

NATIONAL WATER SUPPLY ALLIANCE



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NWSA BOARD OF DIRECTORS ELECTED, AND OFFICERS APPOINTED

On October 29, 2021, at the NWSA Annual Meeting in Kansas City, members voted to elect three candidates to fill three-year terms and one candidate to fill the remaining term of a vacated seat. Drew Dehoff and Jennifer Verleger were re-elected to three-year terms. George Otstott was newly elected to a three-year term, and Glenn Page was elected to fill the remaining two years of the vacant Board seat. These leaders fulfill a vital duty within the organization with great commitment and humility as they join their fellow Board members Darren Gore, Dan Buhman, Katherine Zitsch, Brad Brunett, and Greg Volkhardt.

The nine members of the NWSA Board elected the following to one-year Officer positions:

- Dan Buhman, President
- Katherine Zitsch, Vice President
- Brad Brunett, Treasurer
- Greg Volkhardt, Secretary

For brief biographical information on the Board members, visit the NWSA website at <https://www.nationalwatersupply.org/leadership>

MESSAGE FROM PRESIDENT DAN BUHMAN

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NWSA has reached its next stage of maturity. I was fortunate to be part of the very first meeting in which a group of like-minded people came together to see if we even had anything in common. Now the NWSA is an organization worthy of your time and has a voice that is influential at the national level. This is evidenced by our growth in membership and accomplishments influencing federal policy.

We want to build on this success, which I believe has been founded on four factors. First, NWSA is a reflection of its people. We cultivate membership with great organizations and their leadership. This leads to better information for all NWSA members and better advice to our federal partners. The fraternal relationships at NWSA are foundational to our success. The intelligent dialogue among the group has been valuable to everyone listening.

Second, NWSA has an effective Executive Director. Dave Mitamura continues to make strides in maturing the organization and garnering respect at all levels. Dave is worth listening to and our federal partners and members know it. His work is key to our success because of the limited time each of us has to dedicate to NWSA's work.

Third, we have strong working relationships with our federal partners. NWSA is connected to the true decision makers and policy experts at the Corps, to authors of Water Resources Development Acts, and to the right government affairs advocacy firms. Our conferences are worth attending because of the information shared between members and because we influence thinking at the federal level.

Lastly, we have a stable budget and a simple, achievable strategic plan. Financial stability and organizational strategy are keys to our future.

I am proud to be part of NWSA and associated with you as we make federal water supply policy fully align with regional, state, and local rights and needs by:

- Providing a forum for water supply interests;
- Advocating for sensible federal water supply policies; and
- Advising and informing water supply stakeholders.

MESSAGE FROM PAST PRESIDENT DARREN GORE

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I must start out by saying I am very thankful for the time serving as NWSA's president. I so much appreciated everyone's support. NWSA is a team, and we must continue to operate as such for there truly is power in numbers. I offer the following message to those future leaders and members that will continue to advance the water supply mission.

It's okay to be a one-note drum. If you are like me, my breadth and depth of issues dealing with the Corps of Engineers was and is still limited to a certain degree. I knew that in 2009 when the Corps let Murfreesboro know that we would be seeing an approximate 50% decrease in our firm yield from our local reservoir, J. Percy Priest, that something had to have been analyzed incorrectly in their first allocation study. When I found out that they had given us credit for return flows in

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THE NWSA BOARD WELCOMES ITS NEWEST DIRECTOR, GEORGE OTSTOTT

George Otstott is the newest member of the NWSA Board of Directors. Elected at the NWSA Annual Meeting on October 29, 2021, George will serve a three-year term on the Board. George has also been tapped to serve as the Chair of the NWSA Outreach Committee, which combines previous teams that handled membership and communications, respectively. A brief summary of his background and experience is provided below.

George A. Otstott, a Texas injury and trial lawyer, is a native of Dallas, Texas. He graduated from Southern Methodist University with a B.A. in English. He also attended the United States Military Academy at West Point, New York. He graduated from SMU Law School, where he was the recipient of the Wynne, Jaffe & Tinsley Moot Court Award.

