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## SECURE Water Act - Senate Bill 2156 - Impact on USGS Programs

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I appreciate the opportunity to speak today at this annual event. I want to start off my discussion of the SECURE Water Act with the need for honesty at all times. I'll begin by reading a portion of an editorial that was in the *Santa Fe New Mexican* on April 21, 2008. The editorial was entitled "Putting science to work on water issues" and in the editorial it says, "It is great to see the congressional delegation in our part of New Mexico once again when it comes to water. Late last year, Jeff Bingaman, chairman of the Senate Earth and Natural Resources Committee, and Pete Domenici, ranking Republican on the same committee, cosponsored a bill which, among other things, would replace the many myths about water with real figures on which sensible policy can be built. It's got one of those too cute acronyms as a name, SECURE - Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act. Westerners, long in need of such legislation, will forgive whoever thought

up that mouthful, as long as it doesn't turn away prospective supporters." So I guess in the spirit of true disclosure, my contribution to the New Mexico Water Act is coming up with a "too cute" acronym. I am not going to ask you for forgiveness but I will apologize. I won't ask for forgiveness because from the editorial here, enacting the bill into law and putting it to work for water users and everybody alike is a good thing. So I hope you guys don't hold it against me.

I want to talk to you a bit about the genesis of the SECURE Water Act - what went into our thinking in putting it together, some of the overarching goals that Senator Bingaman laid out in his charge to us to put some meat into the program, and then finally talk about some of the provisions in the bill itself. It is still alive for the 110th Congress - there's not a lot of legislation that is still pending, and this is still alive.

During the period 2002-2006, there were a number of reports generated talking about the challenges we are facing in the area of water resources and recommending that certain actions be taken. I think the common themes are that we have drought, we have population increases, and we have a new understanding of environmental needs and the allocation of water for those environmental needs. And finally, we face the challenges of climate change and its impact on not only the timing and mix of precipitation, but actually the precipitation patterns themselves and whether certain countries will be wetter and certain countries will be drier. Based on those concerns, a lot of people started looking at water resource programs more closely and some of their reports that contained really good information. This should be comforting to the folks in academia – somebody actually reads those reports and takes them into consideration.

One of the reports we looked at was the National Research Council's report on confronting the nation's water problems through research, which was published in 2004. The National Resource Council did a report with the USGS on estimating water use in the United States. The National Resource Council also did an assessment of the National Stream Flow Information Program back in 2004. The White House Office of Science and Technology, through their subcommittee on water availability and quality, put together a very good report on science and technology. In 2006, the Western Governors Association put together a very good summary of challenges and recommendations of strategies for a sustainable future. Around this same period, the Inter-government Panel on Climate Change in 2007 came out with a series of reports describing the evidence of climate changes, not only warming temperatures but also following up on that and talking about the impact on certain resources.

All these reports settled in with us and with Senator Bingaman in particular. He charged us with coming up with some kind of an appropriate response of what the federal government should be doing to address those issues highlighted in those reports and hearings. We also had a hearing with the Water and Power Subcommittee in June of 2007 where we brought in a panel of scientists to talk about the latest evidence of the impact of climate change on global resources. We followed up with a panel of water users representing the municipalities, agricultural, environmental needs, sportsmen, and so on. I think what we took away from that hearing was that whatever you think about climate change or the basis of climate change, there was a pretty broad consensus among those various water user groups that

something was happening to affect water supply and something needed to be done to better understand and react and adapt to those changes.

We decided to come up with some broad goals and put together legislation. From somebody who had been in Washington D.C. and working for the federal government, our initial goal is always, how do we have a federal role that is an appropriate one to deal with water resources that respects the respective water resources institutions and the state and local communities? I think that notion has shifted over time. With a program like the SECURE Water Act, back in the 1980s, people would have said thanks but no thanks, this is a little too much federal involvement. But I think now the challenges are so great and the need so great that there is a recognition of a need for a very workable partnership between the federal government and state and local communities. That's what we were trying to strive for when putting together a bill.

I have to tell you, Senator Bingaman, for several years now, has been very concerned with the overall direction of the federal government's role in water resources. I think particularly with the current administration, and more philosophically than budget driven, there has been a desire to step away from water resource programs and that is evidenced by the funding levels that we see. Let me give you a couple of quick facts and figures to justify that statement. In 2008, overall water resource programs, Bureau of Reclamation's total budget, Corps of Engineer's total budget, the EPA's Clean and Safe Water Program, USGS Water Resource Program, and USDA's Water Utilities Program, overall those programs are at about the \$10 billion range. In 2008, those programs represented about 1.1 percent of the overall federal budget. Back in 2001, those programs represented out of the total federal discretionary budget, 1.5 percent. So there is a downward trend in the overall discretionary budget funds applied to water resources. If the President's 2009 budget were implemented by Congress, it would go down to .9 percent of the overall discretionary budget. For some figures related to that 09 budget: the 09 budget when you account for inflation, represents a 26 percent decrease in those same water resources programs between 2009 versus 2001. People may say we have budget deficits, and that it is to be expected that we would see that downward trend, but between 2009 and 2001 when talking about the overall discretionary budget and accounting for inflation, there is a 23 percent increase. So we have an overall increase in the discretionary budget while water resources programs are being cut. This represents

the trajectory that we are seeing overall with respect to water resources budgets. That is part of what Senator Bingaman wanted to address is a comprehensive program that outlines some necessary items that the federal government should be involved in and to try and gain support for funding for those programs.

