

## Western Urban Water Coalition 10 Year History – 1992-2002

The year 2002 marks the 10th Anniversary of the Western Urban Water Coalition, an organization of municipal water suppliers in the Western United States, serving more than 35 million customers in the region's largest metropolitan areas.

The need for the group was recognized by a founding group of western urban water agency general managers late in 1991 and early 1992. This founding group included **Carl Baronkay** of the Metropolitan Water District of Southern California, **Chips Barry** of Denver, **Don Christiansen** of Utah and **Patricia Mulroy** of Las Vegas. The first organizational steps to form the WUWC were taken in the Spring of 1992 and the formal announcement of the Coalition was made on June 30, 1992. On that occasion, the first WUWC Chair, Pat Mulroy of the Las Vegas Valley Water District, said: "Population growth in western cities, shrinking water supplies and environmental demands have placed unprecedented pressures on our water utilities. Western cities, where growth and economic forces are most intense, must provide the progressive ideas to resolve the conflicts. The WUWC is our vehicle for accomplishing this goal."

The Statement of Purpose for the Coalition, which remains unchanged, captured its essence by stating that the WUWC "is an organization created by changing times and needs. Its purpose is to present a new and distinct perspective on the management of water resources in the modern West. The Coalition aims to provide a new, separate and progressive voice to articulate the needs and values of western cities."

1992 was the last year of the Presidency of George Herbert Walker Bush, although he did not know this in the summer of the year. The events shaping the world of western water in 1992 included the first stages of a region-wide drought which would be severe in the Northwest, in parts of Utah and the Rockies, and in California and the Southwest.

In Washington in 1992, the issues of western water were probably more active than at any time since. The Reclamation Projects Authorization and Adjustment Act of 1992, or the "Miller-Bradley Bill," as it was called, was controversial but still moving forward in the Congress. This was to be the largest Western water project authorization bill, and most significant water policy reform legislation, in many years, either before or after. The first act of the WUWC, and certainly the major factor motivating the formation of the Coalition, was to participate in shaping this legislation and to see it enacted in spite of significant pressure on President Bush to oppose and veto it.

It was not coincidental that Senators Bill Bradley and Mark Hatfield, as well as Congressman George Miller, were strongly supportive of the formation of the WUWC, and worked closely with the Coalition from the outset.

The Miller-Bradley legislation authorized or amended existing authorizations for Reclamation projects throughout the West, some of them significantly affecting members of the WUWC. If there was a central theme to the legislation, it was to provide authorization and funding for many controversial Bureau of Reclamation projects in the West, but to do so accompanied by reforms in the financial and environmental and management standards which applied to the projects. The legislation was regarded by its critics, including other Western water user organizations, as too expensive, too environmental and too progressive, but the WUWC was one of the few water user groups which publicly supported the legislation. Ultimately, it was reasonable to conclude that the WUWC played a significant role in convincing President Bush not to veto the bill sent to him by Congress. By working through the WUWC, many of its individual members were able to gain benefits under Public Law 102-575 that would have been difficult to advocate or obtain acting alone.

With the intense activity concerning Miller-Bradley behind them in the first months of the existence of the WUWC, member agencies turned their attention to implementing the new Act, and to a host of other water and resources issues as well. No issue has been more active over the first decade of the Coalition's existence than on the Endangered Species Act.

In the early and mid-90's, a continuing series of environmental lawsuits and court decisions produced increasing pressure for repeal of the ESA, or at the minimum, amendments which would largely abandon its original objectives. The WUWC, however, set a course which embraced the basic goals of the ESA, but proceeded with the conviction that the Act could be constructively amended or interpreted to become a more workable and less conflicted law. This put the WUWC squarely in the middle ground between the development and traditional water user communities on the one side, and the environmental community on the other, each supporting more radical changes to the Act. To confirm and document its views, the WUWC invested significant time and effort in drafting a comprehensive position paper on ESA reform, a document which made the Coalition a significant and constructive player in the ESA amendment debate which would consume Congressional interest for many years. During this period, the WUWC worked extensively with Congress to try and achieve a comprehensive ESA reform bill. The principle vehicle for this effect was the Kempthorne-Chafee bill which the WUWC played a significant role in developing and supporting. Ultimately, this compromise bill was unsuccessful in 1998, even though it had widespread support from most affected interest groups.

