

# NATIONAL WATER SUPPLY ALLIANCE



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## MESSAGE FROM THE EXECUTIVE DIRECTOR

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As we head into the second half of NWSA's fiscal year, I offer a few reflections on our journey and some thoughts on what's ahead for an organization that is securing its presence in water supply policymaking. NWSA comprises a diverse and experienced membership that not only speaks with credibility and integrity on water supply issues, but also is committed to solving these issues through dialogue and collaboration. I applaud and thank each member for their active support and contributions to our mission. Most notably, I appreciate the fellowship that underlies our successes and strengthens our voice. This is a key attribute of our organization that promotes trust and allows for spirited, candid debate.

*It is high time to plan  
for our future as the  
"Voice of Water Supply"*

The real work is only beginning. In my role as NWSA staff, I have focused on three areas up to this point: (1) sorting out and adding structure to NWSA's administrative function; (2) building relationships with key partners, particularly Corps of Engineers leadership and the water supply team, and congressional committees; and (3) identifying ways to add value for NWSA members, such as taking a holistic look at our Annual Meeting, updating the NWSA website, newsletter, and alerts. Now that these foundational aspects are taking root, it is high time to plan for our future as the "Voice of Water Supply". How does NWSA increase its influence, moving from a somewhat reactive position to a stronger proactive approach? Our previous attention and effort had been squarely targeted on the Corps Water Supply rule, but what's next? What are the issues that we want to promote and advocate for?

These questions will be addressed in the coming months. NWSA President Darren Gore is initiating a Strategic Planning effort to set a clear path ahead. In addition, the Corps staff have offered to hold sessions on key topics through the Fall, including a workshop on surplus water pricing methodology and a discussion on storage accounting. We also have some work to do in regards to the Water Resources Development Act, both the recently passed bill (providing input on the implementation of provisions) and the next two-year bill (offering insights on project and policy issues). NWSA activity will be increasing significantly and strong participation by you - the Members - is more important than ever!

I close with a huge thanks to our leadership. The NWSA Board of Directors is dedicated to enhancing and growing this important organization. Their tireless efforts and attention are immeasurable. I also thank the Corps of Engineers, whose partnership is key to our success. Corps leadership continues to engage directly with us, led by LTG Scott Spellmon, the Chief of Engineers. Of course, our strong working relationship with the Corps water supply team is invaluable. I especially appreciate the insightful and active participation of Cherilyn Plaxco and Amy Frantz, as well as the rest of the Corps water supply team.

Please enjoy this edition of the NWSA newsletter, which includes several articles from your fellow members. The articles provide a broad and diverse set of issues of importance across our membership. These articles are not only informative, but they will also inform our efforts in developing NWSA's Strategic Plan. To quote the great philosopher, Buzz Lightyear, "To 2021 and Beyond!"

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# CORPS NEWS

## U.S. ARMY CORPS OF ENGINEERS LEADERSHIP UPDATE



On July 20, 2020, the U.S. Senate confirmed Major General Scott Spellmon as the [Army's 55th Chief of Engineers](#) and commanding general of the Corps of Engineers. The Senate also approved his promotion to Lieutenant General upon taking command. In his previous position as Deputy Commanding General for Civil and Emergency Operations, LTG Spellmon directly

engaged with NWSA on our concerns with the Water Supply rulemaking. He continues to acknowledge the importance of water supply storage at Corps reservoirs and has committed to staying briefed on water supply issues.



In anticipation of General Spellmon's confirmation as Chief of Engineers, the Army Chief of Staff assigned Major General William (Butch) H. Graham Jr. as [Deputy Commanding General for Civil and Emergency Operations](#). Most recently, MG Graham served as Deputy Commanding General, I Corps, Joint Base Lewis-McChord, Washington. NWSA welcomes General

Graham to Corps Headquarters and looks forward to working with him to address the needs and challenges related to water supply storage in Corps reservoirs.

## USACE WATER MANAGEMENT AND REALLOCATION STUDIES

The Planning Center of Expertise (PCX) for Water Management and Reallocation Studies (WMRS) is the technical resource to the Corps on its water supply programs. The PCX provides technical support and peer review for studies related to storage in multipurpose reservoirs, such as reallocation studies, as well as support on watershed studies, water control manual updates, and other

decision documents related to water management and water supply related to existing multipurpose reservoirs.

As of December 2020, the PCX is participating in 8 reallocation studies. In addition, 3 studies have been approved since May of 2020:

Active Studies	District / Division	Status
Barren River	Louisville/Lakes & River Division	Approved July 2020 Contract signed September 2020
Willamette Basin Review	Portland / Northwestern Division	Authorized 27 Dec 2020. H.R. 133, Consolidated Appropriations Act 2021, Division AA, Section 401
JPercy Priest	Nashville / Lakes & Rivers Division	Approved August 2020
Stockton	Kansas City / Northwestern Division	Draft Reallocation Report reviewed, Hydropower review
Allatoona	Mobile / South Atlantic Division	Final Report Released for review
Hartwell	Savannah / South Atlantic Division	Draft Reallocation Report in DQC
Bear Creek	Omaha / Northwestern Division	Working on DamSafety related Hydrology
Philpott	Wilmington / South Atlantic Division	Reviewing Demand Analysis provided by sponsor
Grayson	Huntington / Lakes & Rivers Division	Reviewing H&H RES-SIM model
Cave Run	Louisville / Lakes & Rivers Division	Writing PMP, Review Plan, Schedule
FE Walter Evaluation of Authorizations	Philadelphia / North Atlantic Division	In Progress Review on 27 Aug 2020

