplies in the 17 western states, rather than stating that it has constructed irrigation works for the storage, diversion, and development of water upon assurances that the costs will be repaid by the water users. Reclamation states that entities have contracted with the Reclamation to receive the water supplies developed and delivered by federal reclamation projects, and fails to note that most entities have contracted with the Reclamation to pay for the costs of constructing its delivery system and its allocated share of storage facilities for the right to receive the water stored in the space allocated to it. Reclamation sets out that it is a wholesale water supplier, when in fact, Reclamation is merely the legal owner of facilities it constructed for the storage and distribution of water and in return has received or is receiving the construction, and operation and maintenance costs of the project from the beneficial users of the water.

Reclamation then states in the Introduction that there is a dominance of agricultural uses of water in reclamation projects because the agency’s program was designed to provide economic development and stability when the West was still being settled and its arid lands reclaimed. In fact, however, the primary and, in many instances, the sole purpose of the Reclamation program was to provide the financing necessary to construct large reclamation projects that were beyond the financial capability of individuals. Finally, Reclamation, in the Introduction, states that it is experiencing an increased number of proposals from water users “to sell the Reclamation project water” contractually entitled to other users and/or to convert their existing irrigation uses to new uses. In fact, these proposals are by and from users to sell their own water, which is stored and/or distributed in a reclamation facility for the users.

These attempts to redefine the role of the Bureau of Reclamation and the relationship between it and water users in reclamation projects constitutes a blatant misstatement of facts and are clearly misleading to all but the well informed. The posturing by the proposal of these policies can only be explained by the desire to imply that water supplies in the West are owned by Reclamation and that the use of such water will be controlled by the Bureau at its discretion. Such overreaching invites requests for the use of water stored or diverted by reclamation facilities for uses not originally authorized by the project and inconsistent with the state law upon which the water rights for such projects were acquired. Examples of such overreaching are as follows:

1. In part A, the Bureau recognizes that voluntary transfers of project water must be in accordance with applicable state laws, and then provides that transfers will not be compelled unless so required by legislative directive or judicial decision. It would appear that these principles are inconsistent.
2. Under part B, principle B.3 provides that transfers will involve both administrative costs and Federal charges associated with the project water itself. This is clearly a contravention of its

previous policies and would indicate a position of the Bureau that it owns the water. This policy proceeds to identify Federal charges as the recovery of subsidies associated with the project for irrigation purposes, which is not consistent with Reclamation Law. This principal then provides that revenues received by Reclamation from the transfer of project water shall be credited in accordance with applicable law and policy, which is to credit the money to the Federal treasury.

3. Principles set forth in part C establish a policy that all third parties, whether or not a water user, shall be entitled to have any effect upon them be considered, together with any adverse environmental effects, and that mitigation to these parties must be provided. This is an expansion of state law which protects only other water rights, and the local public interest, not everyone's interests.
4. Under policies governing transfers of project water, the Bureau seems to be adopting a policy that it may approve a change in the nature of use of the water under Federal law without regard to the laws of the state involved. The Bureau has eliminated the requirement that such transfers be approved by other project beneficiaries, said that it shall review and decide whether a voluntary transfer, proposed by the Bureau or any other Federal agency, should be made, and said that approval by the owner of the project water, the ultimate user, is not required. The new policies do not even require Reclamation to obtain approval from the entity which has assumed responsibility for the operation and maintenance of the project involved.
5. Reclassification of land does not alter the nature and use of water.
6. The Bureau definition of "transfer" characterizing small tracts being an M&I use directly impacts the M&I exemption for irrigation districts under the Fair Labor Standards Act.

9. Instream Flow - Federal Agencies

The U.S. Forest Service, Bureau of Land Management, EPA, Corps of Engineers, USFWS, National Marine Fisheries Service, Bureau of Reclamation, and the Federal Energy Regulatory Commission have each acted under the assumption that environmental legislation such as the CWA, NEPA, the ESA, and the River and Harbors Act of 1899 can be used by federal agencies to require minimum instream flows for water quality and fish and wildlife purposes.

These assumptions have resulted in attempts to alter the operation of the federal Columbia River power system. For example, as a result of the EPA's finding in a draft study under the 1977 Clean Water Act that minimum streamflows can be required for water quality purposes—despite clear language that prohibits impairment of the state water allocation system—biological opinions issued by NOAA have identified flow augmentation with water from reclamation facilities that are not within the critical habitat area of listed species as reasonable and prudent measures.

Additionally, Region VIII of the EPA announced in a draft "Region VIII Water Resources Development Issues and Options Paper" that it would use its EIS and 404 permit review authority to establish minimum streamflows for environmental purposes. Further, the U.S. Forest Service has attempted to establish reserved water rights for channel maintenance and sediment transport.

These examples demonstrate that the federal government has used federal law to affect water allocation and management by regulatory means that in many cases is inconsistent with state water laws. Any attempt to condition, restrict, or prohibit the appropriation, storage, carriage, and consumptive use of water through regulation under federal environmental laws must be consistent with and take into account state water law. It is urged that the present Administration continue to support a strong system of water allocation and management by the respective states.

10. Clean Water Act Reauthorization

In any clarifying amendments to the Federal Water Pollution Control Act of 1972, commonly known as the Clean Water Act (“CWA”), federal jurisdiction over surface waters of the U.S. should not be expanded. Any definition of “waters of the U.S.” added to the Act should be consistent with the language set forth in 40 CFR 122.2

Congress should ensure that irrigated agricultural conveyance systems are not considered to be “waters of the U.S.” and that traditional irrigation canal and drainage system management practices continue to be free of federal oversight.

Congress should preserve the existing limited exemptions from NPDES permitting provided by Section 402(l) of the CWA by reaffirming that discharges composed of irrigation return flows and discharges of storm waters not subject to permitting under Section 402(p) of the Act are exempt.

During Congressional debate on any CWA amendments, there should be assurances that the provisions of Sections 101(g), 208, 303, 319, 401, 402, 404, and 510 of the Act remain in force.

11. Safe Drinking Water Supplies

Protection of safe public drinking water supplies is of primary importance to the members of this Association as well as to the nation generally. Congress enacted the Safe Drinking Water Act (“SDWA”) in 1974, directing the Administrator of the EPA to set national drinking water quality standards (42 U.S.C. Sec. 300f et seq.); and amended that Act in 1986 (PL 99-339) by directing the Administrator to, among other things, set maximum contaminant level goals. EPA should honor SDWA timetables so that proposed contaminants do not linger on the candidate list and provoke congressionally-mandated drinking water standards.

Radon is a serious inhalation health concern in some areas with a minimal contribution from the drinking water supply. Because the Safe Drinking Water Act requires the regulation of radon in drinking water, public water suppliers should have adequate flexibility to minimize the radon water contribution at a reasonable cost when the radon in the water contributes meaningfully to the airborne radon levels. Most importantly though, public education programs should be supported to educate the public on ways to control radon in residential homes and buildings.

Recent experience and investigations indicate that disposal of solid waste in dump sites overlying community groundwater supplies can pose a serious threat of contamination to those supplies, particularly where those sites are located in highly permeable areas that provide little or no opportunity

to correct failures of containment systems. The federal government already exercises authority over such dump sites through the Resource Conservation and Recovery Act (“RCRA”), in cooperation with state and local agencies.

Perchlorate has been detected in a number of groundwater supplies in California and in Colorado River supplies in the lower basin. An assessment of industries that have utilized perchlorate needs to be conducted as well as an assessment of potentially-affected drinking water supplies and encouragement of clean-up of contaminated supplies.

Finally, EPA should provide adequate flexibility to public water suppliers to use their financial and technical resources to provide optimum public health protection. The agency must implement the Safe Drinking Water Act of 1996 in accordance with congressional intent. These amendments to the Act authorized a drinking water state revolving fund program to assist public water systems in financing the costs of infrastructure needed to achieve or maintain compliance with federal requirements and to protect the public health.

Specifically, Section 1452 authorized the EPA Administrator to award capitalization grants to the states, which in turn can provide low-cost loans and other types of financial assistance to eligible projects.

In 1998, EPA issued Final Guidance for the administration of drinking water state revolving funds. Unfortunately, the Final Guidance prohibits states from providing financial assistance for the construction of dams or reservoirs, or the acquisition of land and water rights. Moreover, a subsequent EPA proposal to allow limited financial assistance for such projects for small systems is unnecessarily restrictive.

Dams and reservoirs are an integral component of many drinking water systems in western states. Water rights are also an integral component and a legal requirement under state law for drinking systems in the West. The acquisition and development of water rights may be necessary and the most cost-effective alternative to improve the safety and reliability of drinking water systems in many of the arid western states. Such actions may also be the most environmentally sound solution to a specific problem, consistent with state and federal environmental laws.

12. Invasive Species

The westward spread of plant and animal species imported from other continents and ecosystems is becoming an ever more serious problem. These species disrupt ecosystems, damage water facilities, deplete water supplies, and create burdens for struggling native species that depend on the aquatic and terrestrial ecosystems for their survival.

Many of the invasive species that are causing substantial damage were imported for ornamental landscaping, as a result of international commerce, from recreational activities, or by accident. Often, the introduced species thrives and multiplies in this new habitat where it has fewer disease or natural limiting factors, to the detriment of the native species or ecosystems. In addition to the environmental damage, these invasive species can be costly to control or eradicate.

The quagga and zebra mussels have the potential to damage the entire water delivery system in the

western United States. Invasive mussel infestations clog pumps and pipes costing millions of dollars in increased maintenance needs. Hydropower and water delivery infrastructure and recreation facilities face added operating burdens imposed when these invasive species drain footholds in the water systems.

Invasive non-native plant species like Arundo, Giant Salvinia, Hydrilla, Phragmites, Russian Olive, and Saltcedar choke waterways, reduce flood carrying capabilities, alter riparian morphology, and soak up scarce water supplies, all to the detriment of native species. These invaders undermine ecosystem protection and restoration in sensitive watersheds throughout the West, such as the Sacramento and San Joaquin Bay-Delta in California and the central Rio Grande in New Mexico.

A national effort is needed to address the serious and growing problem of invasive species, including early detection, monitoring, education, control, and eradication programs for newly arrived invaders and for established invaders. A large research effort is needed to better quantify the impacts of invasive species and develop more effective control technologies.

The Department of Interior, and all federal agencies, should act immediately to contain and combat the introduction and spread of these species by providing funding and support for a regional response. Recreational users should be educated and, where possible, should bear the costs associated with the burdens they create.

13. Hydroelectric Power Qualifies as Renewable Energy

Congress has enacted energy legislation that provides financial incentives for new and upgraded renewable energy projects due to increasing concern for the nation's energy security and for reducing carbon-based energy production. To date, Congress has not included hydropower generation as eligible for these incentives. Hydropower is an efficient, cost-effective, renewable and clean energy generation source that already accounts for approximately 12% of the nation's energy supply and nearly 80% of the nation's total renewable electricity generation. Hydropower is a non-polluting form of electricity generation. The National Hydropower Association estimates that more than 160 million tons of carbon dioxide emissions were avoided in the United States in 2004 because of hydropower generation in the United States.

Hydropower is a clean, reliable, and affordable renewable energy source that serves as a key component in our national environmental and energy policy objectives. It is time Congress recognized that hydropower is renewable, and emissions-free. At a time when there are growing concerns about the impacts of climate change, we need to find energy sources that will help curb greenhouse gas emissions without stifling the economy.

Hydropower should be recognized as a renewable resource similar to wind and solar. Hydropower generation actually complements generation from these alternative renewable sources. With their unique ability to follow electricity demand, hydropower facilities can firm up the load carrying capacity of renewable generators that need help compensating for their problems with intermittency. Hydropower generation can be the perfect partner for less predictable renewable resources such as wind and solar generation. In fact, many utilities rely on hydropower assets to turn the variable output of wind power into a more dependable resource.

Despite assumptions in some quarters that hydropower is a mature or “tapped out” technology, significant new potential for hydropower exists. For example, additional capacity exists at many current hydropower facilities. In addition, incentives to encourage efficiency improvements and capacity upgrades at existing hydropower facilities would increase our nation’s renewable energy supply. Congress took steps in the Energy Policy Act of 2005 and recent tax extender legislation to authorize production tax credits (Production Tax Credit) and tax-credit bonding authority (Clean Renewable Energy Bonds) for incremental hydropower. Many utilities are working to increase the efficiency of their current assets. Currently, the federal government is also studying the potential for increasing electric power production capability at federally-owned water regulation, storage and conveyance projects.