George entered private law practice in Dallas in 1968. He is the senior partner in the trial firm of Otstott & Jamison, with offices in Dallas, Terrell, and Jefferson, Texas. He is licensed to practice in all Texas State Courts, in the Federal District Courts in the Northern, Eastern and Southern Districts of Texas, the United States Court of Appeals for the Fifth Circuit, and the Supreme Court of the United States.

In addition, George has and continues to devote significant time to teaching and community enrichment. From 2004 to 2016, he

was a visiting professor in American Law Studies at the University of Marie Curie-Sklodowskiej School of Law in Lublin, Poland, where he taught trial law.

George's community and charitable activities are extensive. Just a few of the boards and commissions he has served on through the years are:

- President, Dallas Junior Chamber of Commerce
- Member, Board of Directors, Dallas Association for Retarded Citizens
- Founder and Chairman, Jefferson Salutes America, 4th of July Celebration
- Member or President, Board of Directors, Jefferson Carnegie Library
- Vice President and Director, Northeast Texas Municipal Water District



George Otstott in the Snowden Mountain Valley in Wales

George is married to Dr. Michele Otstott, and they have one child, George Otstott Jr. who is a practicing attorney in San Francisco. Michele and George currently live in Jefferson, TX.

CORPS NEWS

U.S. ARMY LEADERSHIP UPDATE

The Honorable Michael L. Connor: Assistant Secretary of the Army for Civil Works

The Honorable Michael L. Connor was sworn in as the Assistant Secretary of the Army (Civil Works) on November 29th, 2021, and serves as the principal advisor to the Secretary of the Army on all matters related to the Army's Civil Works Program. In this role, he establishes policy direction and provides supervision of Department of the Army functions relating to all aspects of the U. S. Army Corps of Engineers' Civil Works program. These responsibilities include programs for conservation and development of the nation's water and wetland resources, flood control, navigation, and shore protection, all important aspects of the President's climate resilience priorities.

Mr. Connor has served in a variety of positions in the federal government as well as in the private sector. Prior to his confirmation, he was a partner at the WilmerHale law firm, focusing on natural resources, renewable energy development, environmental compliance and Native American law.

During the Obama administration, Mr. Connor served as the Deputy Secretary of the Interior, where he was the Chief Operating Officer, leading the Secretary's strategy to carry out the department's mission to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities to American

Indians, Alaska Natives, and affiliated Island Communities. Mr. Connor was the first person of Native American descent to serve in that position.

Prior to that role, Mr. Connor served as Commissioner of the U.S. Bureau of Reclamation, where he led the agency's mission to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Mr. Connor has also served as Counsel to the United States Senate Energy and Natural Resources Committee. He started his career with the Department of the Interior in 1993, serving in the Solicitor's Office, and as the Director of the Indian Water Rights Office.

Mr. Connor has a law degree from the University of Colorado Law School, and a Bachelor of Science in Chemical Engineering from New Mexico State University.



CORPS NEWS

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USACE WATER MANAGEMENT AND REALLOCATION STUDIES

The Planning Center of Expertise (PCX) for Water Management and Reallocation Studies (WMRS) is the technical resource to USACE on its water supply program. The PCX provides technical support and peer review for studies related to conservation 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 November 2021, the PCX is participating in the following studies:

Active Studies	District/Division	Status
Kaw	Tulsa/Southwestern Division	Agreement approved for execution November 2021.
Wright Patman	Fort Worth/Southwestern Division	Working on cultural and environmental obligations.
Philpott	Wilmington/South Atlantic Division	Draft report scheduled for May 2022.
Hartwell	Savannah/South Atlantic Division	Draft report scheduled for Spring 2022.
Stockton	Kansas City/Northwestern Division	Awaiting further information from Dam Safety Analysis.
F.E. Walter	Philadelphia/North Atlantic Division	Developing scope and schedule.
Cave Run	Louisville/Lakes & Rivers Division	Draft Report reviewed Oct 2021.
Bear Creek	Omaha/Northwestern Division	Analyzing reallocation/dam safety impacts.
Grayson	Huntington/Lakes & Rivers Division	Analyzing reallocation impacts.