## CORPS NEWS

Continued

# USACE ADDRESSING FIVE WATER SUPPLY POLICY ISSUES

During the NWSA Annual Meeting 2020 in October, Corps of Engineers leadership and staff highlighted five priority water supply issues under evaluation at the agency. All five issues were identified as problematic by NWSA early on in the development of the now-withdrawn Water Supply Rule (officially known as the Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply). The Corps is committed to a dialogue with NWSA on these five important issues:

**1 Amortization of Major OMRRR costs.** One of NWSA's key policy issues during deliberations on WRDA 2020 was to allow non-federal sponsors to finance repayment of major repair, rehabilitation, and replacement costs for up to 25 years. The Assistant Secretary of the Army for Civil Works (ASACW) and the Chief of Engineers encourage non-federal sponsors to request an exception for amortizing these costs. The requests will be evaluated on a case-by-case basis.

**2 Delegations of Authority.** NWSA has expressed concerns regarding the timeliness of decision making at the Corps. The ASACW has reviewed delegations and recently issued new delegations of authority to push decision making to the lowest appropriate level. The delegation memoranda pertinent to water supply decisions can be found at the USACE Planning Community Toolbox website:

a. Delegation of Approval and Execution Authority for Water Supply Reallocation Reports and Agreements (April 2020) [>See document](#)

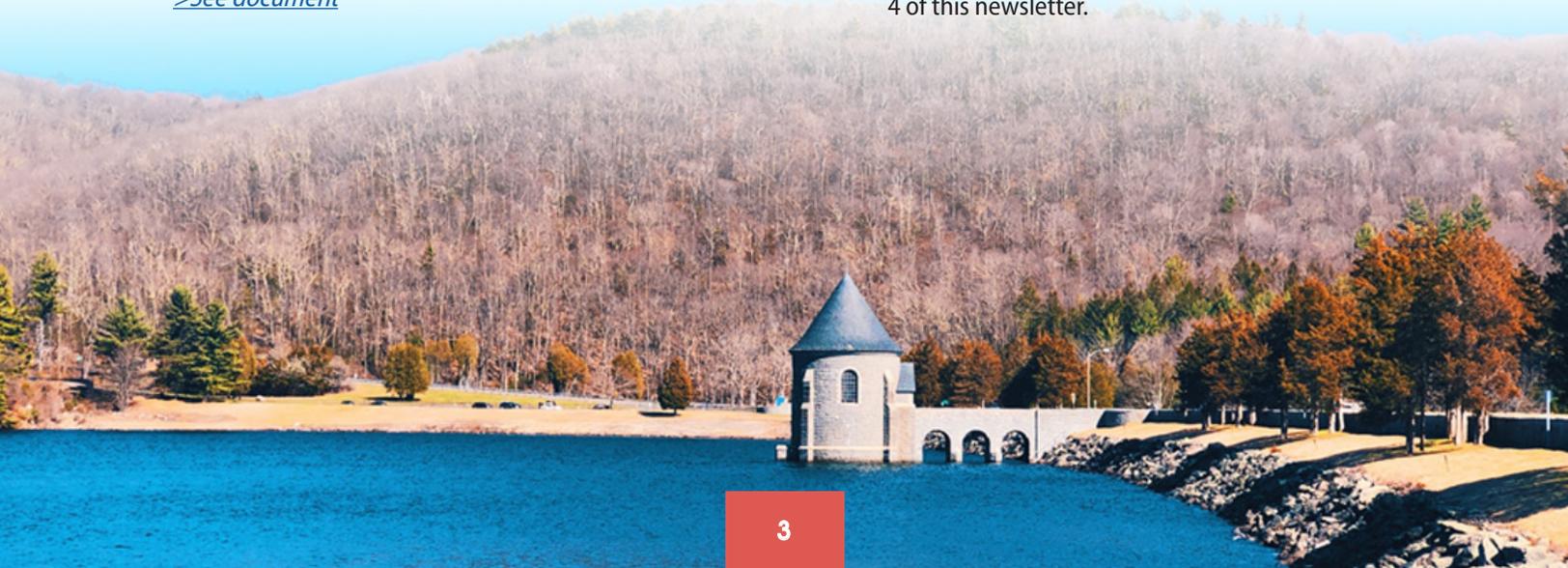
b. Missouri River Mainstem Reservoirs – Surplus Water Reports and Environmental Assessments (April 2020) [>See document](#)

c. Delegation of Approval and Execution Authority for Water Supply Storage Reallocation Reports, Water Supply Storage Agreements, and Surplus Water Determinations and Reports (May 2020) [>See document](#)

**3 Real Estate Policy Guidance Letter No. 26.** NWSA, following the lead of the State of North Dakota, has highlighted Corps policy restricting access to Missouri River flows as dismissive of states' rights for water allocation and management. On December 3, 2020, the Chief of Engineers rescinded Real Estate Policy Guidance Letter No. 26. More information on this issue can be found on page 7 of this newsletter.