There are also new, undeveloped sites for hydropower generation. The Energy Policy Act of 2005 required the Bureau of Reclamation to submit a report to Congress identifying and describing the status of potential hydropower facilities included in water surface storage studies undertaken by the Department of Energy that have not been completed or authorized for construction. On November 8, 2005, Reclamation submitted a comprehensive inventory of Western water storage and hydroelectric projects to the U.S. House Committee on Resources and the Senate Committee on Energy and Natural Resources. See the Section 1840 Reclamation’s report on hydropower.

Finally, while environmental restrictions have stifled large-scale development of hydropower potential in this country, there is significant opportunity with smaller existing hydropower technologies that can play a role in the trend toward distributed generation. Technologies such as the application of micro-turbines to public water systems, storm water systems, and small irrigation canal hydropower should be encouraged by renewable energy legislative efforts.

14. Reauthorization of the Endangered Species Act

In 1973, the United States Congress passed the ESA into law. This was in direct response to concern over the endangerment of a variety of the larger mammals of the world, an important natural resource deserving of man's admiration and protection. Protected species included the African elephant, the timber wolf, and the grizzly bear.

The species are listed solely on biological considerations. However, once listed, the federal government, with few exceptions, usually assumes no responsibility for the recovery of the species. Recovery plans are produced for some species. The recovery plans often are no more than vague lists of actions that might be taken to recover the species. No mechanism for implementation is provided, no consideration of the institutional needs to implement the plan is given, no costs are provided, and no consideration of other applicable laws is included.

The ESA should be amended to require that the appropriate federal agency provide detailed recovery plans at the time that species are listed. The recovery plan should identify: 1) the specific activities that will have to be taken to recover the species, 2) the cost and time frame for recovery, 3) the probability of recovery if the actions are taken, 4) the types of development activities that will be subject to Section 7 consultation if the species is listed, 5) the locations of activities that will be subject to Section 7 consultation, and 6) the potential economic impacts of listing the species.

Responsible artificial propagation efforts could be an effective means to avoid water flow requirements which would interfere with water development. Congress should encourage use of artificial propagation as a means of species recovery.

Where water is found to be necessary to the recovery of listed species, the target flows should not be maintained through conditions imposed on federal permits and regulatory approvals, but rather through the federal government acquiring water rights as provided for in Section 5 of the ESA and in an appropriate manner in accordance with methods outlined by the United States Supreme Court in *California v. United States*, 438 U.S. 645 (1978).

The amendments to the ESA adopted by Congress in 1978 were to render the law more workable for the original purposes intended and to achieve a balance in the application thereof. However, the law as administered and applied is still a means to preclude or impede resources development. It will continue to be so abused unless and until amended by Congress and reasonably interpreted by the Executive Branch. FWS should be instructed immediately that Solicitor Coldiron's opinion of September 11, 1981, holding that federal non-reserved water rights do not exist, requires the United States to proceed under Section 5 of the ESA to acquire water within state law systems if it wishes to provide water for purposes under the Act.

Insufficient data, scientific analysis, or even organization of the data has often characterized decisions by federal agencies concerning designation of species as endangered, identification of critical habitat, or impact of proposed projects upon the species or habitat area. Worthwhile water projects have been significantly delayed, made costlier, or entirely prohibited, while subsequent examination of the data and rationale for government agency decisions has found insufficient basis for the decision. Recent experiences with the snail darter, the Colorado pike minnow, the whooping crane, the least tern, and the potential listing of eleven freshwater mussel species in Texas illustrate the need for better database development and decision-making. Compliance with NEPA must occur prior to the listing of a threatened or endangered species, approval of a recovery plan, or declaring of critical habitat.

Decisions concerning designation of a species as endangered, of a habitat as critical, or that a project will likely adversely impact survival of the species must be firmly proven and based on reasonable data and scientific evidence. Such decisions should include an evaluation of the present and foreseeable sociological and economic impacts that will result. Such data and decisions should be documented in a detailed written decision with the evidence collected and analyzed, and the decision justified.

For example, the recent proposal by USFWS to designate almost the entire Colorado River corridor as critical habitat for four endangered fish illustrates the need for additional control over this process. The proposed designation was made with very little scientific basis and a complete lack of economic analysis. Commentators at the initial public meetings pointed out the severe economic impacts of the designation as well as the lack of scientific support for the notion that such a designation is vital to recovery of the fish.

The Act should be amended to permit USFWS and the National Marine Fisheries Service to approve conservation plans for species in advance of listing and commit to issue a permit upon any subsequent listing. Such an amendment will provide incentives for conservation measures to be implemented in

advance of listing and indeed, provide opportunities to avoid a species listing. Modification to such plan would require the permittees' consent.

Currently, several public utilities and public agencies in San Diego County are studying extensive areas to be acquired for multi-species habitat conservation. The study is being coordinated with the state and USFWS, which are in accord. The agencies that are to fund this multi-million-dollar program cannot justify spending their customers' funds without a guarantee that this advance mitigation will permit taking an endangered plant or animal that may be encountered in a construction project. The state can give such guarantee, but FWS cannot legally do so without a change in the Act, even when the agency is in full accord with the program.

Complex endangered species situations such as the Sacramento/San Joaquin Bay Delta and Colorado River require an ecosystems approach. Individual species protections are piecemeal. Protections can be inadequate while economic costs of listing, conservation, and recovery are high.

15. Implementation of the Clean Water Act

State Water Rights - State and local allocation of the use of the waters of the streams of the several western states has provided a critical element in the development of the health and welfare of those areas. Accordingly, Congress has consistently deferred to state water rights jurisdiction wherever possible. However, some federal courts and agencies have interpreted the provision of the CWA, Section 101(g), very narrowly. Accordingly, Congress should reaffirm that Section 101(g) should not be construed or used to supersede or abrogate rights to quantities of water established by any state; and in particular that Section 101(g) applies to Sections 404 and 510(2) of the Act. Further, the water quality provisions of Section 303 were established to protect water rights allocated by the states for beneficial consumptive use and said section should not be construed to impair those rights in any way.

Publicly Owned Treatment Works ("POTW") Compliance - EPA and participating states are imposing increasingly restrictive effluent limitations for municipal wastewater discharges based upon more restrictive water quality standards. The adoption of new and more stringent water quality standards will result in existing permits being revised to require immediate compliance with the more stringent effluent limitations. While a compliance schedule provides some relief to the discharger, the effluent limit must be met regardless of public costs of actual benefits to the downstream uses. Accordingly, EPA needs authority to allow municipalities operating POTWs a reasonable period to achieve compliance with those new permit conditions, including time for development of new cost-effective technology.

Instream Uses - Water quality standards necessary to protect instream uses can require stringent effluent limitations for wastewater dischargers who discharge greater flows than are normally in the stream itself or who discharge to streams having naturally high metal concentrations. Such effluent limitations are to be achieved regardless of cost to publicly-owned wastewater treatment works and regardless how small the benefit. Section 302 of the Act provides an opportunity to evaluate the benefits and costs of effluent limitations necessary to protect instream uses. However, EPA has interpreted Section 302 as not applying to state-issued permits that implement water quality standards pursuant to Section 301(b)(1)(C). Section 302 was amended in 1987 to apply only to NPDES permits issued to industrial dischargers. Section 302 should be amended to apply to publicly-owned wastewater

treatment permits and to be usable by delegate states. Such an amendment should be consistent with the congressional policy that no federal funds be used for advanced waste treatment facility construction where no substantial benefit to stream quality will occur.

Indian Tribes - As part of its implementation of the CWA's 1987 addition of Section 518, the EPA has created four work groups for the purpose of developing regulations on how Indian tribes will be treated as states under Sections 104, 106, 201-219, 303, 305, 314, 319, 401 and 404 of the Act. Section 518 allows qualified Indian tribes to, among other things, establish water quality standards, issue NPDES permits, dredge and fill permits, and pursue enforcement activities. The issues related to these responsibilities, and their relationships to state water quality programs and Indian jurisdiction in general, are extremely complex.

CWA's Section 518(3) directs the EPA Administrator, in promulgating regulations which specify how Indian tribes shall be treated as states, to "consult affected states sharing common water bodies and provide a mechanism for the resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by states and Indian tribes located on common bodies of water."

All issues related to Indian jurisdiction are of vital interest and concern to Western states, where many tribes share common water bodies with those states. When that jurisdiction impacts the management and protection of critical water resources, the concern is even greater. Because of this concern, NWRA requests that in accordance with Section 518(e) of the CWA, EPA take the steps necessary to consult all states affected by the inclusion of Indian tribes as states within the Act.

Nonpoint Source Program - Section 319 outlines a program for control of nonpoint sources of pollution. Water users may be greatly affected by the promulgation of nonpoint source control regulations. Certain federal agencies such as the Bureau of Reclamation and Soil Conservation Service have extensive knowledge and expertise with agricultural practices and state water laws and should be involved with this process. Local governmental agencies such as water conservation districts, conservancy districts, and municipalities can also greatly assist in the careful consideration of the many issues that are involved with nonpoint source control measures if applied to agriculture. EPA and the states should approach the Section 319 program with an orientation designed to fully involve and respect the role of agriculture and other water users in meeting the need for food, fiber, and public drinking water supplies in the nation's and the world's economy. Nonpoint source controls, if adopted, should stress reasonable, cost-effective measures which do not interfere with the exercise of water rights and are demonstrably necessary to protect against injury to the beneficial uses of water supplies.

Adequate funding of the nonpoint source program is particularly important. Federal mandates to the states without financial support impair the effectiveness of a uniform national program. In particular, the CWA Amendments of 1987 require a new focus on nonpoint sources but without financial support. States are to create and implement individual control strategies for categories of nonpoint sources. Yet, abandoned mine drainage is a major nonpoint source category where control is not feasible because no person or entity remains financially responsible for the pollution. Federal aid combined with state programs should be encouraged. Not only federal funding support for nonpoint source control implementation, but also federal funding for all other federally required actions being implemented by the states should be maintained and improved.

National Estuarine Program - The National Estuary Program, added as Section 320 of the CWA by the 1987 Amendments, establishes a management conference process for developing and implementing conservation and management plans to protect estuarine resources. In structuring and administering that process, EPA and other participating federal agencies have, at times, tended to overlook the resulting impacts of the program on public water supplies diverted from streams upstream of the estuary. However, Section 102(a) of the Act specifically recognizes that one of the Act's key purposes is to protect public water supplies. In light of increasing pressure on public water supplies, it is essential that EPA and other federal agencies developing National Estuary Program implementation plan fully recognize the need to protect public water supplies developed from streams flowing into the estuary as well as other resources and to allow state, local, and regional agencies that rely on those public water supplies to participate fully in developing those plans.

Nationwide Permits - The Secretary should renew each of the existing nationwide permits and should promulgate others which cover general categories of construction activities that are performed nationwide and that either cumulatively or individually will not have a significant impact on the environment. This would allow the Corps of Engineers to monitor even more standard projects with its existing staff and trained individuals. If the United States is to remain competitive in world markets, we must all do what we can to improve the efficiency of the system and this is one step towards that end.

Wastewater Contracts - In implementing the CWA provisions for funding wastewater treatment projects constructed by local water agencies, EPA has imposed serious hardships on those agencies by changing federal design criteria and funding allocations, and thus, federal contractual obligations, after completion of those facilities. NWRA urges EPA to discontinue that practice in order to protect the financial stability of local agencies that have constructed wastewater treatment projects under the EPA's CWA contracts.

Under EPA regulations, audits are performed to ensure the project constructed is in accordance with the plans and specifications. Audits are necessary to discover 1) discrepancies in the project elements that are constructed, 2) whether the project is being used as intended, and 3) whether the project has been constructed under conditions of fraud or corrupt practices. If any of these items are discovered, the grant may and should be annulled in accordance with regulations of the Act (CWA Construction Grants Manual Section 30.920-5, Annulment of Grant).

EPA's audit practice, however, has been to reevaluate the design criteria many years after the project was conceived and to apply hindsight to determine whether the design criteria are consistent with present day practices. The result is to reduce the eligibility of project capacity based on this new information not available at the time of project conception and to disallow, retroactively, the use of EPA grant funds, sometimes in the range of millions of dollars. However, Section 203(a) of the amended CWA clearly expresses the congressional intent that eligibility determinations, once made, are not to be later modified unless found to have been made in violation of applicable federal statutes and regulations. NWRA urges Congress to take action that will result in uniform project development standards applicable to all federal water development agencies.

Protection of Wetlands and Municipal Supply - Currently, Section 404 of the CWA outlines

procedures for issuing permits for the discharge of dredged or fill material into navigable water of the nation. The Secretary of the Army is charged with administering a regulatory program pursuant to Section 404. The Administrator of EPA has oversight of the Secretary's regulatory program and has authority to prohibit the discharge of such material to a defined area when it is determined that the discharge will adversely impact municipal water supplies, shellfish beds and fishery areas, wildlife, or recreational areas. The following changes to regulations are to provide positive steps for water resources managers and to integrate protection of wetlands with safe drinking water.