While Congressional efforts to comprehensively amend the ESA ultimately failed, the WUWC was a significant and constructive player throughout, and in the course of this work, helped to secure many significant and useful changes administratively, either as regulatory or policy changes.

A consistent theme of the Coalition's efforts on the ESA is to take positions that help make the ESA "work" rather than waiting, as others might, for the "train wrecks" which would support crippling amendments to the Act. An example of the Coalition's approach was its well-publicized support for habitat conservation planning in general, and for the "No Surprises" policy of the Interior Department which provided a foundation for such plans. Because so much work has been done by the Coalition on the ESA, a separate summary of the ESA record is attached to this report.

The character of the WUWC that separated it from other Western water user organizations was clearly demonstrated in its work with the ESA, but began also to appear as early as 1993 on other issues as well. Notes from the Executive Committee conference call in mid-1993, and a subsequent letter by Pat Mulroy, indicate a decision by the WUWC to support an "environmental restoration surcharge" on federal water rates which was proposed to be included in the Budget Reconciliation Act for that year. The rationale for this position was spelled out in the documents, including the statement that "The surcharge is consistent with the objectives of the Coalition to support water pricing which reflects the value of the water and its cost of delivery, and promotes the objective of reallocation to the higher and more efficient uses." The same statement indicated that "Support for this surcharge reflects a continuing willingness of the Coalition to step away from the traditional water supply community by taking positions favoring sound overall water policy, including support of environmental objectives."

Similar non-traditional activity by the Coalition is reflected in its activities with respect to the Colorado River. Notes of a Coalition meeting in 1994 report on testimony given on behalf of the WUWC to Senate oversight hearings convened by Chairman Bill Bradley. The Coalition advised the Committee to focus on long-term solutions for the River that addressed the problems of the entire basin rather than the isolated single issues which characterize interstate competition. At the same 1994 Coalition meeting, it was reported that WUWC representatives had been meeting with Colorado River Basin environmental organizations to gain a greater understanding of their position on management of the river.

Throughout the 90's, and throughout the term of Secretary Bruce Babbitt, the Coalition and its members continued to work closely with Interior on Colorado River issues, stressing the common interests of the urban agencies which relied on the Colorado from the Upper Basin to the Lower. Members of the WUWC undertook activities on their own, but the Coalition provided encouragement and support for important initiatives including the Nevada-Arizona water banking agreement, habitat conservation plans, and in the Upper Basin, resistance to overly aggressive Forest Service regulatory initiatives, as well as the issues related to the ESA. Supporting its individual agencies, the Coalition also was active on other issues including legislation relating to the Salton Sea, and coordinating with member positions related to the annual operating plans for the River, the Interim Surplus Guidelines, and the implementation of the California Plan. The character of the Coalition was demonstrated again recently when, with the leadership of its southern Nevada members, an effort was undertaken toward the education of the water and public policy community with respect to the problems and potential solutions concerning the Mexican Delta of the

Colorado River. Again, the basic approach of the Coalition is to advocate the long-term solution, and to be willing to address difficult problems early in order to avoid conflicts later.

The WUWC went to court for the first time in 1998, following up its policy support for habitat conservation planning and the "No Surprises" policy, by intervening on behalf of the federal government to defend the No Surprises role against litigation by environmental groups. This cemented an already strong relationship between the Coalition and the key federal agencies administering the ESA, and was accompanied by support from the Coalition for efforts to provide statutory authority for "no surprises" through legislation. The litigation remains active today, and is important as a determinant for the enforcement of significant habitat conservation plans.