The following studies have been completed since February 2021:

Effort	District/Division	Status
Allatoona Lake	Mobile/South Atlantic Division	Record of Decision signed August 2021
Lake Sidney Lanier	Mobile/South Atlantic Division	Agreement executed January 2021
J. Percy Priest	Nashville/Lakes & Rivers Division	Agreement executed November 2021.

NEW MEMBERS OF THE USACE WATER SUPPLY TEAM

The USACE Water Supply Team is an invaluable partner to NWSA, sharing insights and perspectives on USACE water supply policies and procedures. Recently, the Team welcomed two new water supply experts. Meredith LaDart and Tom Jester will actively engage with NWSA as key members of the Team; a brief summary of their backgrounds and experience are provided below.

MEREDITH LADART

Meredith LaDart has been with USACE since 2006. Meredith currently serves as the Technical Director for the Water Management and Reallocation Studies Planning Center of Expertise (WMRS PCX) located in the Southwestern Division. She began her career as a co-op student economist in the Mobile District. Meredith's career has transitioned from regional economist, senior planner, to project manager over the last 15 years. Meredith has spent her time working on a range of civil works projects including deep draft navigation, ecosystem restoration, coastal storm risk management, and water supply. She has also supported non-traditional work in Latin America. Meredith has spent a concentrated amount of her career working on water control manual updates and reallocation efforts that affect Metro Atlanta water supply and extended to the Gulf Coast as well as supporting the water supply community outside of the Mobile District. Meredith is a Water Resource Certified Planner and holds a B.S. in Business Administration and Economics

from the University of South Alabama and a graduate certificate in Risk Management from Notre Dame College of Maryland.

TOM JESTER



Tom Jester studied Civil Engineering at North Carolina State University, graduating with a bachelor's degree. He started with USACE in 2010 in the Savannah District. While there, Tom worked on the Hartwell Reallocation Study as well as navigation planning studies. He also worked in the Mobile District and the Southwestern Division (SWD) Regional Planning and Environmental Center. He is currently in the SWD Planning Office as a Plan Formulator, and in the Water Management and Reallocation Studies Planning Center of Expertise as the SWD point of contact. Tom and his wife have three kids ranging from 10 to 3 years old. The family enjoys playing all kinds of games, going to amusement parks, going hiking and attending Comicon.

MEMBER PERSPECTIVES

MOVING TOWARDS AN END STATE AGREEMENT, 60 YEARS ON

By Kyle Dooley, Riverbend Water Resources District
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In 2009, the Riverbend Water Resources District (Riverbend) was established by the Texas Legislature as a conservation and reclamation district with statutory powers including the authority to acquire any and all storage rights and storage capacity in a reservoir and to acquire the right to take water from that reservoir.

Even though a young organization, its roots can be found in past regional water partnerships focused on utilizing Wright Patman Lake as a primary water supply source. Today, Riverbend has now grown to 18 members that includes communities within Bowie, Cass, and River Counties in northeast Texas.

Riverbend is currently assessing the 50-year needs of its members. Along with the development of additional water rights, Riverbend is working on developing a project that would replace the current intake structure at Wright Patman Lake and replace the existing water treatment facility to meet the water supply region's needs.

Riverbend's challenges in meeting its water supply demand traces back to the 1960s. In 1968, the City of Texarkana, TX, entered into a permanent rights of storage contract under the authority of the Water Supply Act of 1958. The End State Agreement, as it is called, has never been implemented as it was subject to USACE constructing Cooper Lake upstream on the Sulphur River. Cooper Lake would enable the reallocation of 120,000 acre-feet of flood storage at Wright Patman to water supply. Unfortunately, construction of Cooper Lake was delayed for close to 30 years due to tasks for obtaining the necessary environmental clearances under the National Environmental Policy Act (NEPA). In the interim, to allow Texarkana to access water from Wright Patman Lake, an

Today, Riverbend has now grown to 18 members that includes communities within Bowie, Cass, and River Counties in northeast Texas.

