

**Subcommittee on Water**

Chair: Julie Carter (AZ)

Vice-Chair: Bob Caccese (PA)

Monday, September 23, 2024

1:00 PM-2:45 PM

Hall of Ideas H, Level 4, Monona Terrace Community and Convention Center

114th Association of Fish & Wildlife Agencies Annual Meeting

Madison, Wisconsin

**Agenda**

1:00 pm Call to Order/Review Agenda/Approval of Minutes – *Julie Carter, AZ*

* Minutes approved

1:05 pm Introductions – *All*

1:10 pm Virtual Pre-Meeting Recap – *Julie Carter (AZ)*

* held a virtual SOW pre-meeting on August 26, 2024
* 16 participants joined the call, highlighting the importance of holding these virtual meetings for the many SOW members who are unable to attend AFWA’s biannual in-person meetings.
* received an update from the Interstate Council on Water Policy (ICWP)’s Executive Director Beth Calloway
  + status of key water policy legislation and ICWP’s congressional advocacy efforts.
  + what ICWP members view as the topics most best suited to collaboration between ICWP and AFWA: water policy legislation, natural infrastructure and design standards, and improving coordination between state water agencies and state fish and wildlife agencies.
* Christopher Estes provided a number of updates from the Instream Flow Council, including a recap of IFC’s biennial meeting held this past Spring 2024. IFC is currently exploring a potential future FLOW/WATER LEVEL global workshop that will focus on water level conservation in lentic habitats (2026 or after
* Christopher also shared an update on progress towards establishing an Instream Flow and Water Level Conservation (IFWLC) training center now referred to as the [National Center for Ecologically Sustainable Water Conservation and Management](https://www.instreamflowcouncil.org/training-center/)
  + Following recommendations made by both SOW and FWRPC at the North American, AFWA staff have drafted a resolution to endorse the feasibility assessment and efforts to pursue establishment of the center
  + draft resolution will be considered by the parent committee, FWRPC, at the Annual September 2024 Meeting
  + Those who attended the virtual meeting voiced support for the recommendation and encourage all SOW members attending the in-person meeting to do the same via an action item.
  + Christopher also discussed next steps for finding a host and funding for the center.
  + Request will be made to Federal Aid to extend the grant to Spring 2025.
* Roundtable discussion on state and partner water quantity and quality issues and challenges
  + Reservoir levels and drawdowms
  + Instream flow rights
  + FERC hydropower projects

1:20 pm Government Affairs Update – *Ali Schwaab (AFWA)*

* WRDA S. 4367, HR 8812
  + - This biennial legislation authorizes the U.S. Army Corps of Engineers feasibility studies, programs and projects.
    - While The House and Senate have both passed their WRDA bills, which now head to a conference committee to reconcile the differences between their respective bills. Both are largely project focused and do not contain many overarching policy changes.
    - House Bill includes
    - A provision that makes water supply a primary mission of the US Army Corps of Engineers and requires the corps to give equal consideration to water supply missions when dealing with such projects. (Sec.121).
    - A provision that grants the US Army Corps of Engineers the authority to remove abandoned vessels from navigable waters if determined that it would be in the public interest. $10M per year between fiscal years 2025 and 2029 is provided (Sec. 141).
    - Reauthorization of several AIS programs
    - It authorizes 160 new feasibility studies for locally proposed projects, and another 12 that have been reviewed by the corps and approved by an official.
  + Senate Bill
    - the bill directs the GAO to initiate a study within one year to evaluate the Corps’ project partnership agreements.
    - Specifically, the bill directs the Corps to analyze the indemnification clause and the assumption of Operations, Maintenance, Repair, Rehabilitation & Replacement (OMRR&R) responsibilities by the non-federal sponsor in perpetuity (see Sec 233(b) on page 108 of the bill).
    - **ICWP led a sign-on letter to both chambers in support** of the Senate's PPA study provisions and submitted to Senate EPW and House T&I two weeks ago. AFWA has signed on.
* Good Samaritan Remediation of Abandoned Hardrock Mines Act (S.2781, [H.R.7779](https://www.congress.gov/bill/118th-congress/house-bill/7779))
  + Shields “Good Samaritan” groups from liability when to cleaning up old hardrock mines
  + Creates a new EPA pilot program
  + Passed the Senate in July
  + House bill passed in September
  + Likely to make it into final NDAA
* Sacramento RIVER Act S 5011
  + Under Section 2 of the Sacramento RIVER Act of 2024, the Secretary is authorized to establish Integrated Water Management Federal Leadership Committees comprised of federal water and natural resources agencies, including the Bureau of Reclamation, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Corps of Engineers, the Environmental Protection Agency, and the Department of Agriculture.
  + The Assistant Secretary for Water and Science of the Department of the Interior would chair each Committee and would coordinate activities.
  + committees would be limited to projects in a watershed in which a Bureau of Reclamation project is located and where the entity or qualified partner sponsoring a habitat restoration project receives financial assistance from the Secretary and makes a request for its establishment.
  + The committees would be tasked to focus on communication, coordination, and recommendations among Federal agencies to support, accelerate, and advance the implementation of habitat restoration projects within the watershed
  + intended to be modeled after the Yakima River Basin Water Enhancement Program
  + Note: could trigger FWCA
* WATER Data Improvement Act - S. 4245, HR 5770
  + Water Monitoring and Tracking Essential Resources Data Improvement Act
  + bills to reauthorizes USGS water data enhancement programs, including authorities for the Federal priority streamgage Network and the national groundwater monitoring network.
  + House passed its bill in July
  + Senate introduced their bill in May, hearing held in September by Senate Energy and Natural Resources Subcommittee on Water and Power
* Hydropower Licensing Reform
  + Unlikely that the Cantwell-Daines bill or McMorris Rodgers bill progress this Congress, but work is underway to incorporate some non-controversial pieces into the Manchin permitting reform bill.
  + One of those that we still have concerns about is the requirement for federal agencies, states and tribes to use existing studies and information for decision-making…this obviously would limit ability to request new studies. Also requires written statement providing written justification if an agency, state, or tribe requests a new study.
  + One that we like is the creation of a fund for reimbursing state agencies and Indian Tribes.

