

The Corps' Role in State Water Planning

Strategic Think Piece
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Blue Team

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*Whiskey is for drinking; water is for
fighting over*
– Mark Twain



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Problem Statement

Water issues related to increasing demand; limited supplies; aging infrastructure; inconsistent and uneven state water planning; and interstate conflicts have led to the need for increased Federal participation in water resource planning.



Presentation Overview

To provide information and recommendations related to Corps involvement in state water planning

- Interstate Conflicts and Outside Recommendations
- Dependency on Corps Assets
- Agency Authorities
- Ongoing Activities
- Recommendations
- Implementation
- Questions



A Few Examples of State Water Conflicts

- **Virginia & Maryland** dispute over waters of Potomac (1632 – present)
- **Arizona v. California** dispute over the Colorado River (1931 – 2006)
- **Tarrant Regional Water District/State of Oklahoma** dispute over waters north of the Red River (2007 – present)
- **ACF/ACT** conflict over waters of Corps Lake Lanier (1989 – present)



Western States Water Council

Recommendations:

- Align Corps regulatory permit evaluations of municipal water supply requirements with accepted planning practices.
- Review drought contingency plans at Corps reservoirs.
- Delegate authority to Corps division offices for water supply reallocation.
- Permanently reallocate water to M&I storage.
- Identify existing authorized studies that could be converted to integrated water management studies that focus on urban-urbanizing watersheds with complex water delivery problems.
- The federal government should identify, restore, and preserve high value watersheds and natural features with technical and financial assistance.



Outside Recommendations

- American Water Works Association – June 2009
 - “Water Supply: Is it still a local decision?”
- Congressional Research Service - 2007
 - Individual project authorization vs. Standing program authorization
- Joseph Westphal former ASA(CW) – 2008
 - “a comprehensive examination of national [water] priorities and how states may be assisted in strengthening their capabilities for improving infrastructure should be implemented immediately.”





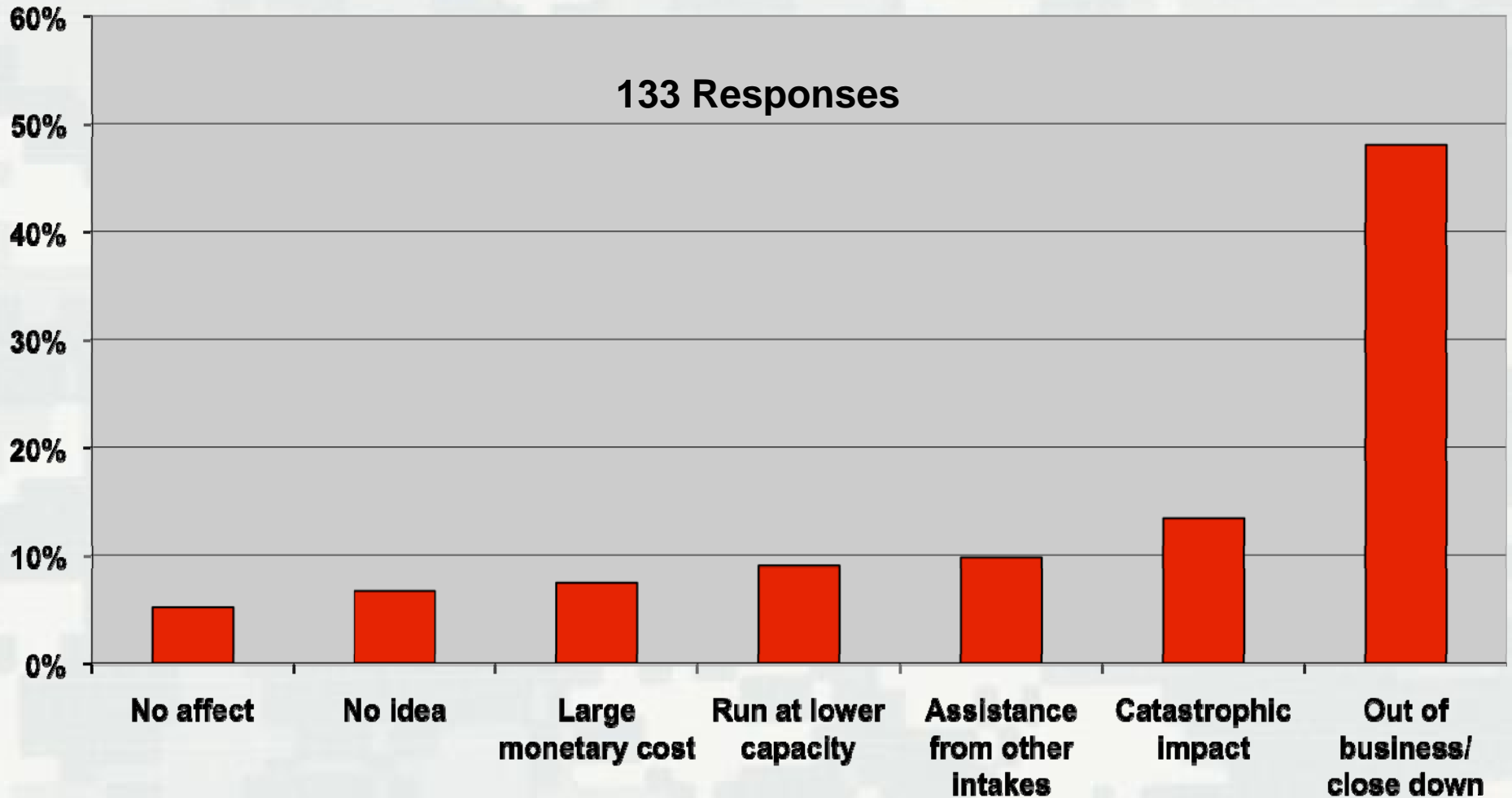
Dependency on Corps' Assets – Ohio River Inland Navigation System