1. Section 404(a) should be amended to encourage early and full evaluation of water supply reservoir alternatives in a joint process between a permit applicant and the Corps of Engineers. Currently, the Corps of Engineers requires submittal of a very detailed application outlining the proposed project in order to initiate the federal regulatory process. Because the federal process for water supply reservoirs commonly requires preparation of an Environmental Impact Statement (“EIS”) pursuant to NEPA, the alternatives issue is then reopened after the applicant may have already undergone a state review of alternatives.
2. Currently, EPA and the Corps of Engineers publish Memoranda of Agreement (“MOA”) to set out significant policies dealing with definition and delineation of jurisdictional wetlands and wetlands mitigation. This MOA process has been a closed one that has not included Federal Register publication of draft policy statements subject to public review and comment. Section 404 should be amended to provide for the development of policies in a public forum for prioritizing of wetland resources, for development of mitigation banks, and for integration with drinking water requirements that will help to direct water supply managers in their planning for new supplies.
3. The CWA exempts a variety of activities including emergency repair of existing water supply facilities but, does not allow for the construction of water supply projects under extreme emergency situations. As a result, Section 404(f) should be amended to allow construction of emergency municipal water supply projects to meet minimum water supply needs for the protection of public health in response to drought, natural disaster, or other emergency situations.

16. Dam Removal

NWRA strongly opposes the removal of dams in the West. Specifically, NWRA opposes the removal of Lower Granite, Little Goose, Lower Monumental and Ice Harbor on the Snake River and Glen Canyon on the Colorado River.

Economic studies are being conducted to assist northwest regional policymakers in deciding whether to ask Congress to bypass and/or breach the following lower Snake River dams for potential salmonid benefits: Lower Granite, Little Goose, Lower Monumental and Ice Harbor. Some of the annual costs of mothballing the four dams are:

1. Loss of 11 billion kilowatts;
2. Added operation and maintenance costs of \$2.1 million to provide agricultural water to 37,000

acres currently receiving water from Ice Harbor pool;

3. Loss of \$59 million in recreational benefits;
4. Increase of \$33 million shipping costs due to lost barge navigation in the lower Snake River to Lewiston, Idaho; and,
5. Continued annual \$29 million debt service obligation on existing dams.

17. Implementation of the Endangered Species Act

1. The implementation of the ESA should not be used as a device to erode states' rights under the Act in order to allocate water resources or to support decisions regarding the reallocation of vested water rights, including stored water. The implementation of the ESA must recognize and comply with state law, except to the extent explicitly precluded by federal law.
2. In addition, in their implementation of the ESA, the administering federal agencies must take into account the requirements of other applicable federal law, such as NEPA and Reclamation Law.
3. If the agencies administering the ESA determine that additional water is necessary for the protection or recovery of a species, the water for such purposes should be acquired through the respective state's water rights system, rather than through the implementation of terms and conditions on the operation of federal or state water supply projects or through federal permits or regulation. In instances where lawful water reallocation would result in economic hardship, the injured parties should be compensated prior to the reallocation and the resulting injury.
4. Decisions implementing the ESA which have significant local, state, regional and national impacts are, as a practical matter, currently being made at the lowest levels within the agencies responsible for administering the ESA. Decisions to list a species, designate a critical habitat or adoption of a recovery plan should be made by those with ultimate responsibility for the decision, after appropriate consultation with those involved in the decision-making process such as the regional director(s) of the affected agency(ies), as well as the governor(s) of the affected state(s) and the congressional delegation(s) from the impacted area(s).

18. Federal Energy Regulatory Commission ("FERC") Licensing Procedures for Hydroelectric Development

Hydroelectric power is an efficient, cost-effective, renewable, and clean energy generation source that accounts for approximately 12% of the nation's energy supply. Hydropower is the nation's most abundant renewable energy resource, critical to the economies of the West. It provides important ancillary public benefits to irrigation, water supply, recreation, flood control, and fish and wildlife habitat.

With over half of the nation's non-federal hydroelectric capacity—approximately 30,000 megawatts—

scheduled to be relicensed in the next fifteen (15) years, the federal relicensing process needs significant legislative and regulatory reform to protect and enhance the viability of these and future projects. Most of the power at stake is located in the West. Many federal agencies have the authority to mandate conditions as part of hydropower license that do not consider the effects of those conditions on the economics of the project or its overall multi-use purposes, such as recreation and clean air attributes. The hydroelectric licensing process does not produce optimal decisions because the participating federal agencies fail to consider the full effects of mandatory and recommended license conditions.

The relicensing process is also inefficient, costly, and time-consuming when environmental reviews are not coordinated. As a result, the process is burdensome for all participants, and often leads to litigation.

Additionally, federal regulatory agencies' responsibilities in the relicensing process directly affect how that licensed resource will operate in cooperation with other respective state resource needs, consumer energy costs, recreational opportunities, and access. During the past decade, for example, projects coming out of the hydroelectric relicensing process have experienced a power capacity loss, on average, of about eight percent (8%). As this trend continues, the electricity required to replace this loss may contribute to other issues of concern, such as air quality.

Federal legislation is needed to amend the Federal Power Act to require federal resource agencies to consider the overall impacts of their proposed conditions and allow the Federal Energy Regulatory Commission to relicense these valuable projects in a timely, efficient, and economic manner.

It has become apparent that FERC has on numerous occasions relicensed hydroelectric projects or modified existing licenses without ensuring that each license or amended license contains conditions as are necessary to ensure that the project will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for other beneficial public uses. This is particularly true with regard to conditions in licenses that have in the past been necessary to ensure the ultimate development of a waterway for irrigation of arid lands. At the same time, FERC has taken the position that 16 U.S.C. § 821, which provides that nothing in the Federal Power Act shall be construed as affecting or intending to affect or in any way interfere with the laws of the respective states relating to the control, appropriation, use or distribution of water used in irrigation, does not limit the jurisdiction of FERC in issuing licenses that create a water right, notwithstanding the applicable laws of the respective states.

To ensure the orderly development of the water resources of respective states, it is absolutely necessary that FERC adopt procedures by which the Department of the Interior, Bureau of Reclamation, and the appropriate state water agency in each state be given full opportunity to place conditions on any license issued by FERC to ensure that the license does not interfere with the comprehensive plan for development of the waterway, as determined by the state. The control of the flows in the waterways of the respective states by FERC licenses was neither anticipated nor contemplated by Congress in adopting the Federal Power Act.

19. Low Impact Hydropower Generation Exemption

Clean, renewable energy is one of our nation's most important goals. The federal government, aware of

these needs, has implemented several aggressive mandates targeting our independence from foreign fossil fuels. These mandates are summarized in the Energy Policy Act of 2005, which directed the federal government to increase its renewable energy use. According to the U.S. Energy Information Administration, renewable energy accounted for 12.7% of energy production in 2017.

NWRA members recognize the potential to have a role in helping meet the national need for clean, renewable electrical energy. These water providers have identified many potential sites where small hydropower generation units can be installed inside their water delivery systems across the country. These projects do not require additional water to generate power; they rely on the water already being moved through the system for irrigation or domestic use and thus have no new impact on the source of the water. In addition, there is no new impact on the environment since the water delivery structures already exist. Each unit will utilize water gravity flow to generate green energy.

20. Warren Act Amendments

The Warren Act was adopted on February 21, 1911, which is codified as 43 U.S.C. §§ 523-525. Section 1 of the Warren Act (43 U.S.C. § 523) clearly provides that when storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under any reclamation project, the Secretary of the Interior, preserving a first right to the lands and entrymen under the project, is authorized, upon such terms as he or she may determine to be just and equitable, to contract for impounding, storage, and carriage of water to an extent not exceeding such capacity with irrigation systems operating under the Carey Act (43 U.S.C. § 641), and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation.

It is clear from this section of the Warren Act that the reclamation project purpose—to provide water for irrigation—should not be compromised, and that any excess capacity should be first used for distributing water for irrigation. There is an ever-increasing demand for the use of excess capacity in storage or distribution facilities to provide water for non-irrigation purposes. It is believed that such non-irrigation purposes should be accommodated, so long as the original purpose and use of excess capacity for irrigation retains its priority for excess capacity use.

Section 1 of the Warren Act further provides, among other things, that the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored and the canal by which it is to be carried, and such charges shall be just and equitable as to water users under the government project. This section further provides that the entity contracting for such water shall not make any charge for the storage, carriage, or delivery of such water in excess of the charge paid to the United States, except to such extent as may be reasonable and necessary to cover cost of carriage and delivery of such water through their works.

Disputes have arisen as to whether or not the terms by which the excess capacity is to be used, as determined by the Secretary, are in fact just and equitable. Disputes have also arisen with regard to the disposition of monies received from the use of excess capacity in reservoirs and distribution systems that were or are being paid for by existing project beneficiaries.

The Bureau of Reclamation and the previous Administration took the position that all such funds should inure to the benefit of the Reclamation Fund, and should not be applied to the cost of operation

and maintenance, construction, or for the benefit of project beneficiaries who have paid or committed to pay the construction and operation and maintenance costs of such facilities. The Bureau of Reclamation and the previous Administration also took the position that only the Secretary of Interior had the authority to contract for the use of excess capacity for the storage or delivery of water for irrigation.

This position, however, is inconsistent with subsection J of the Fact Finders Act of 1924, which provides that the miscellaneous revenues generated by the Warren Act contracts that provide for the sale or rental of surplus water should be credited to the project or divisions of the project to which the construction cost has been charged. Notwithstanding these provisions, the Bureau of Reclamation is urging that the Warren Act be interpreted to mean that it may recover interest on construction costs and that such funds be paid into the Reclamation Fund, to the exclusion of project beneficiaries who have paid or are paying the construction costs. Amendments to the Warren Act should be adopted to clarify and prohibit this interpretation of the existing Warren Act, and to expand its use, when appropriate.

The Warren Act should be amended to ensure that when the operation and maintenance of a facility has been transferred to the project beneficiary, that the entity operating and maintaining the facilities that have excess capacity should be entitled to contract for the use of such excess capacity. Further, amendments should clearly provide that all monies received by the Secretary or the contracting entity should first be credited to and applied to the operation, maintenance, and/or repair costs for the project, then to construction charges for the project or division of the project, and finally to the project beneficiaries. The original Warren Act of 1911 contemplated that the reclamation facilities would be operated and maintained by the Bureau of Reclamation, and not the project beneficiaries. Today, however, except for storage, most facilities are operated and maintained by the water users.

Amendments to the Warren Act and related acts should recognize that although legal title to reclamation facilities may rest with the Bureau of Reclamation, the equitable title lies with those project beneficiaries that have paid the construction cost of the facilities pursuant to the Reclamation Act of 1902. The United States, and particularly the Bureau of Reclamation, should not be authorized by Congress to assert a right to use these facilities for purposes which are contrary to the purposes established in the authorization for such projects. Any amendments to the Warren Act should also ensure that project purposes are not compromised and that no use of project facilities should be authorized by contract or otherwise without the approval of the project beneficiaries or in the authorizing legislation for the construction of a facility, and that the equitable owners of the facility should receive the benefits, especially where the construction, as well as operation and maintenance costs are presently being paid by the project beneficiaries, and not the Bureau of Reclamation.

21. Flow Augmentation

Irrigators in the reclamation states see no environmental justice in treating the effects of hydropower, navigation, and industrial development as the baseline against which the effects of earlier irrigation development on listed species and their habitat must be measured. Indeed, it is often the case that non-irrigation development has been the principal cause of the ecosystem degradation that resulted in the listing of native fish, wildlife, and plant species as endangered or threatened pursuant to the ESA.

It is equally unjust, and in many instances unlawful, to take or threaten to take water appropriated for

irrigation, water protected by compact, or water stored in a reclamation facility for reclamation purposes in order to provide flow augmentation in mitigation of the incidental take of endangered or threatened species or their habitat, or to justify a no- jeopardy finding from an incidental take which was caused by neither the appropriation and diversion of the water for consumptive uses nor the storage of water in a reclamation facility for consumptive uses.

It is absolutely necessary that the federal agencies charged with enforcement of the ESA or the CWA recognize that the waters within the respective states belong to those states and that the appropriation of such water shall be controlled and implemented by each respective state, and the doctrine of first in time is first in right must be held inviolate.