**4 Surplus Water Pricing Methodology.** NWSA has regularly raised concerns about the Corps' methodology for pricing of surplus water, including the use of terms (e.g., pricing is for storage, not for water). The Corps is reviewing the issue, acknowledging that pricing methodology is inconsistently applied across the agency. The Corps will coordinate and consult with NWSA as it reviews and formalizes a consistent approach, with a workshop to be held in the coming months.

**5 Return Flows.** The treatment of return flows and the appropriate storage accounting approach have been a key priority policy issue for NWSA. NWSA members advocate for a storage accounting system that recognizes state water rights and provides 100% credit for return flows. The Corps understands NWSA concerns and is reviewing its approaches under a complex regime, to include refining H&H models and determining how to address differing State laws and rules. A very recent example of how this issue played out for a specific project can be found on page 4 of this newsletter.



# MEMBER PERSPECTIVES

## MURFREESBORO, TN, RECEIVES FULL RETURN FLOW CREDIT TO J. PERCY PRIEST RESERVOIR

By *Darren Gore, City of Murfreesboro, TN*  
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When I first started my consulting career in 1995, I did not realize that 25 years later, I would be closing the chapter on a state primacy issue involving water rights and water supply storage in a U.S. Army Corps of Engineers reservoir.

In 1996, I spent several weeks working on an easement with the Corps for a raw water pipeline to supply the Smyrna, TN, Drinking Water Treatment plant expansion. The easement was unexpectedly delayed due to a water supply reallocation study on J. Percy Priest Reservoir (JPP) and became a potential showstopper for the project if help had not been provided by our Congressman's office.

Fast forward to 2011. I began reviewing the preliminary findings of a second water supply reallocation report on JPP, resulting from a 2008 settlement with the Town of Smyrna in negotiating their first water supply contract. The City of Murfreesboro's original yield from the 2001 water supply reallocation study was 18.6 MGD during the critical drought period, only to be told by the Corps that it was going to yield 9.5 MGD as a result of the updated reallocation study. A 50% reduction!

Why were the results so drastically different? The second reallocation study did not give 100% credit for return flows from M&I water reclamation facilities discharging back into JPP. The significant flaws of disregarding mass balance rules and ignoring ownership of the water became the main focal point in ascertaining how the Corps accounted for storage in their reservoirs.

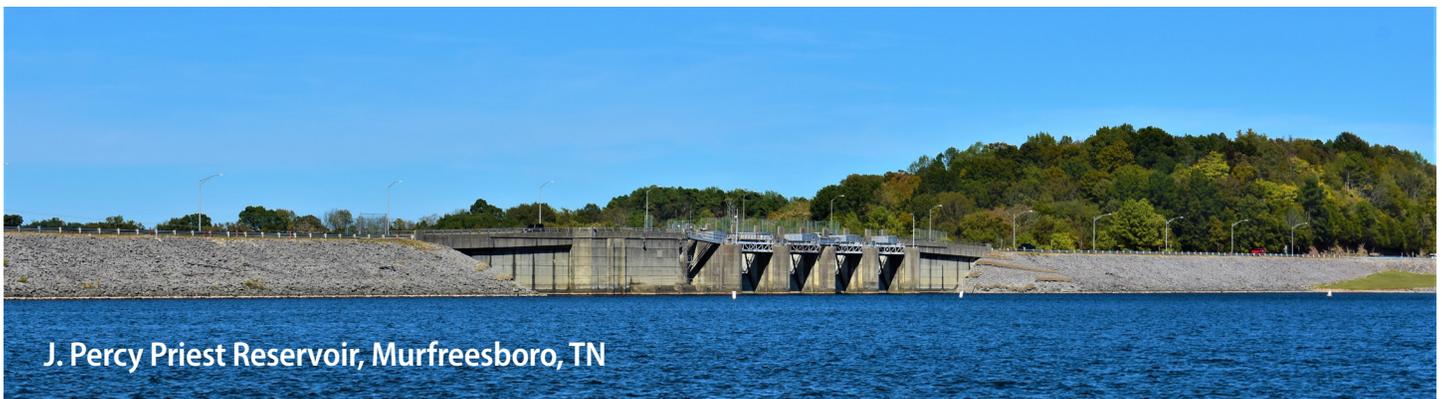
Moving into 2015, I became acquainted with a group of similarly frustrated Corps customers and their respective water supply stor-

age challenges. We ultimately formed the National Water Supply Alliance (NWSA). NWSA has conducted multiple meetings over several years with the Corps, much of the time centering on the subject of crediting return flows to M&I suppliers. NWSA argued that the Corps' water storage accounting method employed during the critical drought period really took ownership of a municipal water supply provider's water by apportioning it to other uses within the reservoir. So, the ultimate question became – 'who really owns the water' and is the Corps infringing on state water rights?

NWSA took to task the Corps' proposed Water Supply Rule introduced in 2017 and the associated federalism issues it provoked. In Tennessee, a new state law was enacted that specifically stated that any municipality's water reclamation facility discharging to a Corps reservoir would receive 100% credit for that returned flow.