"Interim Agreement" under the authority of Section 6 of the Flood Control Act of 1944 was implemented and is still in effect.

When Cooper Lake was completed in 1991, USACE was still unable to implement the End State Agreement because it had not completed NEPA assessments to identify required mitigation associated with cultural resources on lands that would be flooded under the conversion of flood storage to water supply storage at Wright Patman

Lake. Without the implementation of the End State Agreement, Riverbend will not be able to meet its long-term water supply contractual responsibilities for the region. In August 2020, Riverbend entered into a Contributed Funds Agreement with USACE to fund the required studies and investigations to complete the NEPA process and enable implementation of the End State Agreement.

Over the 50+ years of delay, additional environmental and cultural resources concerns have arisen, bringing unique policy issues that must be addressed at Wright Patman Lake before the End State Agreement can be implemented. USACE is actively engaged with the Resource Agencies and the Caddo Nation to develop a draft NEPA document that will define the scope of future mitigation efforts needed for the agreement. Riverbend now faces significant challenges in finalizing the NEPA document and implementing required mitigation, as well as obtaining the necessary 404 permit decisions for the new Wright Patman intake structure and wastewater treatment facility.

Riverbend is fortunate to have the right team at USACE working to address the issues associated with implementation of the End State Agreement. Only time will tell how all the moving pieces will come together to enable Riverbend to meet the long-term water supply needs of the region.

HELLO FROM THE UPSTATE – ANDERSON REGIONAL JOINT WATER SYSTEM

By Scott Willett, Anderson Regional Joint Water System
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Anderson Regional Joint Water System (System) is located on the South Carolina side of Lake Hartwell, the uppermost in a chain of USACE lakes on the upper Savannah River, halfway between Atlanta, GA and Charlotte, NC. Lake Hartwell provides abundant high quality source water for the System's 48 million gallons per day conventional water treatment facility serving approximately 200,000 citizens in parts of three upstate South Carolina counties.

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MEMBER PERSPECTIVES

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REGIONAL COLLABORATION PROVES EFFECTIVE IN DROUGHT-PRONE SOUTHERN CALIFORNIA

By Heather Dyer, San Bernardino Valley Municipal Water District, California

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At first glance, the San Bernardino Valley Municipal Water District (Valley District) may seem like any other water agency: responsible for water management and trying to maximize a resource that is frequently strained and taken for granted across the State. In the changing climate, water agencies must get creative in order to meet current needs as well as effectively prepare for unknown future conditions. Valley District and our partner agencies have adopted a new model of behavior that has proven itself most effective. This new model is based on collaboration, shared resources, and shared rewards. Ensuring the water supplies for future generations is hard, but failure is not an option. We have found that working together on a regional scale and solving for multiple objectives over the long term is the right solution for our complex water challenges.

Valley District’s mission is, “to work collaboratively to provide a reliable and sustainable water supply to support the changing needs of the region’s people and environment.” While a reliable supply for our constituents is the number one priority, it is not our only priority. The social, economic, and regulatory landscapes require that we consider how our water projects may impact many other variables, including our neighbors, the native ecosystem, and endangered species.

Our change in perspective is reflected in the Upper Santa Ana River Habitat Conservation Plan (HCP), a partnership of 11 water agencies all trying to build infrastructure and challenged with similar environmental issues. For years, Valley District tried to litigate our way out of endangered species problems. Eventually we found that a more successful approach was to become part of the solution. In essence

if we help the environment, we help ourselves. The HCP secures a 50-year permit for over 100 water projects proposed by 11 different water agencies, while at the same time protecting, enhancing, and restoring the habitat for 22 threatened or endangered species.

