



UTAH WATER USERS ASSOCIATION

**2012 Annual Conference
St. Georges, Utah
March 13, 2012**

FEDERAL WATER ISSUES: THE 112TH CONGRESS AND BEYOND

Is Anybody Home?



NWRA High Priority Issues

- **USBR Directives and Standards**
- **EPA Pesticide General Permit**
- **Aging Infrastructure**
- **National Committee on Levee Safety**
- **Regulatory Overreach**
- **Small In Conduit Hydropower**

USBR Directives & Standards

- Proposed Changes: among other things would require market rates for water delivered to 10 acre parcel or less **(NWRA Opposes)**
- NWRA Engaged in Discussions with USBR
 - November 2011 – Briefing by USBR at Annual Conf.
 - January 2012 – Discussion with USBR at Leadership Forum
 - February 2012 – Briefing and Discussion at FFA Annual Conference
 - March 2012 – Final Briefing at NWRA Spring Conf.

EPA Pesticide General Permit

- Cotton Council case required EPA to issue a general permit for the application of pesticides in addition to FIFRA requirements.
- NWRA considers this “double permitting” and is pursuing federal legislation H.R. 872 to overturn the court decision.
- **STATUS** – legislation has passed the House and is pending in the Senate.
- **PROSPECT** – uncertain due to Senate holds, possible inclusion as Appropriations rider

Aging Infrastructure

- NWRA considers this a serious problem for the future viability of existing USBR facilities
- USBR has no existing program to address the problem beyond annual O&M requirements
- NWRA legislation is awaiting principal sponsors in both the House and Senate
- **STATUS** – No support from either the Congress or the Administration.
- **PROSPECT** – Very little, particularly given the current federal deficit

National Committee on Levee Safety

- USCOE tasked with developing a levee safety program for the nation in the wake of hurricane Katrina
- USCOE draft includes irrigation canals to be regulated under the proposed safety program
- NWRA opposes the inclusion of canals
- **STATUS** – Pending inclusion in a WRDA bill
- **PROSPECT** – Unlikely in the current Congress and will continue to be opposed by many Western Members of Congress

Regulatory Overreach

- NWRA opposed the Obama Administration's attempts to legislate through regulations
 - Examples include
 - Clean Water Act – water transfer rule, nutrient criteria guidance
 - Endangered Species Act – “significant portion of range”
- **STATUS** – NWRA continues to monitor attempts by various agencies
- **PROSPECT** – In a Presidential election year it is very unlikely that the Administration will pursue any action which might alienate a particular region or group

Small In Conduit Hydropower

- NWRA is pursuing legislation that would allow district to install small hydropower (1.5mw or less) without costly FERC permitting
- NWRA supported legislation has been reported out of the Natural Resources Committee in the House
- **STATUS** - moving in the House H.R.2842 passes overwhelmingly , pending Energy legislation in the Senate
- **PROSPECT** – Excellent in the House, likely the Senate will address it in Energy bill

Other NWRA Priorities

- **Title Transfers** – pursuing additional opportunities for water users to obtain title to facilities in a cost effective process
- **Encroachment** – encouraging USBR to enforce existing regulation on easement/rights-of-way encroachment and explore potential legislative or administrative opportunities
- **Federal Funding of Water Project and Programs** – continue to support current funding levels Bureau wide

Looking Ahead to the 113th Congress

Clean Water Act – Regulated Community Seeks a Comprehensive Reauthorization of the Act
Agriculture in the Crosshairs

Endangered Species Act – Reasonable opportunity to accomplish some reform - NESARC

Water Resources Development Act – Authorization Bill likely to be enacted
NLCS is the pivotal issues for NWRA

2012 Elections

House of Representatives

Senate

White House