Two significant bright spots in 2020: the Water Supply Rule was withdrawn in March, and in December the Assistant Secretary of the Army for Civil Works approved the second JPP reallocation report, which was revised to give all water suppliers full credit for return flows. This outcome resulted in a savings of around \$9.0M for purchased storage as well as the municipal water suppliers yields returning to what we thought we had from the original report created in 2001. This outcome will benefit our community for decades to come with a much more sustainable path in the area of water supply. The Murfreesboro experience can and should also help NWSA members as they implement return flow strategies in Corps operated reservoirs. Huge thanks to the NWSA organization and Lewis Jones with King and Spalding for helping Murfreesboro navigate through this multifaceted endeavor.

*"This outcome resulted in a savings of \$9 million... and provided 100% credit for return flows"*



J. Percy Priest Reservoir, Murfreesboro, TN

## MEMBER PERSPECTIVES

Continued

### WHAT'S THE LATEST ON FLORIDA V. GEORGIA?

By Katherine Zitsch, Atlanta Regional Commission  
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In 2013, Florida sued Georgia in the United States Supreme Court for an equitable apportionment of water in the Apalachicola-Chattahoochee-Flint (ACF) River basin. In its complaint, Florida claimed that Georgia's use had harmed natural resources and the oyster fishery in Apalachicola Bay. Florida requested that the court impose a cap on Georgia's water use from the basin at 1992 levels.

#### Background

The Army Corps of Engineers operates five federal reservoirs along the Chattahoochee River, but the Corps declined to participate as a party to the case. Municipal and industrial water uses predominate in the northern ACF Basin whereas agricultural uses predominate in the southern portion. Agricultural uses depend on both surface water withdrawals and groundwater withdrawals which are highly connected to surface streams.

The Supreme Court originally heard oral argument in January 2018. In a [June 2018 opinion](#), a 5-4 majority remanded the case for further analysis. The court then appointed Judge Paul Kelly, Jr. to serve as a new Special Master.

#### What was Special Master Kelly's recommendation?

Special Master Kelly issued his [report](#) to the Supreme Court on December 11, 2019. In the report, Special Master Kelly recommended that Florida's complaint against Georgia be dismissed and Florida's request for relief be denied. His conclusion stated:

*"I do not recommend that the Supreme Court grant Florida's request for a decree equitably apportioning the waters of the ACF Basin because the evidence has not shown harm to Florida caused by Georgia; the evidence has shown that Georgia's water use is reasonable; and the evidence has not shown that the benefits of apportionment would substantially outweigh the potential harms."*

Special Master Kelly found that:

- "[L]ow flows played some role in the oyster population decline of 2012." But rather than finding Georgia's water consumption was to blame, he stated, "Florida's management was a more significant cause of the decline. Further, to the extent that low flows caused the decline, drought was a more significant cause of the low flows than Georgia's consumption."

- Regarding Metro Atlanta's water use, Georgia has "taken concrete steps to increase efficiency and conserve." He stated that these efforts have been "quite effective" in driving down water use. Further, he stated that "Florida has not pointed to any compelling evidence of waste or inefficiency in Georgia's [Municipal and Industrial] consumption."
- "Georgia does not take too much water from its portion of the ACF Basin including from the Flint River." He stated, "I reach this conclusion after considering Georgia's consumptive use as compared with the flows passing to Florida, Georgia's conservation efforts, and Georgia's uses of the water."
- "I do not find by a preponderance that the benefits of an apportionment would substantially outweigh the harm that might result. If anything, it appears that the potential harms to Georgia would substantially outweigh the benefits to Florida."

**What's Next?** Both states had an opportunity to respond to the Special Master's ruling and [filings are complete](#). The full court has agreed to hear oral argument on February 22, 2021. The Supreme Court can accept, reject, or modify the Special Master's recommendation.



[CLICK HERE FOR LARGER MAP](#)

# MEMBER PERSPECTIVES

*Continued*

## WATER SUPPLY STORAGE CONTRACTS AND FLOW MANAGEMENT IN THE MID-ATLANTIC REGION

By Andrew Dehoff, Susquehanna River Basin Commission  
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### History

On the Delaware, Potomac, and Susquehanna rivers, there is a recognition that water availability and river flows are generally sufficient to meet societal, economic development, and ecological needs and objectives. However, industrial consumptive demands and diversions of water out of the basins pose a cumulative threat to mainstem flows and water quality during drought conditions by depleting flows when natural flows are already in decline. The Potomac and Susquehanna rivers contribute a majority of freshwater inflow to the recovering Chesapeake Bay, and the lower Delaware River drinking water supply intakes for Camden, NJ, and Philadelphia, PA, are susceptible to intrusion of brackish water from the Delaware Bay estuary.

A primary responsibility of the federal-interstate compact commissions established for each of the three river basins is managing for low flow conditions. Simply put, that means we seek mitigating measures so that industrial, power, agricultural and domestic activities that rely on flows in the river can continue without significant curtailment even in the throes of an extreme drought, while still allowing the rivers to maintain and support their ecological functions. One method of flow management is the release of water from storage into the rivers, with the goal of offsetting cumulative upstream consumptive demands. Although the commissions have the authority to develop and construct large infrastructure projects, we chose instead to pursue storage agreements at some of the largest reservoirs already existing – U.S. Army Corps of Engineers reservoir projects.