We took the successful collaborative HCP model and replicated it to secure infrastructure funding. Rather than each agency applying for funding on their own, Valley District partnered with several other water agencies to create a regional infrastructure funding program called Watershed Connect. This program is a network of projects designed to achieve water supply reliability, climate resilience, and long-term ecological health of the river and our shared groundwater basin. The program includes interconnected water capture, recharge, storage, treatment, and conveyance projects along with renewable energy and habitat projects. Watershed Connect highlights the linkages and synergy created between all the projects. If one agency improves part of the system – we all benefit. Our program was recently invited to apply for up to \$177 million in EPA funding for the first phase of 21 projects and we envision this to be a long-term funding platform for our region.

Delivering solutions that are resilient, restorative, science based, cost-effective, and integrated is our goal. Valley District, together with our partner agencies, continue to work across traditional jurisdictional and geographical boundaries to build much needed water infrastructure, create and support jobs and the local economy, care for shared resources and accomplish a big vision; a secure, equitable, and reliable water supply for future generations. Simply put, collaboration works.

For more information on the programs highlighted above, go to upperhsc.com and watershedconnect.net



MEMBER PERSPECTIVES

Continued

HELLO FROM THE UPSTATE – ANDERSON REGIONAL JOINT WATER SYSTEM

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When the initial facilities were constructed in 1967 approximately 5 years after Lake Hartwell's construction, a 50-year water supply contract was inked with the Corps providing for 24,620 acre-feet of water which at that time was believed sufficient to supply an average withdrawal of more than 40 MGD. Subsequent droughts of record have reduced reliable withdrawals to less than 30 MGD.

The unique contract terms effectively shielded the System from annual O&M cost fluctuations. With the end of the initial water supply contract and its favorable terms, the System began discussions with a coalition of other Corps water supply contract holders on issues affecting water supply. The goals of that coalition were to standardize Corps business practices, reduce unplanned financial exposure and streamline storage reallocation. Some of those goals were addressed in federal Water Resource Development legislation.

With increased water demand from growth combined with the reduced yield from the initial storage contract, in 2012 the System embarked on securing an additional storage allocation sufficient to meet its 50-year planning needs. At that time, the System stated a desire for crediting of return flows to the project and were assured that the hydraulic modeling would incorporate that option. Due to an assortment of obstacles- federal budget reductions halting the study, derating of project dams and hydraulic remodeling requiring reevaluation, etc.- the reallocation process has been a slow process, but a final report has been scheduled.

As part of the final report preparation, in October 2021 the System was informed that absent specific state law return flow credits would

not be included, despite previous assurances as well as the precedent of crediting return flows to water providers in Tennessee and Georgia. After consultations with staff at Cobb County- Marietta Water Authority,

Consolidated Utility District of Rutherford County, and the City of Murfreesboro on the legislative approaches used in Georgia and Tennessee, the System approached its legislative delegation with similar legislation. The proposed legislation has moved quickly through both houses of the SC General Assembly without opposition. The System has formally asked the Corps to reevaluate its stance on return flow credits considering the likely changes in state law prior to completion of the final report.

Anderson Regional Joint Water System has greatly benefitted from the shared goals and its contacts in the National Water Supply Alliance. The System looks forward to working with other members to streamline Corps policies affecting water suppliers such as return flow credits, appropriate cost allocation, predictable O&M charges, dam safety rating and reservoir operations.



MESSAGE FROM PAST PRESIDENT DARREN GORE

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2003 and retracted that in 2009, thus reducing the firm yield so significantly, I knew that credit for return flows was my rallying cry. If you have a similar one-note issue – keep that drumbeat going!