- Supports 388 water withdrawals
- Utilizing an average of 23 million gallons per day with estimated value of \$1 billion.
- Divided between industrial users (94%, including 74 electric power generators) and domestic users (6%).
- Corps surveyed known water withdrawers to determine effect of loss of pool.





Ohio River Mainstem Study Responses



Dependency on Corps' Assets – Lake Lanier, GA

- Authorized for flood control in 1946, water supply included
- In 2007, ESA required withdrawals for species downstream in Florida and Alabama
- July 2009, ruling of Federal court found that Corps had exceeded authority. Congressional fix or negotiated solution between states will be required within 3 years – July 2012.



Dependency on Corps' Assets – Lock and Dam #3, MN/WI

- Authorized by Rivers and Harbors Act of 1930
- Provides cooling water for two large power plants
- Loss of pool could adversely affect urban power supply
 - Human health and safety





Agency Authorities

The Corps

- WRDA 1974, **section 22 Planning Assistance to States**
- WRDA 1986, **section 729** Watershed Study Authority
- WRDA 1992 **section 219** Corps assist locals with planning & design of environmental infrastructure projects
- section 313** Corps assist with design & construct

EPA

- State Revolving Fund – loans for drinking water facilities and wastewater (programmatic authority)

USDA

- Grant and loan program for water & wastewater program for communities of populations 10,000 or less (programmatic authority)





Ongoing Activities

- WestFast – Western States Federal Agency Support Team
- Delaware River Basin Commission
- Southeastern States Regional Water Resource Alliance



Recommendations

The Corps Districts should take an expanded role in promoting current and future authorities to help with local and regional water resource planning issues, focusing in two key areas:

- Leadership
- Technical Expertise





Leadership

Corps facilitate collaborative efforts to meet regional and state planning objectives through:

1. Outreach
2. Recruitment and development of watershed planners
3. Collaborative planning and conflict management
4. IWR – research and development of options for funding increased Federal participation
5. Educate partners regarding existing and future authorities



Technical Expertise

The Corps is a leader in water resources technical expertise and is positioned to provide technical services to local governments

1. Technical Expertise

- Planning
- H&H
- Economics
- Environmental

2. Watershed Planning

3. Existing project infrastructure



Implementation Approach

- Corps districts conduct consistent outreach to state water planners
- Facilitate intergovernmental cooperation to leverage resources and expertise
- Approach state water planning from a watershed level, rather than political boundaries
- Mediate and arbitrate disputes before they escalate to litigation



Implementation Concerns

- Interstate conflicts related to state rights of self-governance and state water law
- Conflicting water law (riparian vs. appropriation)
- States are currently planning by political boundary, not watershed
- Funding
- Varying levels of state planning expertise
- Relationship between Corps and other agencies



Implementation Benefits

- Corps brings expertise, can leverage resources
- As a neutral third party, may help to minimize litigation
- Alleviate disparities in state water plans caused by varying levels of expertise and vision
- Build long term relationships for the future
- Provide a base for future water resource studies
- Model framework for multiagency collaboration



Recommendations Overview

- Districts should be first line of implementation with support from Headquarters and MSCs.
- Promote collaboration between the local, state, and federal stakeholders
- Provide baseline information for future water resource studies
- Foster relationships and partnerships that will lead to successful water resource planning
- Develop watershed planning capabilities for the future.



Questions