During the mid-90's, the Bureau of Reclamation also promulgated guidelines for its asset transfer program, intended to convey selected Bureau-built facilities to local water agencies. The Coalition took positions on the guidelines, and in support of asset transfers sought by Coalition members.

With respect to the Clean Water Act, Safe Drinking Water Act and other related laws, the Coalition has often played a supportive role to other organizations which focus on these issues. The Coalition, however, has been a regular commentator on regulations proposed with respect to wetlands and various EPA regulatory proposals including those on TMDLs. The Coalition has also provided support for legislation prepared and primarily advocated by WESTCAS to amend the Clean Water Act to recognize the unique conditions in the arid west as they affect water quality.

On water conservation and reuse, the Coalition has had periods of greater and lesser activity over the past ten years. Title XVI of the Miller-Bradley bill authorized a program for the Reclamation states to support the design and demonstration of water recycling and reuse projects and various members of the Coalition have been active in proposing and seeking funding for such projects. The WUWC has commented on the guidelines for Title XVI, and has consistently supported higher appropriations for the program. This has included advocacy of cost sharing as a vehicle to encourage the federal government to provide greater support for the Title XVI program. The Coalition has also been very active working with other organizations, to oppose persistent legislative proposals by Congressman Knollenberg to eliminate the federal requirement for efficient plumbing fixtures. This opposition has been important, and it has been successful, in frustrating the legislation and preserving conservation programs at WUWC agencies. The WUWC has also followed and commented on the report of the National Drought Policy Commission and its implementation.

From the early 1990s, and during the tenures of Assistant Secretary Betsy Reike, and following her, John Garamendi, the attention of the Coalition focused on California, and regional water management planning for the Bay-Delta region. The WUWC established a special working relationship with both of these Interior officials, and was a strong supporter of their efforts to achieve a landmark "standstill" agreement of water conflicts in the Bay-Delta, and a follow-up stakeholder process leading ultimately to the establishment of the CALFED program which has promise for resolving decades old controversies and conflicts in this region. Although other organizations take the lead role with respect to this California issue, the WUWC has been a strong supporter of this effort which emanated directly from the Miller-Bradley bill in 1992.

During the entire ten years, the Coalition has also maintained close touch with issues concerning the manner in which federal public land management affects watershed and other considerations for urban water supply, as well as issues related to both water and power regulation and licensing by the federal energy regulatory commission. Although no significant individual actions have been taken in these arenas, the Coalition monitors all issues which may have potential impact on its members. In more recent years, Coalition interests have increased substantially with respect to the "water and growth" group of issues. While on the one hand seeking to educate the public that water supply management is a blunt, and imprecise instrument for controlling growth, the Coalition is also intent on supporting planning and land use strategies which relate locale, regional and state approval for new development and growth with firm assurances for a long term and reliable water supply. The Coalition has taken a strong interest in the recent Kuhel/Costa legislation in California, and is continuing to follow the implementation of this new law.

Because of the many issues which hold the attention of WUWC members, the agenda of each of two annual meetings is full and demanding. From the outset, the Coalition committed itself, and has derived much of its strength, from the concept that the organization would function primarily at the general manager and deputy general

manager levels, and to invest the political, financial and legal resources of the Coalition only on those issues which were deemed important by these policy leaders.

Over the ten years of the Coalition's life, it has been chaired by the general managers of Las Vegas Valley Water District/Southern Nevada Water Authority, The Central Utah Project, Denver Water, The East Bay Municipal Utility District, City of Phoenix and San Diego Water Authority. Membership in the organization has remained stable and interest has remained high. Over recent years, one of the key functions of the two annual meetings has been the opportunity for the representatives of each agency to share with their colleagues the specific issues which are on the forefront for them. Almost without exception, common interests are discovered and addressed during this discussion.

In its tenth anniversary year it is safe to conclude that the agenda of the Coalition is as full as ever, and the need for the new, separate and progressive voice on the western water and resource policy remains as strong as ever.