Remain passionate in your pursuits. I don't know about all of you, but I feel as though God uniquely prepared me and placed me in a position to advance a fairer water supply accounting protocol (i.e., crediting return flows). There is a special comfort in believing you are working towards a greater good for your community and in this case a national issue impacting all water suppliers from Corps reservoirs. When you start to see a team being assembled such as the National Water Supply Alliance, and then experience successes because of this divinely appointed group, you become reinvigorated and feel a strong conviction that your pursuits are worthy and of significance. Stay passionate about water supply;

it is important and ultimately impacts people's lives and welfare.

Remain persistent in your pursuits. Calvin Coolidge is quoted as saying "Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent. The slogan 'press on' has solved and will always solve the problems of the human race". Darren Gore's corollary: "Difficult challenges require difficult conversations; don't shy away from those conversations." Solving the issues may take decades; it took about 12 years in Murfreesboro's case, but in the end, we worked it out and got our return flow credits. Press on my NWSA colleagues!

ON CAPITOL HILL

THE CURRENT STATE OF WATERS OF THE UNITED STATES

By Geoff Bowman, Van Scoyoc Associates

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For those of us who work in water policy, at some point in our career we were told that “whiskey is for drinking, and water is for fighting over.” And nothing enflames those passions more than when the conversation turns to jurisdictional waters under the Federal Water Pollution Control Act (aka, the Clean Water Act).

Enacted with the goal of restoring and maintaining the biological and chemical integrity of the nation’s waters, the Clean Water Act partnership between the federal government and the States has enabled the nation to make great strides in improving and maintaining the quality of our waters. Key to the implementation of the Clean Water Act is the definition of “waters of the United States” to which the provisions of the law apply.

Since the landmark *Rapanos v. United States* decision in 2006, multiple Presidential Administrations have conducted rulemakings to clarify those waters considered jurisdictional under the Clean Water Act. The two most recent attempts in 2015 and 2020 descended into litigation quagmires. The Biden Administration has initiated phase 1 for a repeal of the Navigable Waters Protection Rule and replace it with a temporary definition that returns to the pre-2015 guidance with modifications, and this rulemaking will also likely face a thicket of lawsuits.

Regardless, additional clarity is needed to determine which waterbodies are eligible for federal jurisdiction under the Clean Water Act, and more importantly, which waterbodies remain solely within the purview of the States.

Since enactment of the Clean Water Act in 1972, the law has been interpreted and reinterpreted by the federal agencies and the courts. In some cases, the agencies and the courts have provided a measure of additional clarity, but in many cases these same agencies and courts have exacerbated the situation, confusing the issue from a legal, technical, and scientific standpoint.

In at least three separate Supreme Court decisions (*United States v. Bayview Homes*, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, and *Rapanos v. United States*), the Court has held there are limits to federal jurisdiction. And section 101(b) of the Clean Water Act states this explicitly: “It is the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources...”. Unlike the 2015 rulemaking, the current proposed rule attempts to set an extent of federal jurisdiction.

As the Administration continues this rulemaking process to define waters of the United States, USACE and EPA may want to consider including a “bright line” test for certain water features. Excluding water features like those that flow only in response to precipitation, certain stormwater control facilities, certain wastewater recycling structures, and waste treatment systems are important for municipal water districts. And States, acting as both the regulator and the regulated, require clear rules that consider each State’s waters as unique, and not subject to a “one size fits all, top-down, command-and-control” regulatory framework.

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THE INFRASTRUCTURE INVESTMENT AND JOBS ACT BECOMES LAW

By Geoff Bowman, Van Scoyoc Associates

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In November 2021, President Biden signed into law the \$1.2 trillion bipartisan infrastructure legislation, the “Infrastructure Investment and Jobs Act”. The legislation is intended to boost federal investment on highways, transit, rail, electric vehicles, climate resilience, energy, and water infrastructure projects.

In addition to \$55 billion for wastewater and drinking water infrastructure, including \$15 billion for lead drinking water pipe replacement and \$10 billion to treat per- and polyfluoroalkyl substances (PFAS) contamination, the legislation included \$17 billion for the US Army Corps of Engineers (USACE) projects and programs.