Because none of the thirteen federal projects in the Susquehanna basin were initially authorized for water supply, the first challenge for the Susquehanna River Basin Commission (SRBC) was to conduct the required studies and receive approval for reallocation of a portion of the storage to Municipal and Industrial water supply. To receive approval, SRBC had to demonstrate not only that flood control would not be compromised but also that recreation would not be significantly impacted, or that anticipated impacts to recreation could be mitigated.

### Contracts and Operations

SRBC received approval to reallocate storage at two projects; in both instances SRBC sought to secure storage for the purpose of releasing water into the river system during times of drought to off-

set the depletive consumptive use of water elsewhere in the basin. SRBC acted as the non-federal sponsor in the agreements but was in effect doing so on behalf of the water consumers, who provided the funding for the studies and that, as private entities, were ineligible to enter into such agreements. As with all water supply storage contracts, SRBC is under contract to contribute a proportionate amount to the annual O&M costs associated with storage maintenance at the two projects. These costs are also ultimately borne by the water consumers. SRBC's storage contracts are constructed such that the Corps agrees to make releases of specific offsetting volumes of stored water at specified low flow triggers at various monitoring locations along the River.



[CLICK HERE FOR LARGER MAP](#)

### Ongoing Challenges

While arguably successful in meeting the intended purposes, the storage contracts in place are not likely to be replicated despite the continued need for more mitigation storage.

- Securing additional storage contracts through the reallocation process has become increasingly difficult due to (a) the need to demonstrate federal interest (and thus gain commitment to fund the federal portion of the studies) and (b) the cost and timeframe of completing reallocation studies.
- Regional drought mitigation standards have evolved from managing low flows at a flow condition that occurs less than 1% of days in a 10-year period to less extreme (i.e. more frequent) operations. SRBC was compelled to renegotiate its two storage contracts, at significant study expense, to move those operations away from the outdated philosophy.

SRBC has worked cooperatively with the Corps to identify creative solutions to these challenges, including reliance on Water Resources Development Act authorizations that do not depend on traditional reallocation. Surplus water, Corps 3x3x3 planning, 100% non-federal cost sharing, and consideration of environmental flow operations all hold promise to achieve ongoing consumptive use mitigation goals using federal storage. Sharing interests and challenges with others pursuing water supply storage through organizations like NWSA has also been very beneficial in identifying innovative solutions and advocating for policy changes at the Corps level that will support the goals of not only SRBC but other members of NWSA as well.

# MEMBER PERSPECTIVES

*Continued*

## USACE RESCINDS GUIDANCE RESTRICTING ACCESS TO RIVER FLOWS

By Jennifer Verleger, State of North Dakota  
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Imagine you are lounging in your living room, minding your own business, when there's a knock at the door. After exchanging introductions with a well-dressed stranger, you are informed that the two-lane street in front of your home will be expanded to four lanes to better serve downtown businesses. You are offered compensation to be uprooted, and you rebuild your home further back on your lot and out of the way of the new street. One might expect that this is the end of the ordeal. But, it's not – not even close.

Fast-forward several years. The same well-dressed stranger knocks at the door. He notes that you will need to return the money you were originally compensated and pay additional fees if you want to continue using the street in front of your home. The stranger has constructed a barricade at the end of your driveway and refuses to allow you access to the street unless you pay. Oh, and by the way, the downtown businesses that have benefitted from the street expansion won't be paying a dime.

Under the authority of the Flood Control Act of 1944, the U.S. Army Corps of Engineers constructed Garrison Dam in North Dakota, one of the six mainstem reservoirs along the Missouri River. The reservoir swallowed towns, including large swaths of tribal reservation land, and displaced thousands, primarily to curb flooding in downstream states.

In May 2010 – in a stunning challenge to states' rights – the Corps

began denying access to river water flowing through the six mainstem reservoirs along the Missouri River. Based on a 2008 Real Estate Policy (Guidance Letter No. 26), the Corps refused to process any access easement applications across its reservoir take lines without an applicant first signing a water supply agreement in which the applicant would agree to pay the Corps for water use. In North Dakota, this resulted in the inability to access approximately 262 of 343 miles (76%) of the Missouri River through the state.

Guidance Letter No. 26 was incorrectly applied based on perceived authority from the 1944 Flood Control Act that "the Secretary ... is authorized to make contracts ... at such prices and on such terms as he may deem reasonable, for domestic and industrial uses for surplus water that may be available at any reservoir." Instead of applying the policy only to surplus water from reservoir storage, the Corps applied the policy to all water flowing through the reservoirs. The Corps refused to recognize states' rights for water allocation and management.

In December 2020, in an effort aided by NWSA and others, the [Corps withdrew Guidance Letter No. 26](#). While it remains to be seen how the Corps will logistically proceed on water supply and access issues moving forward, the policy's withdrawal was the first huge step in the proper direction. Moving forward, North Dakota will continue working with NWSA and the Corps on more permanent solutions to mutual water supply interests, including definitions and an agreed upon water accounting system.