Efforts in the Pacific Northwest by the National Marine Fisheries Service and the Bureau of Reclamation to obtain water from reclamation storage facilities for the purposes of augmenting flows in the Snake and Columbia Rivers for endangered species in mitigation of injury and incidental take of listed species and their habitat by federal facilities located on said rivers violate the above principles. Such efforts have been pursued for several years under the threat that if water is not provided, it will be taken, notwithstanding the fact that there is no clear legal authority for the taking of such water to mitigate conditions created by the federal government in its lower Snake and Columbia River Dams. Such efforts are most grievous when there is no clear scientific evidence that augmented flows will reduce the incidental take of listed species or enhance their recovery in the lower Snake and Columbia Rivers. The taking of appropriated water should never be a reasonable and prudent alternative.

22. Municipal Discharges into Irrigation Works Exemption

Section 402(1) of the Clean Water Act exempts “discharges composed entirely of return flows from irrigated agriculture” from NPDES permitting. The “composed only of return flows from irrigated agriculture” language of Section 402(1) appears to nullify the permitting exemption now provided by the CWA, if a canal or drain carries any storm water in addition to “irrigation return flows.”

It is not uncommon for irrigation canals and drain systems to intercept and carry some stormwater runoff in order to prevent local flooding. Some irrigation districts are also required by state law to provide flood control protection by carrying away stormwaters. Most of the stormwater carried in agricultural drains is not subject to NPDES permitting. In recent years, the EPA has increased the scope and coverage of its municipal storm water permitting program so that irrigation canals and drain systems in a district may intercept either or both permitted stormwaters and those stormwaters not subject to permitting.

Section 402(1) should be amended to not require a permit for discharges composed of both classes of stormwater when joined by irrigation return flows.

23. Policy on Addressing Impacts of Potential Climate Change

A consensus among scientists exists that climate change will affect global temperatures, sea levels, precipitation patterns and other water-related factors. Water managers and the agencies that affect water management policy should consider the possibility that climate change could affect patterns of precipitation, snowpack, runoff, and related water resource factors.

To minimize effects of reduced or altered water supplies resulting from climate change, the federal government, along with state and local agencies, should plan for enhanced storage and redundancy. They must also consider and implement enhanced capabilities to move water supplies to areas of critical demand in accordance with applicable law and must augment and conserve existing water supplies.

24. Water Infrastructure Financing

The prolonged drought in the arid West, flooding there and in other parts of the country, and aging infrastructure have highlighted the importance of considering water infrastructure financing. It is essential to address the need for new and modified ways of financing both new infrastructure and existing infrastructure upgrades, repairs, and other improvements. At the same time, new infrastructure needs are being identified because of these experiences. Our new infrastructure needs may not be achievable, however, using only traditional financing methods.

The National Water Resources Association urges Congress and the Administration to develop a comprehensive national policy to address water infrastructure financing that includes the widest feasible array of options that include both traditional financing and new approaches needed to attract the necessary funds to implement this policy.

25. Aging Infrastructure Funding

Increasing water demand highlights the need to maintain our current infrastructure. Many of the Bureau of Reclamation's facilities are between 50 and 100 years old and more than fifty percent (50%) of the dams operated by the Corps of Engineers have reached or exceeded the 50-year service lives for which they were designed. Such aging infrastructure presents a financial challenge, as it requires increased maintenance and replacement. While our members manage many of these facilities, Reclamation and the Corps of Engineers own most of these projects. As the owner of this infrastructure, Reclamation and the Corps of Engineers must have a major role in supporting the increased maintenance and replacement of these valuable assets.

26. USGS National Streamgauge Monitoring Network

The U.S. Geological Survey (USGS) operates over 8,200 streamgauges in partnership with federal, state, tribal, and local agencies as part of its Groundwater and Streamflow Information Program (GWSIP). The network of streamgauges assists agencies at all levels of government to meet strategic water management needs, including flood planning, streamflow forecasting, water infrastructure design, water allocation, operation of locks and dams, power production, water quality evaluations, habitat assessments, and recreational safety.

The USGS identified 4,760 high priority streamgauges locations as Federal Priority Streamgauges ("FPS"). The FPS locations help federal agencies meet their obligations. In 2017, only 3,460 gauges at these locations were operational, and only one quarter of the FPS (1,176) are fully funded by the USGS. The remaining streamgauges are jointly funded by USGS and its partners.

The immediate availability of streamflow data, often reported within one (1) hour of collection, helps decision-makers respond to emergency situations and also address day-to-day management of irrigation systems, water supply and wastewater facilities, reservoirs, canals, and navigation systems. The compilation of long-term streamflow datasets provides data that is then used to design water systems and infrastructure.

For these reasons, NWRA urges Congress to appropriate funds to make all 4,760 FPS streamgauges operational and to provide the annual funding necessary to operate all streamgauges in the FPS.

27. Double Permitting of Pesticide Applications

Pesticides have historically been regulated via the FIFRA labeling requirements. This was the case throughout most of the West (Washington being an exception). However, this changed in 2009 with the case of National Cotton Council v. EPA, in which the 6th Circuit of the U.S. Court of Appeals ordered the EPA to vacate a 2006 rule defining circumstances in which pesticide use in accordance with FIFRA is not a discharge of a pollutant for the purposes of the CWA.

The ruling enabled the creation of an additional layer of pesticide permitting that is both costly and unnecessary. Currently, pesticide applications—mosquito and flying pest control, aquatic weed and algae control, aquatic nuisance animal control, and forest canopy pest control—that constitute point source discharges to a water of the United States require permitting through the NPDES process in addition to FIFRA labeling requirements.

For the last few years, Congress has been working to pass legislation to remedy this problem. In recent sessions of Congress, the House passed a version of the Reducing Regulatory Burdens Act that would have fixed the double permitting issue. The House bill, and the Senate’s Sensible Environmental Protection Act, would amend FIFRA and the CWA to prohibit the EPA Administrator or a state from requiring a permit under the CWA for a point source discharge into navigable waters of a pesticide authorized for sale, distribution, or use under FIFRA, or residue resulting from application of such a pesticide. NWRA supports this legislation, which would eliminate an unnecessary and duplicative regulatory standard for permitting pesticide use.

28. Water Resources Development Act (WRDA)

NWRA is dedicated to meeting increasing water demands and developing both near- and long-term water supply solutions. The Corps of Engineers can play an important role in meeting the water supply needs of our nation. NWRA supports an “all of the above” approach to meeting our nation’s growing water demands. We support expanding surface and groundwater storage; expediting federal permitting and construction repayment processes; and facilitating water conservation, recycling, and desalination where economically viable, while simultaneously protecting the quality of our water resources.

An investment in water infrastructure is an investment in our nation’s economy. Access to a reliable supply of water is a fundamental necessity for any and all economic development. Numerous studies have shown that every dollar invested in water infrastructure can deliver more than double the invested amount in economic return. Add to this the multitude of health, safety, hydropower, and recreation

benefits that often come along with water projects, and it is clear that investing in water infrastructure is one of the most prudent investments the federal government can make.

As such, NWRA urges Congress to pass the WRDA every two years, which authorizes water resources studies and projects as well as sets policies for navigation, flood control, hydropower, recreation, water supply, and emergency management for the Corps of Engineers. Passing WDRA-related bills on a regular basis is key to meeting our country's water supply needs.

29. Forest Health

Protecting the headwaters of the West and securing favorable water flows are foundational purposes of the National Forest System. Unfortunately, today, the unhealthy state of these forests has led to catastrophic wildfires that threaten the sustainability and quality of drinking water for tens of millions of residents of the western United States.

There is a deep body of science and empirical evidence that clearly demonstrates the need and importance of thinning overgrown forests to protect water supply, water quality, terrestrial and aquatic species and their habitat, the ecosystem, and the broad range of other natural and socioeconomic benefits that our forests provide.

Forest management tools such as forest thinning, biomass management, and controlled burns that reduce fuel loading, and consequently, the risk of catastrophic wildfires, should be accelerated to the extent feasible. Federal laws and regulations that slow or limit such efforts should be reassessed to enable utilization of these management tools in a timely manner.

New developments in landscape management techniques that benefit water quality and watersheds should be integrated as pilot and demonstration projects in the ongoing management of federal lands.

For post-fire forest restoration actions, time is of the essence to protect the natural and manmade infrastructure of our watersheds. Regulations should be streamlined to avoid administrative delays of projects that would improve forest health. Additionally, the overall long-term health of the landscape should weigh in favor of any short-term impacts of mitigation actions.

Local communities' priorities, knowledge, and expertise should be addressed and used to the greatest extent feasible when developing and implementing management strategies for watersheds. Federal law and agency policies should allow local stakeholders to partner with federal land managers to pursue opportunities to conduct the planning and implementation of fuels reduction and restoration projects on federal lands.

30. Water Transfers Rule

In 2008, the EPA published a final rule to exclude water transfers from the NPDES permitting program. It was the agency's position that Congress intended for water transfers to be subject to oversight by water resource management agencies and state non-NPDES authorities rather than the NPDES permitting program. NWRA agrees with EPA's position.

The final rule defined a water transfer as an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use.

Congress should amend Section 402 of the CWA to codify the EPA's Water Transfers Rule and the Sixth Circuit's decision in Catskill Mountains Chapter of Trout Unlimited, Inc. v. EPA, upholding the EPA's interpretation of the CWA as it relates to the Water Transfer Rule.

31. NEPA Streamlining

NWRA commends the current Administration for its issuance of Executive Order 13807 and urges Congress to codify these requirements so that they remain in place during future administrations.

One Federal Decision has been an objective of NWRA for years. Under One Federal Decision, major infrastructure projects would have a single lead agency that would coordinate all necessary federal approvals and issue a single record of decision (ROD) to address the approvals. It also directs federal agencies to prepare a single environmental impact statement as well as requiring the NEPA process to be completed within an average of two (2) years from issuance of the Notice of Intent and federal authorizations approved in a ROD to be issued within ninety (90) days after issuance of the ROD.

The Corps of Engineers has required applicants to include alternatives under the guise of promoting the Least Environmentally Damaging Practical Alternative (LEDPA) that undermines the cohesiveness of NEPA review. This approach contributes to a more costly and time-consuming alternatives analysis under NEPA, exacerbated because the standard for defining a project's "purpose and need" may differ for a LEDPA analysis compared to the analysis required by NEPA, thus contributing to a broader analysis than required to understand the environmental impacts of a project, reasonable alternative and appropriate mitigation.

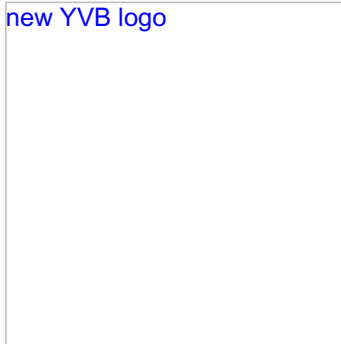
NWRA POLICY DEVELOPMENT COMMITTEE

From: Russell McCloud <Russell.McCloud@yumacountyaz.gov>
Sent: Thursday, March 24, 2011 8:01 PM EDT
To: rmcccloud@theriver.com <rmcccloud@theriver.com>
Subject: Fwd: It's happening in Yuma
Attachment(s): "It's happening in Yuma"

From: Yuma Visitors Bureau <claudia@visityuma.com>
Sent: Thursday, March 24, 2011 8:00 PM EDT
To: claudia@visityuma.com <claudia@visityuma.com>; Russell McCloud <Russell.McCloud@yumacountyaz.gov>
Subject: It's happening in Yuma

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new YVB logo



~~~~~  
**What's winging your way**

**Happenings in Yuma, Arizona**

Now & this weekend

+ Week of March 28

+ Upcoming - April & beyond

+ Continuing and weekly

~~~~~  
Dear Russell,

This email is being provided by the Yuma Visitors Bureau as a free public service to you. We are sharing these listings by permission of Lisa Rammelt, who compiles the information from the Yuma Sun; www.yumasun.com; www.yumacalendar.org; www.eventsinyuma.com; www.yumaciviccenter.com/events.htm; www.yumaheritage.com; www.yumachamber.org; www.yuma.com; www.yumafair.com/calendar/index.html; Yuma Art Center, 373-5202; and other sources.

If you want to add events (concerts, fundraisers, plays, family entertainment, etc.) to this list, please visit www.StuffToDoInYuma.com and fill in the form there (prior to Wednesday noon for next email).

NEW: "Stuff to do in Yuma" has Restaurant Listings and Menus. Check out the list at <http://www.stufftodoinyuma.com/restaurant-listings/>. To make additions or corrections to the list, send an email to lisa@stufftodoinyuma.com with the restaurant name, address, phone number, and link to the menu page on that restaurant's website. If the restaurant doesn't have its menu online, attach a .pdf of the carry-out menu. Restaurants are listed in alphabetical order.

To send this email to a friend, please use the "forward" button at the bottom of the email (scroll down) -- otherwise it will get scrambled!