In general, \$11 billion was provided by Congress for USACE construction projects, and \$4 billion for operation and maintenance (O&M) work.

On Wednesday, January 19th, 2022, USACE released the spend plans for most of these funds, including allocating more than \$7

billion in construction funds, and \$2 billion in O&M funds. While it is uncertain when the remaining balance of \$4 billion in unallocated construction funds will be released, \$1 billion in additional O&M funds will be included in the FY2023 and FY2024 annual appropriations process respectively. The USACE Spend Plans can be found at the following link by scrolling down to the category entitled “Infrastructure Investment and Jobs Act”: [USACE IJJA Spend Plans](#)

The White House has released a Bipartisan Infrastructure Law guidebook to provide information to state, local, and tribal governments to help them know what to apply for, who to contact, and how to get ready to access Bipartisan Infrastructure Law funding. This guidebook is a roadmap to the funding available under the law, as well as an explanatory document that shows direct federal spending at the program level. The Administration has said it will continue to update the guidebook online at [Build.gov](#) as the law and the programs contained within it are authorized. The guidebook can be [downloaded here](#).

NWSA UPDATES

NWSA adopts its first Strategic Plan

On October 29, 2021, at the NWSA Annual Meeting in Kansas City, the NWSA Board of Directors presented the organization's first Strategic Plan. The Plan will focus and guide NWSA's efforts as the organization's credibility and influence continues to grow. The adoption of the Strategic Plan is just the initial step in strengthening NWSA's effectiveness on the national stage. Each and every NWSA member is encouraged to identify ways in which to contribute to the execution of the Plan by providing perspectives and experiences or getting involved with Committees or task groups. To review the Strategic Plan, visit the NWSA website at <https://www.nationalwatersupply.org/strategic-plan>.

New Members since February 2021

NWSA continues to expand its reach and influence with the addition of the following new members:

Anderson Regional Joint Water System (Anderson, SC) joined in October 2021 as a Class A (Full) Member

Dallas Water Utilities (Dallas, TX) joined in March 2022 as a Class A (Full) Member

Burns & McDonnell (Kansas City, MO) joined in March 2022 as a Class B (Affiliate) Member

Please welcome our newest members Scott Willett (Anderson Regional), Denis Qualls (Dallas) and Tracy Streeter (Burns & Mac).

In addition, NWSA anticipates adding new Members this summer, and the newly-created Outreach Committee has begun to develop member recruiting materials. Outreach Committee Chair George Otstott welcomes members to join the committee to assist with messaging, graphic design, and research.

NWSA Committee News

As mentioned above, George Otstott is the Chair of a new committee that will combine the tasks of external communications and membership recruiting. George has injected enthusiasm and energy into the effort and is seeking members to join the Outreach Committee. He can be reached at hogmang@aol.com.

Another important committee is led by Andrew Morris. Andrew had previously spearheaded efforts on communications and is now Chair of the Policy Committee. He has already begun committee work in earnest, starting with the Policy Survey conducted over the winter. Now that the survey results have been tallied and policy priorities identified, the committee will begin to develop policy positions/statements. Please contact Andrew at AMorris@atlantaregional.org to contribute to the committee's efforts. More information on the Policy Survey is provided below.

Policy Survey

In January and February 2022, the NWSA Policy Committee distributed a survey to NWSA members requesting input on nine water supply policy issues. The goal of the survey was to identify the priority policy items to be addressed by NWSA. The results of the survey reinforced the need to establish USACE policy on return flows as well as a streamlined process for obtaining easements and construction approval for water supply intakes and pipelines. Andrew Morris, Chair of the NWSA Policy Committee, has begun to outline the committee's tasks and process for developing an NWSA policy statement or position on these priority issues and others. The first general discussion of these issues with NWSA Members will take place at the DC Roundtable meetings. If you are interested in participating in policy development, please contact Andrew at AMorris@atlantaregional.org. The policy survey and a summary of results can be found on the NWSA website at <https://www.nationalwatersupply.org/policy-development>.