[CLICK HERE FOR LARGER MAP](#)

# MEMBER PERSPECTIVES

*Continued*

## SOUTHWEST MISSOURI REGIONAL WATER'S (SWMO WATER) MANAGEMENT AND DEVELOPMENT OF WATER SUPPLIES

*By Gail Melgren, SWMO Water*  
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SWMO Water is an alliance of municipalities, counties, and water providers, both public and private, in southwest Missouri. SWMO Water functions as two legal entities: a 501c4 nonprofit called Tri-State Water Resource Coalition, and a regional municipal water utility commission called the Southwest Missouri Joint Municipal Water Utility Commission.

These two “sister” organizations have one mission - to ensure adequate and sustainable water supply for a 16-county region in southwest Missouri to meet a critical and certain future need.

To serve that mission, SWMO Water is working to secure additional surface water supply storage from one or more U.S. Army Corps of Engineers lakes, then build regional transmission infrastructure to deliver water from storage to regional communities.

Southwest Missouri is a fast-growing area, both in population and employment. It is a very groundwater-dependent region, with no major rivers as sources of supply.

Southwest Missouri includes two large metropolitan hubs (Springfield and Joplin), a tourist community which draws more than 9 million visitors annually (Branson), and several industrial/employment hubs.

SWMO Water represents a population of approximately 850,000 and is funded through member dues. High growth is projected to increase demand for the region by 72% to 2060.

Rapid population growth, increased population densities, cyclical drought, aquifer sustainability, and continued economic competitiveness drive the need for additional future water supply. Additional surface water supply storage will likely come from one or more Corps of Engineers lakes.

In 2000, conversations and research began to assess future regional water supply and demand. The need for additional future water supply for the region was soon apparent. In 2007 SWMO Water submitted letters of request to the Corps to request water storage reallocation from Stockton Lake and Table Rock Lake (Pomme de Terre Lake was later added) for municipal and industrial use in southwest Missouri.

After several phases of study and an almost completed reallocation study at Stockton Lake, the possibility of Corps reservoir water storage for municipal and industrial use in southwest Missouri is closer to reality ([see the link to pertinent documents here](#)).

Our process to date has included forecasting of water supply, demands, and gaps to 2060. We have developed economic impacts and funding options. Reallocated water storage and O&M costs have been defined. Planning-level infrastructure costs have been estimated for three potential corridor routes. Provided reallocated water storage becomes available, the goal of SWMO Water is to deliver raw water to member systems across the region.

SWMO Water looks forward to contributing to the strength of membership in the National Water Supply Alliance by sharing experiences and lessons learned on water supply management and policy. Together, we can elevate a unified voice of advocacy for the interests of water supply providers.



2010 Population Data sourced from the Missouri Office of Administration Division of Budget & Planning, 2000 to 2030 Projections

[CLICK HERE FOR LARGER MAP](#)

# ON CAPITOL HILL

## THE WATER RESOURCES DEVELOPMENT ACT IS SIGNED INTO LAW

By **Geoff Bowman, Van Scoyoc Associates**  
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The FY2021 omnibus appropriations bill included the Water Resources Development Act (WRDA) of 2020, which passed the House on December 8th, 2020. Modifications to the Harbor Maintenance Trust Fund (HMTF) were later made in the Senate version of the bill by Senate Appropriations Chairman Richard Shelby, who was able to work out compromise language with House Transportation and Infrastructure Chair Peter DeFazio to reconcile the House and Senate WRDA provisions. The [omnibus appropriations act with WRDA included was signed into law on December 27, 2020](#).

This legislation authorizes about \$9.9 billion in federal funds for 46 Army Corps of Engineers flood control, environmental restoration, coastal protection and other projects.

Other provisions of interest include, but are not limited to:

- Provisions related to water supply policy and projects: The bill includes several references to the importance of water supply at Corps projects and requires the Secretary of the Army to conduct a study that analyzes the benefits and consequences

of including water supply and water conservation as a primary mission of the Corps of Engineers in carrying out water resources development projects.

- General policy considerations: The bill includes several policy directives, including that the Corps issue final agency procedures for Principles, Requirements, and Guidelines (PR&G) that were set under section 2041 of WRDA 2007
- Resiliency provisions: The bill encourages the Corps to provide technical assistance for resiliency planning.

This continues the trend of Congress enacting WRDA legislation every two years since 2014. We anticipate the trend to continue, with the House and Senate working towards a WRDA 2022 later in the 117th Session of Congress. Past performance indicates that the Senate will formally initiate their internal processes on WRDA in the Fall of 2021, with the House following several weeks after, all with a goal of enacting a WRDA 2022 before the end of the 117th Session of Congress in December 2022. Van Scoyoc Associates will closely monitor the WRDA 2020 process, as well as related efforts such as a push for an Infrastructure initiative.