To sign up for this or other email updates from Yuma Visitors Bureau, please use the "join our list" button, also at the end of the listings. We will *not* share your email address with anyone else.

~~~~~  
**NOW & THIS WEEKEND (March 24-27)**

~~~~~  
Don't miss the MCAS Yuma Airshow this Saturday, March 26! Gates open at 8:30 am

~Free Admission~

Please visit www.yumaairshow.com for additional details.

Thursday, March 24, 6:00-8:00pm -- Village Jazz Series at Yuma Palms near Harkins Theatre. Peter Sprague. A true standout in the jazz world, everyone loves to play and record with Peter Sprague- Chick Corea, Dianne Reeves, Holly Hofmann, Ray Brown, Joe Pass, Stanley Clarke, Kenny Barron, the list goes on. Come hear Peter for yourself!

Thursday, March 24, 6:00-9:00pm - The Freedom Library Wine Tasting at Yuma's Main Squeeze 251 S. Main Street, Wine is \$5 per glass, free hors d'oeuvres. Come and have a great time celebrating liberty and bid on bottles of wine with the Bill of Rights label. All auction funds received go to The Freedom Library Education and Scholarship Program.

Thursday, March 24, 7:00pm - High School Honor Band concert at Gila Ridge HS Performing Arts Center, with guest conductor

AZ-YUMA-20-1086-A-000102

Antonio Lozano.

Friday, March 25, 9:00am - Retired Puget Sound Boeing Workers meet at Daybreakers Café, Call John for more, 580-5612.

Friday, March 25, 10:00am - Foothills Moms Club meets at Gloria de Cristo Lutheran Church, 11273 E. 40th St., for stay-at-home moms who live east of Ave 3E. Activities for you and your kids will be discussed.

Friday, March 25, 5:00pm - "Taste of Fine Arts" at Yuma Art Center, 254 S. Main Street, to benefit Yuma Fine Arts.

Friday, March 25, 5:00-7:00pm - Friday Night Dinners at Fraternal Order of Eagles, 225 S. 1st Avenue. \$5 includes complete meal, dessert extra. Proceeds go to Hospice of Yuma, senior nutrition, scholarships.

Friday, March 25, 5:30-7:30pm - Rico Austin, author of "Bad Tequila" will be signing books at Jimmie Dee's bar, 38 W. 2nd Street. 10% of all book and drink sales will be donated to Hospice of Yuma.

Friday-Saturday, March 25-26, 10:00am-5:00pm -- The Friends of the Foothills Library will sell gently used books and magazines at the Foothills Library, 13226 E. South Frontage Road. For more information, call (928) 342-1640.

Friday-Saturday, March 25-27, 7:00pm; Sunday at 2:00pm - Yuma Community Theater presents the comedy musical "The Full Monty" at Gila Ridge High School, 7150 E. 24th Street. Reserved seat tickets available at www.YumaCommunityTheater.org and at the door 30 minutes before showtime.

Friday-Saturday, March 25-26, 9:00pm - "Checker'd Past" performs at Sidewinders Bar & Grill inside Quechan Casino.

Saturday, March 26, 7:45am registration - To foreclose the landlord's lien thereon for unpaid rent owed, notice is hereby given that the contents in the following storage units will be sold at Public Sale at AA Val-U-Stor Self Storage, 3090 S. Ave 3E. ; UNIT # OSS-40 B. Breinholt- 1981 Winnebago RV ; UNIT # OS-58 M. Maust- 1999 Pontiac Trans Am ; UNIT # OS-11 M. Flores - Older Model Chevy Truck; UNIT # B-22 R. Renteria - Household Goods; UNIT # M-14 E. Evans - Household Goods; UNIT # E-10 S. Alvarez - Household Goods; UNIT # H-4 K. King - Household Goods; UNIT # R-27 & I-21 S. Silva - Household Goods; UNIT # M-2 D. Hossler - Household Goods; UNIT # A-13 C. McMaster - Household Goods; UNIT # S-15 N. Robles - Household Goods; Property to be offered as is, where is, without warranty or guarantee. Sale may be cancelled if rent is paid prior to sale time. Terms of sale will be cash. Tax not included in bid price. Lien holder reserves the right of final bid. Further terms will be issued the morning of the public sale at AA Val-U-Stor.

Saturday, March 26, 7:00-8:30am - Yuma Little League Pancake Breakfast at Desert Sun Stadium 1280 W. Desert Sun Drive. Tickets are \$4 and includes pancakes, sausage, coffee or juice. 8:45am Opening Ceremonies at the stadium include presentation of colors, singing of national anthem, parade of players and coaches and more.

Saturday, March 26, gates open 9:00am - MCAS Yuma Air Show, The theme of this event is "Celebrating the Centennial of Naval Aviation". Aerial performances will demonstrate the most modern military aviation capabilities, along with a host of vintage military aircraft representative of the last 100 years of Naval Aviation. The headlining act will be a complete demonstration of the Marine Corps' "Marine Air Ground Task Force" or "MAGTAF" capabilities, which will highlight the air/ground team's current-day war fighting capability. The event will also host static displays of various military aircraft and equipment and a variety of civilian aircraft displays as well. www.yumaairshow.com

Saturday, March 26, 9:00-11:00am - Yuma city residents are invited to the Coffee Bean to meet with Councilman Raul Mendoza to hear concerns and ideas regarding any issues facing the city.

Saturday, March 26, 9:00am-noon - Youth Fishing Clinic at Council Park Pond, corner of Jefferson Street and Carlisle Avenue for kids ages 9 and under, who must be accompanied by an adult.

Saturday, March 26, 10:00am - The Main Library Film Club in the second floor classroom, 2951 S 21st Drive, to watch Samuel Fuller's "The Power of the Press." Film Club meets on the fourth Saturday of each month. New members welcome! Come meet other movie buffs, discuss the film, and check out the library's print and media entertainment collections. For more information, call (928) 782-1871.

Saturday, March 26, 10:00am-1:00pm - In support of Healthy Yuma 2011, the Somerton Library, 240 Canal Street, in collaboration with Somerton Parks and Recreation, will host a Healthy Family Fiesta. This free event will feature local agencies from throughout the community that host health-related programs to help you reach your health and fitness goals. Families can enjoy games, prizes, healthy snacks, and more! For more information, call (928) 627-2149.

Saturday, March 26, 10:00am - Corvette owners meet at Coffee Bean, 2450 S. 4th Ave. Owners of Corvette, Camaro and GTO are welcome.

Saturday, March 26, 10:00am-2:00pm - Farmers Market at Yuma Palms, Kirkland's parking lot. Last of the season.

Saturday, March 26, 10:00am-2:00pm - Local author Pinkie Paranya, author of "Senor of the Superstition" and "Death Shall Have No Dominion" will be at Hastings for a book signing.

Saturday, March 28, 10:00am - Genealogical Society meets at Main Library, 2951 S. 21st Drive to discuss what's new at Family History Center.

Saturday, March 26, 1:00pm - Teens are invited to Foothills Library, 13226 E. South Frontage Road to see the film "Miracle" The amazing story of the 1980 U.S. Olympic hockey team, which stunned the heavily favored Soviet squad in the semifinals to advance to the championship game. After the movie, check out our books about hockey and Olympic Games!

Saturday, March 26, 5:00pm until ? - All Yuma-area high school alumni (alumnus?) party at Yuma Landing, 195 S. 4th Avenue. Wear your school colors. Food and drinks are at your expense. There will be live music.

Saturday, March 26, 5:00pm - "Cruise In" at Cocopah Casino near the marquee, show off any car, truck or motorcycle, any age, clubs welcome.

Saturday, March 26, 5:30pm - Critter Country fundraiser for Humane Society of Yuma, at The Palms RV Resort, 3400 S. Avenue 7E. Tickets are \$35 at HSOY, HSOY Thrift Shop or online at www.hosyuma.com. Event includes silent auction, music, cash bar,

photo booth, specialty chocolates, indoor and outdoor dining, karaoke.

Saturday, March 26, 7:00pm - "The Marlins, a family of musicians" perform at Historic Yuma Theatre, 254 S. Main Street, presented by Equity Lifestyle Properties, tickets available at www.yumaaz.gov/events or 928-373-5202.

Saturday, March 26, 7:00pm - Dance to Ray Cox at Golden Road Runner Ballroom, 274 Madison Avenue.

Sunday, March 27, noon-4:00pm - Train rides on miniature scale train at Joe Henry Park, provided by the Yuma Territory Live Steamers. Fare is \$1.

Sunday, March 27, 3:00pm - "Jason the Illusionist" performs at the Historic Yuma Theatre. Presented by Heritage Festivals, purchase tickets at www.yumashowtickets.com or by calling 928-373-5202.

Sunday, March 27, 5:00pm - Parent, Families, Friends of Lesbians and Gays meet at Foothills Alano Club, 12535 S. Foothills Blvd., for support, fun, fellowship and more.

Now through April 29 - The Yuma County Health Services District will offer Prenatal Classes for pregnant women of all ages at Yuma County Libraries. There is no charge to attend courtesy of a grant from First Things First. Future fathers and support people for those who are pregnant are also encouraged to attend. The Prenatal Classes are part of the Maternal Child Health Program, which focuses on topics such as importance of prenatal care, nutrition, reducing stress, what should be avoided during pregnancy, stages of labor, breast feeding, and infant care. A tour of the Labor & Delivery unit at the local hospital and a car seat class are also included. For class locations, dates and times, contact Wendy Puga, Program Coordinator, at (928) 317-4540 x1818.

The City of Yuma Spring/Summer Activities Guide is now online: http://yumaaz.gov/Documents/COY_ActivitiesGuide.pdf

Crossroads Mission Shoe Drive for the Homeless - Donate your gently worn shoes or purchase new shoes for the homeless. Donation locations are Big 5 Sporting Goods, Foot Barn, Foothills Shoes and JC Penney.

Available now: the Main, Heritage, Foothills, San Luis, Somerton, and Wellton libraries will have the Federal U.S. 1040, 1040A, and 1040EZ instruction guides and forms. Additional forms will be available in print or via the U.S. IRS website. A list of income tax resources will also be available in English and Spanish. For budget reasons, the Arizona State IRS Office is not providing the Library District with forms to distribute. Main and the five branch libraries listed above will have an Arizona Reproducible Forms Book available to make photocopies. There will also be a limited number of the California 540 & 540A, 540 2EZ, 540NR forms available. Library staff will assist with Internet searches for forms or instructions; however, library personnel are not trained in tax matters, and therefore cannot advise as to which forms to use. For more information, or to locate a branch library, call (928) 782-1871 or visit www.yumalibrary.org.

NEXT WEEK - March 28-April 3

Purchase your tickets for "3:10 to Yuma" fundraising event-April 2nd
Let's celebrate the 1st anniversary of saving the Yuma Territorial Prison, at the Prison.
Includes dinner, drinks, entertainment and a live auction.

Monday, March 28, 10:00am-noon, weekly - Ingles Basico para Adultos is held in the second floor classroom at the Main Library, 2951 S. 21st Drive. These classes will help Spanish speakers master the basics of English. There is no charge to attend; however, space is limited and offered on a first-come, first-served basis. Please sign in before each class. For more information, call Alex Garcia at (928) 373-6481.

Monday, March 28, 10:00am-3:00pm - Parkinson's Disease educational seminar at Holiday Inn, 1901 E. 18th Street, includes lunch and materials. Admission is free but pre-registration is required by calling 800-227-7691.

Monday, March 28, 1:00pm -- The Main Library, 2951 S. 21st Drive, will host a Wii Tournament featuring Super Smash Bros. and Bleach for teens in the Teen Room. The person with the highest score wins a prize! Ages 12-18 are welcome to attend. For more information, call Bryan Summers, Teen Services Manager, at (928) 373-6487.

Monday, March 28, 2:00-4:00pm, weekly - Teen Chess Club meets at Main Library, 2951 S. 21st Drive, for those ages 12-19 only.

Teens are invited to the Main Library at 5:00 p.m. on Monday nights and 4:00 p.m. on Tuesday nights for teen movies.

March 28th @ 5:00 p.m.; War of the Worlds (2005); As Earth is invaded by alien tripod fighting machines, one family fights for survival. (PG-13) Based on the book by HG Wells.

March 29th @ 4:00 p.m.; Tangled (2010); The magically long-haired Rapunzel has spent her entire life in a tower, but now that a runaway thief has stumbled upon her, she is about to discover the world for the first time, and who she really is. (PG) Based on the fairy tale Rapunzel.

All movies will be shown in the Teen Room at the Main Library, 2951 S 21st Drive. For more information, contact Bryan Summers, Teen Services Manager, at (928) 373-6487.

Tuesday, March 29, 9:00am-2:00pm - Final Foothills Farmers Market of the season at Gila Mountain UMC, 12716 North Frontage Road, includes produce, activities, food, clothing, music, jewelry and more.