Some of the other goals are very basic in nature. They include improving water data collection and monitoring on the idea that better data lead to better decision making. The most common example of not having those numbers or good data is the Colorado River Compact, which as everybody here probably knows, is based on assumptions about the amount of flow in the Lower Basin. We are all trying to do a good job with the Compact we have, but the assumptions about the basic Compact were in error.

A second goal was to improve water management strategies, which is necessary with increased competition for water resources. We must increase the efficiency with which we use water.

Finally, our last goal had to do with the idea that we need to better understand and adapt long-term changes in water resources. The obvious example is if we better understand what's going on with climate change and how that might affect water resources availability – like the mining of aquifers when we know that that water supply will not be there forever – we can start dealing with the timeframes involved and how to react in that situation.

With that, I will move on to some of the provisions in the SECURE Water Act. There are six major elements of the Act itself. First, there is a climate change adaptation plan from the Bureau of Reclamation, which is designed to allow the Bureau access to available information and how water resources are being affected in Reclamation basins and how that might affect Reclamation projects. The big step there was to preauthorize Reclamation feasibility studies that will allow them to assess and create adaptation strategies to deal with those issues.

A second program is known as the Bureau's Water Treatment Act, which is really a codification of Reclamation's Water 2025 program with our own little spin on it as far as what parties should be part of Reclamation's grant program. The intent is to implement water conservation acts and improvements. It now authorizes funds and grants for major species conflicts and maps out strategies to deal with those items. We worked very closely with the Bureau of Reclamation and USGS

on this and I think it was a great effort on everybody's part. We dramatically improved the bill that is now being introduced and that is a credit to these guys here today for being able to roll up their sleeves and give us some good technical recommendations.

A third program was the Hydro-electric Power Assessment from the Department of Energy to monitor water availability and changes as well as the impact on hydro-power generation. We had a climate change and water inter-governmental panel specifically look at the best science out there about climate change and to project how climate change would impact water resources overall from a federal perspective. We brought in people from NOAA and combined it with what the USGS has done and even included the Forest Service, which operates snow sites. We brought these folks together with the actual water people from the Bureau of Reclamation and Corps of Engineers so that the water sciences people are interacting in a formal way with water users and water managers.

Finally, we included a couple of USGS programs that are absolutely critical and very proudly supported. The USGS is strengthening and expanding their National Streamflow Information database. The data are invaluable. The NSIP reports their goal is to get up to 4,700 sights being gauged as part of that program at federal expense. They currently are at about 2,700 or 2,800. This bill would mandate that increase over a ten-year period and provide resources to do it. We are also looking at improving groundwater monitoring and better understanding surface/groundwater interactions, which is becoming ever more critical. And there are incentives to create new methodologies. It may be that it is not always the traditional stream gauge – maybe there are better ways out there that could be implemented. We need to get everybody thinking, whether they are from private industry or academia, on how to improve measurement of water resources.

The last element was to codify formally and elevate the Water Use and Availability Program. With the National Research Council recommendations for a formal science program for USGS, we have better data being acquired by USGS to help state and local entities with water availability in the future.

Lastly, I will mention briefly the status of the bill. On September 11 of this year, our bill came out of the Senate's Natural Resources Committee. The bill has very broad support reaching out to two bases and all those entities we talked about. We worked closely not only with the current administration but with the House's

Natural Resources Committee, which is our counterpart, and I think that committee is also very supportive of the bill as well. The bill is pending currently as part of the overall omnibus public lands package. This is a comprehensive bill that has 152 individual bills. We want to bring this before the Senate when we reconvene on November 17 and try to get this massive piece of legislation through and on to the President's desk. There are a whole host of public lands bills, science bills, and other bills out of our committee. Even though the Senate has announced it will come back in a lame duck session, we are very unsure of the status of the bill because we don't know what the House of Representatives is doing. It appears we will reconvene over the economic stimulus package to help deal with the financial state of affairs. So if the House reconvenes for that reason, I think we have a good chance of bringing this bill up and getting it passed. Only a few things can be considered in a lame duck session and this happens to be one if the House reconvenes. A majority of leaders will give some of their time to try and get this enacted into law.