## KEY MILESTONES OF THE FEDERAL APPROPRIATIONS PROCESS

By **Geoff Bowman, Van Scoyoc Associates**  
[gbowman@vsadc.com](mailto:gbowman@vsadc.com)

Beginning in February of each year, the Congress determines federal government funding for the next fiscal year which starts on October 1. The process is initiated with the President's Annual Budget request to Congress and ends with passage of appropriations laws that provide the funding for each agency. The Congress can fund a specific Corps of Engineers project if the President has requested specific project funding in the Annual Budget request. Congress cannot direct or earmark funds to specific projects, but it can add to the Annual Budget request for a specific line item. Development of the President's Budget, the Congressional appropriations process, and the internal U.S. Army Corps of Engineers processes are all areas where project sponsors can advocate for overall program dollars as well as specific project funding.

After delivery of the Annual Budget in early February, non-federal sponsors should begin engaging their Members of Congress, Senators, and House and Senate Appropriations Committees on funding requests.

In Spring, House Members and Senators may invite non-federal sponsors to electronically submit funding requests through online portals. This is also an ideal time to begin conversations with the Corps on current funding requests (i.e., Fiscal Year 2022) and subsequent budget requests (i.e., Fiscal Year 2023 and beyond). Non-federal sponsors and other customers of the Corps are encouraged to begin conversations with their individual Corps District office, then engage their respective Corps Division, with follow-on conversa-

tions with Headquarters personnel and the Office of the Assistant Secretary of the Army for Civil Works. Including discussions on subsequent fiscal year funding is highly recommended. For instance, a budget request for FY2023 would likely be due from the Districts and Divisions to Corps Headquarters in July 2021. These actions also coincide with the House and Senate Appropriations Committees considering the 12 annual funding bills.

During the Summer months, as deliberations are being held in the House and Senate on the 12 annual funding bills, non-federal sponsors are encouraged to monitor developments. Should there be specific negative impacts to individual projects, non-federal sponsors should promptly engage their House Members and Senators. This ensures the decision-makers are aware of the impacts and can adjust accordingly as Congress works to reconcile appropriations bills through the House and Senate Conference Committee process.

As the Fall approaches, non-federal sponsors should re-engage Members of Congress and Senators on the funding process. At least 2-3 weeks prior to enactment of the Energy and Water Appropriations bill, non-federal sponsors should engage the Corps of Engineers on their Annual Work Plan requests. The Corps' Annual Work Plan describes how the agency will allocate and spend its appropriated funds. Sponsors should also request, via formal letters or phone calls, that Members and Senators engage the Corps of Engineers and others in the Executive Branch to prioritize funding in the Annual Work Plan. Non-federal project sponsors should also re-engage the 3 levels of the vertical chain of command of the Corps to ensure all decision-makers are hearing the same unified message.

# OF INTEREST

## Earl Lewis named Chief Engineer

On October 7, 2020, Earl Lewis was named Chief Engineer for the Kansas Department of Agriculture, Division of Water Resources (DWR). As Chief Engineer, Earl manages DWR personnel and programs and administer laws related to conservation, management, use and control of water and water structures in Kansas. Prior to becoming Chief Engineer, Earl spent over two decades at the Kansas Water Office, culminating in his appointment as Director. Earl's most impressive achievement, however, was his selfless service as the inaugural President of NWSA! As President, he led the Board of Directors in guiding the organization through its formative years. His leadership and contributions will be missed, and NWSA wishes him best in his future endeavors.

## Water Supply Storage contract executed for Lake Lanier

On January 20th, the U.S. Army Corps of Engineers executed a storage contract with the State of Georgia for a permanent right to water supply storage in Lake Lanier. Lake Lanier is an important water supply serving the northern portions of the metropolitan Atlanta area. These communities have always relied on Lake Lanier, but an executed contract has been stalled for 30+ years due to litigation. The contract ensures permanent access to water supply will be available to meet the lake users' long-term projected needs, through at least 2050. It will have no effect on the case between Florida and Georgia that is currently pending before the United States Supreme Court.