Tuesday, March 29, 9:00am-3:00pm, weekly - Porcelain Artists meet at Yuma Readiness and Community Center, 6550 E. 24th Street. All china painters welcome. More from Charis at 305-1539.

Tuesday, March 29, 10:00am-3:00pm - Final Downtown Farmers Market of the season on Main Street, includes produce, activities, food, clothing, music, jewelry and more.

Tuesday, March 29, 3:30-4:30pm - Learn how to download free eBooks to your eReader from the library's website in the second floor classroom at the Main Library, 2951 S. 21st Drive. If you are having problems downloading books, please bring your laptop as well as your eReader and eReader cord. There is no charge to attend. Devices that are compatible with Library eBooks include, but are not limited to: Nook, Sony eReader, iPad, and Kobo. For more information, call (928) 782-1871.

Tuesday, March 29, 5:00pm, weekly - Friendship Singles Meet at Food Bank Conference Room, 2404 E. 24th Street to plan activities and trips.

Tuesday, March 29, 7:00pm, weekly - Spanish language films will be shown in Room B at the Main Library, 2951 S. 21st Drive. Each week will feature a classic or recent movie in Spanish with English subtitles. There is no charge to attend. For more information, call Alex Garcia at (928) 373-6481.

Tuesday, March 29, 7:00pm - Yuma Territorial Prisonaires Barbershop Harmony Chorus invite all men who love to sing, GraceWay Fellowship Church, 7875 E. 24th Street. More info from Arthur at 581-6551.

Tuesday-Sunday, March 29-April 2 - Yuma County Fair, at the fairgrounds. Gate times, judging and entertainment schedules at www.YumaFair.com or call 726-4420.

Wednesday, March 30, 8:30am, weekly - Cholla Silhouette Gun Club meets at Adair Range, silhouette range, open to the public. More info from Glenda, 502-0736.

Wednesday, March 30, 9:00am, weekly - Desert Artists invite all artists to a coffee get-together at Putter Inn, 1245 W. Desert Hills Drive.

Wednesday, March 30, 10:30am-noon, weekly - Conversational Spanish for Beginners is held at the Main Library, 2951 S. 21st Drive. Learn basic vocabulary and phrases, and practice your accent! There is no charge to attend; however, space is limited and offered on a first-come, first-served basis. Please sign in before each class. The Main Library is located at 2951 S 21st Drive. For more information, call Alex Garcia at (928) 373-6481.

Wednesday, March 30, 6:00-8:00pm - Free Spaghetti Dinner at Our Lady of Guadalupe Church Hall, 417 S. 15th Avenue. To volunteer or to donate, call Matt 783-9099 or unitmatt@aol.com.

Wednesday, March 30, 7:00pm - The Yuma County Health Services District will offer Bilingual Music and Movement Classes for children ages 0-5 and their caregivers at the Yuma Main Library, 2951 S. 21st Drive, in Room C. Learn how the use of rhythmic song and dance can be used to help young children count, remember the alphabet, days of the week, and more! There is no charge to attend. For more information, contact Wendy Puga, Program Coordinator, at (928) 317-4540 x1818.

Wednesday, March 30, 7:00pm - Rail Roadrunners of Yuma meet at Community Christian Church, 6480 E. Highway 95, for all model railroading enthusiasts.

Wednesday, March 30, 7:00pm - Dance to Dakota Players at Golden Road Runner Ballroom, 273 Madison Avenue.

Thursday, March 31, 9:30am-noon - Free clothing is available for those in need at Central Church of Christ, 651 W. 28th Street.

Thursday, March 31, 9:30am - Mountain Shadows Art Association meet at Goldsboro Bakery, 11805 S. Fortuna Road. All artists and future artists are welcome.

Thursday, March 31, 10:00am-2:00pm - Fun in the Sun Day at Cocopah Wellness Center includes games, races, crafts, coloring, raffles, prizes, music and fun. Bring your own lawn chair. To volunteer, call 627-5658.

Thursday, March 31, 6:00-8:00pm -- Village Jazz Series at Yuma Palms near Harkins Theatre. Yuma Big Band. The Yuma Big Band returns to fill the village great big swinging sounds. Tunes from the American songbook played as only YBB can!

Friday, April 1, 5:00-7:00pm - Friday Night Dinners at Fraternal Order of Eagles, 225 S. 1st Avenue. \$5 includes complete meal, dessert extra. Proceeds go to Hospice of Yuma, senior nutrition, scholarships.

Friday, April 1, 7:00pm - Yuma Jazz Company performs at Julieanna's Patio Café, 1951 W. 25th Street.

Friday, April 1, 7:00pm - Yuma Amateur Radio Club meets the first Friday of every month at Yuma Community Food Bank. More info from Kenneth at 344-8867.

Saturday, April 2, 10:00am, weekly - Corvette Owners meet at Coffee Bean, 2450 S. 4th Avenue. All year Camaro and GTO owners welcome.

Saturday, April 2, 11:30am-2:00pm - "Tommy and the Drifters" perform at Yuma Park & Swap.

Saturday, April 2, noon-3:00pm -- Area 2 Toastmasters International Speech and Table Topics Contests at Yuma Historic Theater. Free admission. Contestants from the Toastmaster clubs in the Yuma and El Centro area compete in a prepared speech and an impromptu speaking contest.

Saturday, April 2, 6:00-10:00pm - "3:10 to Yuma" fundraising event, celebrating the 1st anniversary of saving the Yuma Territorial Prison, at the Prison, and includes dinner, drinks, entertainment and a live auction. The evening's highlight will be the return of the Johnny Cash Tribute Show featuring Jimmie Ray and Cyndi Cantrell, a hit with Chain Gang members at the inaugural event last March. Tickets are \$50 per person, available by phone at 928-328-8716 or at the Yuma Territorial Prison, open daily from 9 a.m. to 5 p.m. "The focus of our fundraising effort this year is to purchase a replica of the Gatling gun that was on the prison guard tower," Flynn said. "I have heard over and over that folks miss seeing that, so we aim to get it back." The April event will also be a great opportunity to see all the improvements made in the last year, Flynn said.

www.yumafestivals.com

Upcoming - April & Beyond

Monday, April 4, 4:00pm -- The audition for Missoula Children's Theatre production of "The Tortoise Versus the Hare" will be held at Post Auditorium. There are roles for students in Kindergarten through High School. Approximately 50-60 local students will be cast to appear in the show with the MCT Tour Actor/Director. Students wishing to audition must arrive by the scheduled starting time and stay for the entire two-hour session. The first rehearsal begins approximately 15-30 minutes after the audition. This is a group audition - no advance preparation is necessary, but students should just be ready to come and have a good time! Rehearsals will be conducted Tuesday-Friday from 4:00 to 8:30 at Post Auditorium. Although not all cast members will be needed at every session, those auditioning must have a clear schedule for the entire week and if selected, be able to attend all rehearsals required for their role. A detailed rehearsal schedule will be distributed at the conclusion of the audition. Cast members scheduled for the full 4½ hours of rehearsal will be asked to bring a sack lunch, supper or snack. The performances will be held on April 9th at 3:00pm and will be presented at Post Auditorium. The students in the cast will be called for dress rehearsal before the performance that day. All those cast must be available for scheduled performances.

Wednesday, April 6, 9:00-11:30am - The Alliance of Arizona Nonprofits, in partnership with YANPI and the Yuma County Library District, is pleased to present the Alliance Grants Forum at the Main Library, 2951 S 21st Drive. This forum connects grant seekers from nonprofits with funders to learn about opportunities for partnership, network with other nonprofits, and knowledge sharing. The program includes: CHECK-IN AND NETWORKING: 9:00-9:30 a.m.; Enjoy a continental breakfast and network with other organizations in the area. GRANTS FORUM PRESENTATIONS: 9:30-11:00 a.m. Erica Kinias, Arizona Humanities Council Maxine Royer, Arizona Diamondbacks Delia Garcia, Walmart Foundation Judy Gresser, Yuma Community Foundation. Q & A with the Panelists: 11:00-11:30 a.m. The cost to attend is \$25 per person; \$15 for Alliance members. Register online at: <https://www.cvent.com/events/alliance-grants-forum-yuma/registration-93ac9bb74f0348e080db2b241bce3a17.aspx> or <http://www.arizonanonprofits.org/> For more information, please contact Emily Bull, at (928) 314-2440 or emily.bull@yumalibrary.org

Thursday, April 7, 6:00-8:00pm -- Village Jazz Series at Yuma Palms near Harkins Theatre. Yuma Jazz Company. The nationally reviewed quintet will play some original tunes from its 3 CDs, along with some well known favorites.

Saturday, April 9, 7:30am registration - 3rd Annual Gila Ridge Spring Challenge 5k Walk/Run Event at Gila Ridge High School, 7150 E. 24th Street. Cost is \$5. This 5K event supports the GRHS Cross Country/Track Booster club in purchasing track equipment for the team. There are age group awards, trophies for the overall male/female and trophies for the middle school and high school with the most students participating in the event.

Saturday, April 9, 8:00am - United Way Golf Tournament at Desert Hills Golf Course, Registration is \$70/golfer until March 18; \$75/golfer March 19-April 9; includes greens fees, cart, range balls, lunch, 3 drink coupons, prizes, contests, raffle and skins. More info from rick.mckinney@yumacountyaz.gov or 373-1151.

Saturday, April 9, 8:00am - Special Olympics golf tournament at Cocopah RV Resort and Golf Course, 6800 S. Strand Ave., sponsored by the Cocopah Tribe and the Moose Lodge #1627. Cost: \$75.00 for a single player- cart, goodie bag and lunch; \$150 for a Business tee sponsor; \$500 for Corporate Sponsor- 4 player, carts, goodie bags and lunch. Great \$2.00 raffle prizes on the course, small live auction at the Barbeque lunch with fresh tortilla. Register at Cocopah Golf Course or call Annie Fisher at 210-6601. Registration forms also available at most local golf courses.

Saturday, April 9, 11:00am-6:00pm - Taco Festival at Desert Sun Stadium, 1280 W. Desert Sun Drive. Taco teams and Vendors should contact 373-5040 or ycc@yumaaz.gov for information.

Saturday, April 9, 3:00pm - Missoula Children's Theatre presents "The Tortoise Versus the Hare" at Post Auditorium, featuring 50-60 local students.

Saturday, April 9, 6:00pm - St Francis School Dinner and Dance Benefit for the Children, at The Palms RV Resort, \$125 per couple. This annual fundraising event will benefit the teachers of St Francis School. Funds raised go towards their "Wish List" for classroom items to help students prosper in education. The event includes a silent and live auction with many eclectic items and services. It is a fun event for everyone, not just school parents or parishoners. For tickets call the school at 928-782-1539.

Tuesday, April 12, 10:00am - Portuguese Connection meets for "koffee klatch" (bring a couple of doughnuts). Call Millis for info 305-6860.

Wednesday-Saturday, April 13-16 - 2011 Yuma Birding & Nature Festival at the Pivot Point Conference Center. Festival registration is \$25. www.yumabirding.com or jeanb@visityuma.com

Thursday, April 14, 6:00-8:00pm -- Village Jazz Series at Yuma Palms near Harkins Theatre. Jason & Elle. Returning for a second Village Jazz Series appearance, this talented, versatile duo entralls audiences with their endless variety of great soulful sounds.

Thursday-Friday, April 14-15, 7:00pm - 'Kofa High School Drama Department proudly presents Roald Dahl's "Willy Wonka" at Kofa Auditorium, 3100 S. Avenue A. Tickets are \$7 for adults and \$5 for students and children under 12. Roald Dahl's timeless story of the world-famous candy man and his quest to find an heir comes to life in this stage adaptation of "Charlie and The Chocolate Factory," which features the songs from the classic family film "Willy Wonka And The Chocolate Factory." Bring the whole family and come enjoy the fun. For more info. call 928-502-5601.

Friday, April 15, 6:30-9:00pm - "Bunco While We Fundraiser" at Yuma Civic and Convention Center, sponsored by Yuma Catholic Mothers Guild with proceeds towards events at Yuma Catholic HS. Bunco while enjoying heavy hors d'oeuvres and cash bar. Prizes most buncos, high score, low score, and draw plus silent auction and a game of Left Right Center. Tickets available at Yuma Catholic HS or call Kay 928-446-4361. Cost is \$25 per person by April 5, \$30 per person after April 5.

Saturday, April 16, 9:00am-3:00pm - ARTbeat 4, art show and sale on Main Street in Historic Downtown Yuma. Admission is free.