1:35 pm Cold Water Releases in the Colorado River – *Julie Carter (AZ)*

* a presentation on smallmouth bass flows recently implemented at Glen Canyon dam.
* Colorado river basin, GCD provides power for 6 states, water supply for 3 states
* Lees ferry managed as tailwater fishery for rainbow trout
* Little CO River has largest pop of humpback chub
* Managed for native fish with the exception of Lees ferry for RBW trout
* In huge drought period
* Storage trends at Lakes Powell and mead continue to decline
* Waters are warmed because levels are lower, nonnatives getting through and spawning in mainstem of Colorado river
* GCD adaptive mgmt. program and adaptive mgmt. wg (FACA)
* Longterm experimental mgmt. plan- how operations are done
* AMWG gives recs on LEMP to bor and interior (park service)
* Nonnatives est’d- brown trout, doing well with warmer temps.
* Treating with rotenone
* Green sunfish also showing up, small mouth bass
* Changes in fish assemblages happening very quickly, RBT fishery crashing. Below target angler catch rate…likely due to warmer temps, presence of brown trout
* Response strategy:
  + SMB YOY at lees ferry seen first in ‘22
  + How to disincentivize SMB
  + Draft EA, supplemental EIS
  + Experimental flows
  + Id’d cool mix as preferred alternative
  + SMB flows started July 9
  + Modify hourly/daily flows to disrupt SMB
  + Specific triggers- cool mix flows begin when 15.5 deg C three consecutive days
  + Releases water from both penstocks and river outlet works
  + Play with lows, check temps to see when they get below 15.5, then stabilize and monitor
  + Alternating flows between minimum power and dead pool
* Affects power company’s ability to gen. power (so, costs money)
* Benefits at lees ferry
* DO has gone up with the cool mix flows, hopeful this will benefit RBT
* More about native fish, but benefiting RBT as well
* Conductivity changes
* Lots of water quality monitoring

1:50 pm Roundtable on State Water Quantity and Quality Issues *– All*

* Fair amount of discussion around PFAS and consumption advisories, plus a lack of clear patterns in terms of where PFAS levels are high, and which species contain highest levels. Lack of evidence of bioaccumulation we see with PCBs, mercury. There is interest in getting the Legal Committee’s input on multi-jurisdiction litigation on PFAS.
* AFS is looking into developing new methodologies for fish kill investigations (rather than weight).
* Both Texas and Idaho have raised concerns around issues FERC’s hydropower. Of particular concern is the lack of enforcement of license conditions at hydropower facilities.
* Values for different species – some states have in statute, others reference AFS book.

2:20 pm Federal Partner Updates

* FWS mentioned they are starting a process to conduct a climate risk assessment of their hatchery system.

2:40 pm Wrap-up Discussion and Adjourn – *Julie Carter (AZ)*

* Action items for FWRPC- Subcommittee recommends FWRPC endorsement of support for the IFWLC training center resolution.