WRDA Proposals

NWSA has submitted two legislative proposals for the current WRDA cycle. The proposals address the ability of a non-federal sponsor to conduct a reallocation study at USACE reservoirs and the option to amortize repayment of repair, rehabilitation, and replacement costs over a 25-year period. These proposals are similar to the drafts submitted in the 2020 cycle, but they have been revised and updated to better reflect NWSA's intent. To review and download copies of the proposals, visit the NWSA website at <https://www.nationalwatersupply.org/wrda-2022>.

2022-2023 Member Dues

Invoices for Member Dues will be sent out on June 1, 2022. The dues payment will cover the NWSA fiscal year from July 2022 through June 2023.

THE CURRENT STATE OF WATERS OF THE UNITED STATES

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Past efforts by Administrations to define "waters of the United States" have proved challenging because, in the opinion of some, the definition did not protect enough of America's wetlands or, to others, the rule could be zealously applied by a regulator or a court to include any action on any piece of land. As a result, continuous litigation from all sides has marked every past effort to develop a workable rule. Nevertheless, a workable rule that can be consistently applied is needed and the Biden Administration has begun its effort to deliver just that.

OF INTEREST

WRDA Implementation Guidance

USACE posts updates on final implementation guidance for provisions in the 2020 Water Resources Development Act. The implementation guidance tracking chart can be found at https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda_2020/

Reallocation Studies Factsheet

The USACE water supply team recently produced a fact sheet that gives an overview of the timeline and decision points for reallocation studies. The graphic provides a general sense of how reallocation studies should be conducted, reviewed, and approved. [Click here to view the fact sheet](#)

Partnering with the Corps

Don't know how to initiate efforts with USACE? Check out "Partnering with the U.S. Army Corps of Engineers: A Guide for Communities, Local Governments, States, Tribes, and Non-Governmental Organizations." The guide provides an overview of USACE programs, describes how local, State, Tribal, and other non-Federal partners can partner with USACE on activities ranging from

technical services and advice to planning and constructing water resources projects. The Guide outlines the key processes and paths to engagement with USACE. The Guide can be found at <https://planning.ercd.dren.mil/toolbox/library/IWRServer/2019-R-02.pdf>.

Cybersecurity and Infrastructure

The Cyber Incident Reporting for Critical Infrastructure Act of 2022 was enacted into law on March 15, 2022, as a part of [H.R.2471 - Consolidated Appropriations Act, 2022](#) (Scroll down the bill to Division Y). The Act prescribes mandatory reporting requirements for critical infrastructure entities in the event of certain cyber incidents. Under the Act, covered entities must report covered cyber incidents no later than 72 hours after an incident has occurred. In addition, covered entities that make ransomware payments must report the payment within 24 hours after payment has been made.

More guidance on the Act's scope and requirements will be included in rules to be issued by the Cybersecurity and Infrastructure Security Agency. The proposed rule is expected in the next 24 months, with a final rule to follow 18 months later. To review the Act, click on the link above for H.R. 2471.



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Full Members

- Atlanta Regional Commission
- Tarrant Regional Water District
- Murfreesboro, TN Water Resources
- Kansas Water Office
- Cobb County-Marietta Water Authority
- North Dakota Department of Water Resources
- Susquehanna River Basin Commission
- Consolidated Utility District of Rutherford County
- City of Gainesville
- Beaver Water District
- Clarence Cannon Wholesale Water Commission
- Gwinnett County Water Resources
- Brazos River Authority

- North Texas Municipal Water District
- Tacoma Water
- Gulf Coast Water Authority
- Riverbend Water Resources District
- Central Arkansas Water
- Northeast Texas Municipal Water District
- Anderson Regional Joint Water System
- Dallas Water Utilities

Affiliate Members

- King & Spalding LLC
- Southwest Missouri Water
- Burns & McDonnell