Saturday, April 16, 5:00-10:00pm -- The FOX 9 X Factor Singing Competition Audition at Mt. Zion Church, 2445 24th Street. Laugh, Cry, and be amazed at Local talent as FOX 9 tries to find vocalists worthy of front of the line passes for the Dallas audition for Simon Cowell's new singing show, The X Factor. Register at [Http://superdsw.com/auditions/thexfactor.html](http://superdsw.com/auditions/thexfactor.html)

Saturday, April 16, 7:00-9:00pm - Foothills Optimist Wine Tasting Event at Yuma's Main Squeeze, 251 S. Main Street. Wine tasting tickets \$25, raffle tickets \$1/each, \$5/6, available from Foothills Optimist members. Sponsors or Raffle Prize donations should call Mary Ann at 580-7293.

Sunday, April 17, 5:00pm - St. Paul's Episcopal Church concert series, 1550 S. 14th Avenue. Free admission. Dominique Piana, harpist.

Thursday, April 21, 6:00-8:00pm -- Village Jazz Series at Yuma Palms near Harkins Theatre. Garrett Ortego Trio. Young standout guitarist Garrett Ortego returns to the Village Don't miss this opportunity to hear a true up and coming jazz talent.

Sunday, April 26, 10:00am and 2:00pm - Easter Brunch at Pivot Point Event Center. Cost is \$28/adults; \$20/seniors; \$10/kids under 12. Call for reservations, 782-1500. Menu includes a Peel and Eat Shrimp Display, Seasonal Fruit & Berries, Eggs Benedict, Omelet Station, Pasta Primavera, Grilled Salmon with Mango & Pineapple Beure Blanc, Carving Stations, Assorted Muffins, Danishes and Breads, our "Sweet Tooth" Dessert Display and much more....

Tuesday, April 26, 7:00pm - The Freedom Library Scholarship Awards Ceremony at Kofa High School Auditorium, 3100 S. Avenue A. The keynote address will be given by Lawrence Reed, President, Foundation for Economic Education, on the topic, "Great Myths of the Great Depression." Open to the public free of charge. Come learn about why the Great Depression took place and what can be done to prevent similar future events.

Thursday-Saturday, April 28-30, 7:00pm -- Gila Ridge HS Drama Club performs the musical "Mame" at the GRHS Performing Arts Center, 7150 E. 24th Street. Admission is \$8.

Thursday, April 28, 6:00-8:00pm -- Village Jazz Series at Yuma Palms near Harkins Theatre. Yuma Jazz Company and Friends. Ending the Series on a high note, the acclaimed local quintet will perform with some surprise guest artists - a great time will be had by all!

Thursday-Saturday, April 28-30 - 52nd Annual Arizona History Convention at Hilton Garden Inn and Pivot Point Conference Center. Registration is \$40 for the weekend. Meals are a la carte. More info from Vince@AZhistory.net

Thursday-Saturday, May 5-7, 7:00pm -- Gila Ridge HS Drama Club performs the musical "Mame" at the GRHS Performing Arts Center, 7150 E. 24th Street. Admission is \$8.

Friday, May 6, 7:00pm - Yuma Amateur Radio Club meets the first Friday of every month at Yuma Community Food Bank. More info from Kenneth at 344-8867.

Sunday, May 8, 5:00pm - St. Paul's Episcopal Church concert series, 1550 S. 14th Avenue. Free admission. Young Musicians of Yuma benefit concert.

Friday, May 13, 5:00-9:00pm - North End Art Walk on Main Street downtown. Visit all of the downtown businesses and view the works by each sponsored artist.

Saturday, May 14, -- Join Yuma Regional Medical Center and the American Business Women's Association as we celebrate women at the 2011 Women's Expo at the Quechan Casino Resort. Enjoy a day of pampering and enrichment with free health screenings, massages, shopping, speakers, giveaways, cooking demonstrations & more! FREE tote bag to the first 1,000 women who attend. For more information, call 336-7005.

Sunday, August 28, 10:00am-3:00pm -- "I Do" ...Bridal Show and Expo at Hilton Garden Inn & Pivot Point Event Center 310 N. Madison Avenue. Cost is \$5.00 in advance; \$7.00 at the door. Join Yuma's Best Wedding Vendors at Yuma's Best Wedding Venue! Meet local vendors for all your wedding day needs all in one place! Enjoy a fashion show featuring all the latest in wedding fashion trends. Plus, enter to win a free honeymoon package. Hors d'oeuvres and chocolate fountain dessert available throughout the day. Fashion Show at 12:30pm. Call (928) 783-1500 ext 278 for more details.

Continuing and Weekly Events

Mondays and Wednesdays, 12:30pm - Alcon Bridge Club Unit 357 of the American Contract Bridge League plays at Yuma Civic Center.

Mondays, 2:00-4:00pm - Chess Club for Teens ages 12-19 at Yuma Main Library, 2951 S. 21st Drive. Bring your own chessboard or use the library's. Continues weekly.

Mondays and Wednesdays, doors open at 4:00pm - I.C. Bingo at 501 S. Avenue B. Early bird game starts at 6:45pm.

Monday and Wednesdays, 7:00pm, continuing until August 28 - Free Texas Hold 'em Tournament at Daybreakers Café, 10800 N. Frontage Road, sponsored by Full House Poker Yuma.

Monday-Fridays, 9am to 4pm - Cocopah Museum and Gift Shop, south of Somerton, turn right on Avenue G, turn left at County 15th, two miles and follow signs to the Cocopah Museum. Tours available, call 627-1992.

Tuesdays, 7:00am - BNI, Business Network International, is a highly-focused business referral group, meets at the Clarion Suites, 2600 S. 4th Avenue. Only one member per profession is allowed to join the group. Learn more at our website, www.bniuma.com or call Lisa at 941-8819.

Tuesdays, 9:00am-3:00pm - China painters share the knowledge of the art; everyone welcome at the Yuma Readiness and Community Center, Araby Road @ 24th Street. More info at 305-1539 or charisv26@gmail.com

Tuesdays and Thursdays, 9:00am-noon, until March 31 -- Tennis League for Seniors age 50+ at Desert Sun Courts Ave A & 34th

AZ-YUMA-20-1086-A-000107

Street. Monthly - \$18; \$12 with City Resident Credit, \$51; \$34 with City Resident credit. This is a fun recreational league for players of all levels. Player pairings are drawn each morning to play with someone new each day. Register at Parks and Recreation Office, One City Plaza, on-line at yumaaz.gov or call at 928-373-5243.

Tuesdays, 10:00am-3:00pm, until March 29 - Farmer's Market downtown on Main Street includes farm fresh produce, activities, food, clothing, jewelry, and more. Sponsored by Yuma Community Food Bank, Feeding America and United Way of Yuma County. www.YumaFoodBank.org

Tuesdays, noon - T'ai Chi Chih class at Serenity Yoga, 720C E. 22nd Street. Admission is free, donations accepted.

Tuesdays, noon - Yuma-Kofa Toastmasters meet at the Yuma Community Food Bank. Participate in a fun and supporting Toastmasters group to become a better speaker and leader. More info, call Mike, 726-0796 or Connie, 726-8958.

Tuesday, 1:30pm - "Write on the Edge" a writers' group, meets at the Foothills Branch Library, South Frontage Road just east of Foothills Blvd. All writers are welcome, the group mission is to encourage writers and help them achieve their writing dreams.

Every other Tuesday, 4:00pm - Kids aged 8-12 years are invited to join "The Embroidery Club" at the San Luis Library. Please bring your own supplies. See you at the Children's Crafts Room. For more info. call 627-8344.

Tuesdays, 4:30pm -- Friendship Singles meets at the Yuma Community Food Bank, 2404 East 24th Street. Come and pick up a monthly calendar of events and meet some new friends.

Second and Fourth Tuesdays, 6:00pm - Bariatric Support Group meets offering peer support, clothing exchange and expert counsel on life after surgery in the Fellowship Hall of Gloria de Cristo Lutheran Church (11273 E. 40th Street - Foothills). If you or someone you know has opted for this surgery, please direct them to this group. For more information, you or they may contact Pat @ 503-4191 or Susan @ 503-3949.

Tuesday, Wednesday and Thursdays, 5:30pm, through March - Country Junction USA Chuck Wagon Dinner Shows, 10891 Ave. 36E. Wellton, AZ. Featuring Jack Jackson. \$25.00 per person includes dinner, tax, drink (coffee, tea, lemonade) dessert and show. Reservations required. Please call for reservations or more info. 928-785-4886 cjusaaz@aol.com

Tuesdays and Thursdays, 6:00-8:00pm - Yuma Sidewinders Rugby Football Club practices at Kennedy Park. Meet at the pavilion near the Hockey Rink. Old ruggers and new players are welcome. We are happy to teach anyone new to the game. Come play the full contact sport without the pads! Any questions contact Guy Avenetti g.avenetti@yahoo.com

Tuesdays, 7:00pm - Free Zumba classes for those 21 and older at the River Room inside Cocopah Casino.

Tuesdays, 7:00pm - Ladies Barbershop Chorus meet at Community Christian Church, 6480 E. Hwy 95, and invite all women who like to sing in four-part harmony.

Tuesdays, 7:30pm - Question Mike hosts live team trivia at the Hangar inside Yuma Landing, 4th Ave @ 2nd Street. Teams of any number can compete. Get there early to enjoy dinner from the Yuma Landing menu.

Tuesdays - Saturdays - Karaoke is hosted each night in the Sports Bar inside Cocopah Casino. Must be 21+ to enter casino.

Wednesdays, 4:00-7:00pm - The Yuma County Main Library, 2951 S. 21st Drive, will host laptop use time in the second floor classroom. The public access laptops have Microsoft Office software and Internet access, and can be used for homework-help, job and career related trainings, re-careering, and small business development. Volunteers will be on-hand to answer questions and offer assistance. Please bring a USB Drive to save your work. There is no charge to attend. A library card, driver's license, or other form of identification is needed to sign in to use a laptop.

Wednesdays - Yuma Blues Band Jam will happen each week at LZ Bar and Grill, 2175 S. Harley Drive. Blues band jam, open mic night; minors welcome with parent or legal guardian.

First and Third Wednesdays - Yuma Miniature Club and Saguaro Miniature Guild are accepting new members at Main Library, 2951 S. 21st Drive.

Wednesday, 5:00pm -- DJ RC and ladies 80s night at LZ Bar and Grill. All well drinks for the ladies are \$0.50 all night long.

Wednesdays, 9:00pm - "Reggae Night" at the Dunes, 711 E. 32nd Street. Local bands will perform, in addition to open mic for those who would like to join in. Must be 21+. No cover charge.

Wednesdays, 7:30pm -- Yuma Blues Jam and Open Mic Night at Jimmy Dee's. If you are musician looking to jam with other local artists or just enjoy listening to the blues, then check out the Yuma Blues Jam at Jimmy Dee's in Historic Downtown Yuma.

Fourth Wednesday of each month, 11:45am-1:00pm - Yuma County Republican Women meet at Putter Inn, 1245 W. Desert Hills Drive. For reservation call Anne at 344-9389, admission is \$11.

Wednesdays, 1:30pm -- Enjoy "happily ever after" during story time at the Wellton Library, 28790 San Jose Avenue! Story time for children ages 2-5 years old is offered. For more information, call Deanna Moser at (928) 785-9575.

Thursdays, 1:00pm -- The Foothills Library Sewing Club meets every Thursday at the Foothills Library, 13226 E. South Frontage Road. The club will be sewing clothes for babies, toddlers, and young children. All clothes will be donated to children in need. All ages and levels of sewing experience are welcome! There is no charge to attend. For more information, please call the Foothills Library at (928) 342-1640.

Third Thursday of each month, 5:30pm - Stroke Survivors Support Group of Yuma meets at Yuma Rehabilitation Hospital. Caretakers and survivors alike are welcome to answer questions, tell their stories, help others understand. There is no charge to attend.

Thursdays, 6:00pm -- Bilingual story time with Miss Mayra will be offered for children ages 0-5 in the story time room at the Main Library, 2951 S 21st Drive. Enjoy stories and songs in English and Spanish! There is no charge to attend; however, space is limited and registration is required. Sign up at the Youth Services desk, or call (928) 373-6468 to register. Children must be accompanied by a parent or guardian.

Thursdays, 6:00-9:00pm -- The computer lab at the Main Library, 2951 S 21st Drive, will be available exclusively to high school

AZ-YUMA-20-1086-A-000108

and college students who need to work on assignments. For more information, call (928) 782-1871.

Thursdays, 6:00-9:00pm - The Polka Rhythm Kings will perform at Cocopah Casino River Room. Free Admission.

Thursdays, 8:00pm - Karaoke at LZ Bar and Grill.

Thursdays, 9:00pm - Live Hip Hop Band at The Dunes Restaurant Bar & Grill, 711 East 32nd Street. Must be 21+, no cover charge.