## DC Roundtable 2021

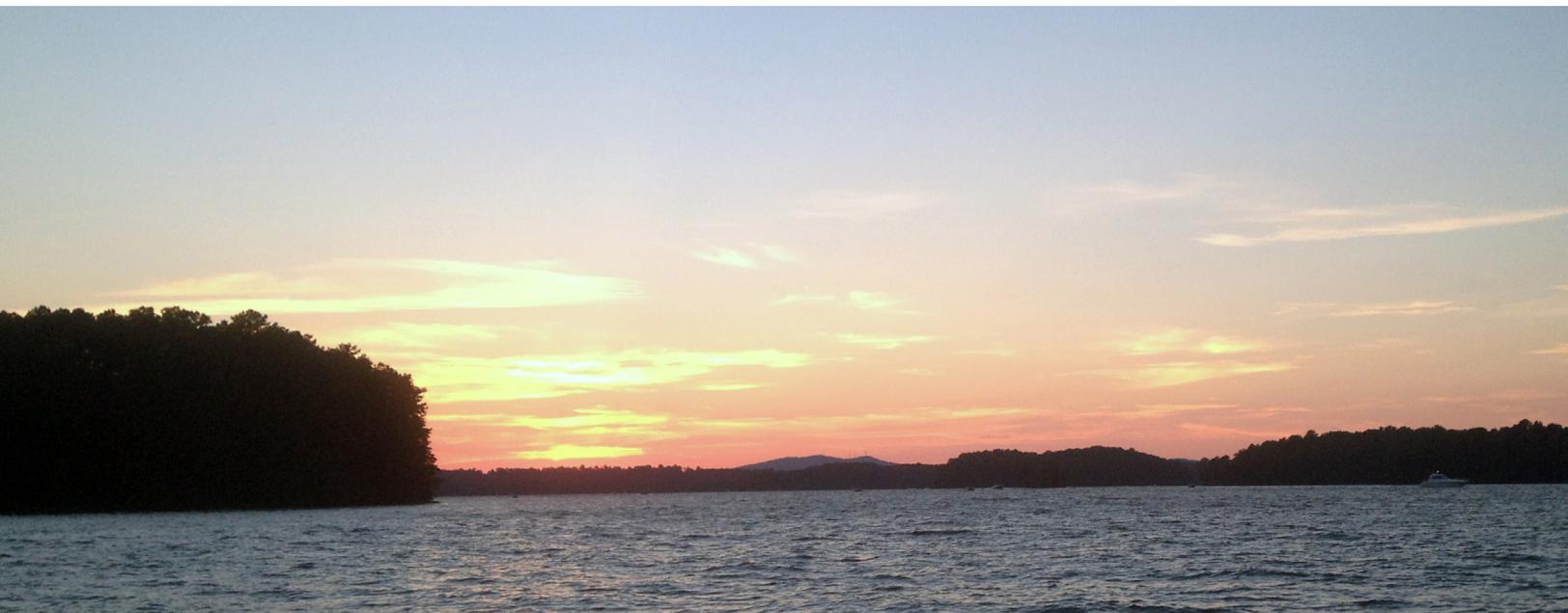
SAVE THE DATE!! The DC Roundtable will be held virtually on April 15-16, 2021. The Interstate Council on Water Policy is currently developing the agenda, and NWSA and the Western States Water Council are co-sponsoring the event.

Please mark your calendars for half-day sessions on April 15 (noon to 3:30 p.m. Central) and April 16 (9 a.m. to 12:30 p.m. Central). Expect updates from the US Army Corps of Engineers, US Geological Survey, NOAA-National Weather Service, National Integrated Drought Information System, key congressional committee staff, and more. Agenda and Registration Details Coming Soon!!

## Corps of Engineers information on the internet

Do you find yourself scratching your head, not knowing where to turn to for specific Corps information? The Corps of Engineers maintains a website that may help. The Corps Planning Community Toolbox can be viewed at <https://planning.ercdren.mil/toolbox/index.cfm>. The Toolbox contains a vast inventory of Corps documents, including Memoranda related to delegation of authority, Reports to Congress, policy guidance, and other decision documents.

Another good Corps resource can be viewed at [https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model\\_other/](https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model_other/). The website includes model agreements for water supply storage agreements, both for originally authorized water supply and for reallocated water supply.



Lake Lanier, Atlanta, GA.

# NWSA UPDATES

## Board elections for 2020-2021

On Friday, October 30, 2020, at the NWSA Annual Meeting, the membership elected three individuals to serve three-year terms on the Board of Directors: Katherine Zitsch (re-elected), Greg Volkhardt (re-elected) and Cara Hendricks. Cara fills the seat of long-serving Director and inaugural President, Earl Lewis. For brief biographical information on the Board members, visit the NWSA website at <https://www.nationalwatersupply.org/leadership>. Subsequent to the Board elections, the Board of Directors elected Darren Gore (President), Dan Buhman (Vice President), Katherine Zitsch (Secretary), and Glenn Page (Treasurer) to serve a second term as Officers.

## Southwest Missouri Water joins NWSA

A hearty welcome to NWSA's newest member, Southwest Missouri Water (SWMO Water)! SWMO Water joined as an Affiliate Member

on December 15, 2020. For more information on our new member, see the article on page 8 authored by Gail Melgren, Executive Director of SWMO Water. You can send a welcome message to Gail at [gmelgren@SWMOwater.org](mailto:gmelgren@SWMOwater.org).

## NWSA hires Van Scoyoc Associates to provide Governmental Relations support

On July 10, 2020, NWSA entered into an Agreement with [Van Scoyoc Associates](#) (VSA) for Governmental Relations and Lobbying services. VSA Vice Presidents [John Anderson](#) and [Geoff Bowman](#) will provide exceptional counsel, having served on Capitol Hill for decades and with a strong emphasis on policy related to the Corps of Engineers.



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Dave Mitamura, Executive Director  
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[www.NationalWaterSupply.org](http://www.NationalWaterSupply.org)

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### Full Members

Atlanta Regional Commission  
Tarrant Regional Water District  
City of Murfreesboro  
Kansas Water Office  
Cobb County-Marietta Water Authority  
North Dakota State Water Commission  
Susquehanna River Basin Commission  
Consolidated Utilities  
City of Gainesville  
Beaver Water District  
Clarence Cannon Wholesale Water Commission

Gwinnett County  
Brazos River Authority  
North Texas Municipal Water District  
Tacoma Water  
Gulf Coast Water Authority  
Riverbend Water Resources District  
Central Arkansas Water  
Northeast Municipal Water District

### Affiliate Members

King & Spalding LLC  
Southwest Missouri Water