Fridays, 3:30pm - Teen Gaming Club will meet at the Heritage Branch Library, 350 S. 3rd Avenue. Free admission.

Fridays, 5:00-7:00pm, through April - Knights of Columbus 1806 Fish Fry at Council Hall, 3875 S. 4th Ave. Cost is \$8.00 and includes Fish, Fries, Cole Slaw, Iced Tea, Lemonade or Coffee.

Fridays, 5:00pm; Saturdays, 11:00am and 5:00pm; Sundays 11:00am -- Come join the Zumba revolution! Zumba is a Latin inspired, dance fitness class that incorporates both Latin and international music with dance moves creating a dynamic, exciting, and extremely effective fitness system. Classes are held at the North End Community Center. The fee is \$25 for eight classes or a \$4 drop in fee, all payable to the Instructor. Only cash will be accepted. For more information, call 373-5245.

Fridays and Saturdays, 6:00pm, continuing weekly thru April - Live German Music at Das Bratwurst Haus, 204 S. Madison Ave., Peter and Marian play your favorite German sing-a-longs. There is no cover charge for the entertainment, please tip the musicians. Reservations recommended please call: 928-329-4777

Fridays, 6:30pm - YCTPA sorting and penning practice at Diamond W Arena. More info from Lawana at 580-7343.

Fridays, 7:00 - 10:00pm - Teen Open Hoops: it's a way to have some fun and get your exercise in. For just \$1, come on down to the Joe Henry Optimist Center Gymnasium, located at 1793 S. 1st Ave., for games of pickup basketball every Friday evening. Just show up and the Site Supervisor will put you on a team. Parents, this program is supervised to make sure teens are playing fair and having a good time. For more information, call 373-5200.

First Friday of every month, 7:00pm - Yuma Amateur Radio Club meets at Yuma Community Food Bank. More info from Kenneth, 344-8867.

Fridays, 9:00pm - Live Country Band at The Dunes Restaurant Bar & Grill, 711 East 32nd Street. Must be 21+, no cover charge.

Fridays, 9:00pm - DJ Sloe spins all the latest club and dance hits at LZ Bar and Grill.

Saturdays, 10:00am-2:00pm, continuing weekly through March - Yuma Food Bank Farmer's Market in the Kirkland's parking lot at Yuma Palms. Vendors include produce, arts, crafts, home décor and more.

Every Saturday, 11:00am-noon -- Need help with those back to school assignments? Homework Help will be available Saturdays in the story time room at the Foothills Library, 13226 E South Frontage Road, for teens on a first come, first serve basis. For more information, call (928) 342-1640.

Third Saturday of the month, 11:00am-1:00pm -- Kids ages 8-12 are invited to play board games at the Foothills Library, 13226 E. South Frontage Road. You can bring your own game, and use ours too! Please note, children under the age of 10 must be supervised at all times by a parent or caregiver that is at least 16 years old. For more information, call (928) 342-1640.

Third Saturday of the month, noon - Kidz Kraft will be held at the Foothills Library, 13226 E South Frontage Road, for children ages 5-12. Arts and crafts materials will be provided. There is no charge to attend. For more information, call (928) 342-1640.

Every Saturday, noon - The Yu Gi Oh Card Club for teens meets every Saturday at the Foothills Library, 13226 E. South Frontage Road. You can bring your own cards, and use our new booster packs, courtesy of the Friends of the Foothills Library. For more information, contact Araceli Hermoso-Palacios, Teen/Spanish Outreach, at (928) 342-1640.

Saturdays, noon and 2:00pm, through the winter - Deguello Gunslingers perform Old West comedy vignettes at Yuma Territorial Prison. www.deguellogunslingers.com

Last Saturday of every month, 10:00am -- The Genealogical Society of Yuma meets at Main Library, 2951 S. 21st Drive. Interested visitors are welcome. Discussion subjects include computer web sites and speakers that facilitate ancestor research.

1st & 3rd Saturdays of each month - Southwest Old Time Fiddlers perform at Capri RV Park, 32nd Street and 4th Ave Extension. Free admission. The fiddlers are available to play for your group or event. More info from 317-8397.

Fourth Saturday of each month, 1:00-3:00pm - Main Library, 2951 S. 21st Drive, monthly Sew & Go program is back. Each session we undertake a simple sewing project that can be completed in one 2-hour session. Space is limited so preregistration is required. Call 314-2452 or email Mimi Duncan at mduncan@yumalibrary.org to register or for additional information. Pick up a flier at the library listing the materials needed for this project!

Saturdays, 2:00pm - Meat Draws at Fraternal Order of Eagles, 225 1st Avenue. Money raised goes to Hospice of Yuma, Senior Nutrition and scholarships for local students.

Fourth Sunday of every month, 5:00pm -- PFLAG offers fellowship, education and support for parents, family and friends of lesbians and gays with an effort to spread love, tolerance, understanding, and acceptance for members of the Yuma gay, lesbian, bisexual, and transgender (GLBT) community. Meeting at Foothills Alano Club, 12535 S. Foothills Blvd

Contact Information

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Toll-free: 1-800-293-0071

Local calls: 928-783-0071

Visitor Information Center, 201 N. 4th Ave. (Quartermaster Depot S.H.P.)

Feedback on this email:

[claudia@visityuma.com](mailto:claudia@visityuma.com)  
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Yuma Visitors Bureau | 202 S. 1st Avenue | Suite 202 | Yuma | AZ | 85364

From: Lynne Pancrazi <Lynne.Pancrazi@yumacountyaz.gov>

Sent: Wednesday, January 29, 2020 8:51 AM EST

To: Penny Adams <pennya@countysupervisors.org>

Subject: Re: AGENDA for CSA Legislative Policy Committee Meeting January 31: Telephonically and via Web Conference

Penny,

I'll be the via phone.

Thanks,

Lynne

Sent from my iPhone

On Jan 28, 2020, at 4:25 PM, Penny Adams <pennya@countysupervisors.org> wrote:

Legislative Policy Committee Members,

- **First LPC Teleconference Briefing Meeting in 2020:**

- The first scheduled meeting is set for **Friday, January 31, at 9:00 a.m.** [This meeting will be conducted by **webinar and by teleconference.**]
- This meeting will be conducted via the Internet for the web conference/content portion and by teleconference for the audio connection.
- Please note that although a web camera is useful for the web conference, it is not necessary to have one to attend the web conference via the Internet. The meeting content will still be visible through the web conference without the use of a web camera. You will be able to log in to join the web meeting in order to view the content published, then connect through the teleconference for the audio portion of the meeting.
- Please know that although the LPC meetings are conducted by teleconference and webinar, you are welcome to join us at the CSA building for the meeting.

- **Agenda:**

- Attached is the agenda for the LPC meeting. A copy of the agenda is also listed below. Please note that some of the attachments are links within the agenda. A Word document of the list of bills is also attached for editing purposes.

- **Web Conference:**

- **Call Number: 1-669-900-9128**
Meeting ID: 704 222 239

- **To join the Zoom meeting now, click here:** <https://zoom.us/j/704222239>

Some helpful hints:

- *Please note: if you are unable to download the Zoom application, please simply click the link in your browser that says "start meeting from browser."*

- **Teleconference:**

- The teleconference number is **1-669-900-9128 (Meeting ID: 704222239)**.
- Please do not use your computer's microphone system to join the meeting; it will create feedback.
- Please review the teleconference guidelines listed below.
- LPC members are always welcome to attend the meetings in person, but the meetings have been set up telephonically and by web conference for your convenience to promote fewer disturbances on your work schedules.

- **Teleconference Guidelines:**

- As a gentle reminder, teleconference guidelines are listed below for all participants to follow, whether you are attending in person or telephonically. We appreciate you taking the time to help us create the best audio environment for all involved.

- **RSVP:**

- If you have not yet done so, please [RSVP](#) your attendance for the LPC meeting and whether you'll be attending in person or telephonically/web conference.

- **Proxy Form:**

- Attached is a proxy form that may be used for the LPC meeting if you (your county's LPC representative) are unable to attend in person or telephonically
- The proxy may be assigned to *any* county supervisor in any county.
- You may forward your proxy form by facsimile to 602.253-3227 or you may hand deliver it prior to commencement of the LPC meeting.

Thank you and we'll talk with you on Friday.

AZ-YUMA-20-1086-A-000111

Penny

Penny Adams
Director of Finance and County Services
County Supervisors Association of Arizona
1905 W. Washington St., Ste. 100
Phoenix, Arizona 85009
Ph 602.452.4502 / Fax 602.253.3227
PennyA@countysupervisors.org
www.countysupervisors.org

COUNTY SUPERVISORS ASSOCIATION LEGISLATIVE POLICY COMMITTEE

AGENDA

January 31, 2020

(Conducted Via Teleconference and Webinar)

Teleconference 1-669-900-9128

[Web Link](#)

County Supervisors Association
1905 W. Washington St.
Phoenix, AZ

9:00 a.m. Call to Order ~*President Rudy Molera*

- A. Approval of the Minutes of the January 24, 2020, Legislative Policy Committee Meeting
- B. [Executive Budget/JLBC/Senate Majority Overview](#)
- C. CSA Legislative Agenda
 - 1. [CSA Legislative Budget Priorities](#)
 - a. [HB 2350 counties; committed youth contributions; repeal](#) (Toma)
 - b. \$3 million - Presidential Preference Election
 - c. Contain County ALTCS Contributions
 - d. Increase Transportation Investment
 - 2. [SB 1280 pensions; unfunded liability; expenditure limits](#) (Mesnard)
 - 3. Short Term Vacation Rental Regulation (Kavanagh & Brophy McGee)
 - 4. Short Term Vacation Rental Tax Parity (Mesnard)
 - 5. [SB 1303 annexation of territory; requirements](#) (Pratt)
 - 6. [HB 2123 appropriation; heritage fund](#) (Osborne) / [SB 1085 appropriation; heritage fund](#) (Brophy McGee)
 - 7. [HB 2478 rural counties; transient lodging tax](#) (Pierce)
 - 8. [HB 2479 juvenile dependency; state aid; appropriation](#) (Biasiucci)
 - 9. [HB 2581 dangerous; incompetent person; evaluation; commitment](#) (J. Allen)
- D. Legislative Bills for Discussion
 - 1) [HB 2055 civil traffic violations; community restitution](#) (Biasiucci)
 - 2) [HB 2084: international boundary wall, building permits](#) (Petersen)
 - 3) [HB 2227 criminal justice commission; data collection](#) (J. Allen)
 - 4) [HB 2231 Arizona criminal justice commission; members](#) (J. Allen)
 - 5) [HB 2235 recording of proceedings; certified reporter](#) (J. Allen)
 - 6) [HB 2352 centrally assessed property; valuation; pipelines](#) (Toma) / [SB 1204 centrally assessed property; valuation; pipelines](#) (Mesnard)
 - 7) [HB 2404 TPT; prime contracting; exemptions; certificates](#) (Cobb)
 - 8) [HB 2469: law enforcement officers; additional benefits](#) (Payne)
 - 9) [HB 2475 law enforcement officers; rights; privileges](#) (Payne)
 - 10) [HB 2493: community facilities districts](#) (Toma)
 - 11) [HB 2589: land division; county regulation; surveys](#) (Griffin)
 - 12) [HB 2631 PSPRS; local boards; duties; consolidation](#) (Blackman)
 - 13) [SB 1113 mortgaged property; tax statements; information](#) (Leach)
 - 14) [SB 1133 public works; contracts; payment](#) (Gray)

E. Other Legislative Issues

F. Next Meeting Date and Time (*Friday, February 7, at 9:00 a.m.*)

G. Other Business

H. Adjourn

Microphone / Teleconference Guidelines

For Those In-House at the Meeting

- Please sit directly near a microphone. A microphone is available for every two or three seats.
- Please hand the microphone to the person wishing to speak on your left or right.
- Push the button on the stand of the microphone to initiate the microphone. The light will shine green.
- Prior to speaking, please indicate your name and your county for the benefit of those on the teleconference.
- Please speak directly into the microphone. The microphones pick up sound in a cone shape in front of the microphone and if you turn your head while speaking, the sound cannot carry to those on the teleconference.
- Push the button to turn off your microphone when done speaking.

For Those On The Teleconference

- When calling into a teleconference, please use a land line telephone with mute capabilities.
- If you must call in from a cellular phone, please mute your phone to eliminate background noise.
- If you can't mute your telephone, please hang up and call back on a land line telephone that has mute capabilities.
- **The teleconference service provides mute capabilities by pressing *6 to mute and unmute your individual line.**
- WHEN SPEAKING, PLEASE INDICATE YOUR NAME AND YOUR COUNTY.

Thank you.

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