

2014 Federal Legislative Agenda

The 113th Congress' Second Session will begin on Thursday, January 3, 2014. The following list describes CAWCD's federal legislative agenda for calendar year 2014 and will guide the activities of CAP legislative staff and consultants during the upcoming Session.

The Business Planning and Governmental Programs Team will come before the Public Policy Committee on a regular basis to seek guidance and direction on these and other proposed rules and legislation that may arise during the coming year.

Priority Issues

EPA Rulemaking regarding Navajo Generating Station (NGS) Emissions Controls

On February 5, 2013, the U.S. Environmental Protection Agency (EPA) proposed a Best Available Retrofit Technology (BART) rule for NGS to reduce emission of nitrogen oxides from the power plant. CAP uses 2.8 million megawatt hours of energy to pump about 1.6 million acre-feet of Colorado River water across a 336-mile long water conveyance system each year. CAP is the largest single end-user of power in the State. Navajo Generating Station provides more than 90% of the power CAP needs to deliver water.

CAP Position: Continue efforts to engage elected officials, stakeholders, and governmental agencies in influencing the EPA to accept the Technical Work Group "Reasonable Progress Alternative to BART" for adoption as the final rule.

Cybersecurity Threats and Legislation

Experts have warned that government and industry networks are increasingly vulnerable to cyber-attacks and those attacks could lead to severe economic loss or sustained blackouts. Both Congress and the Administration have attempted to address this issue through legislation.

CAP Position: Monitor legislative efforts to address cybersecurity and potential threats to critical infrastructure and vital computer systems.

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Issues That Require CAP Involvement with Other Stakeholders

Clean Water Act

The Clean Water Restoration Act, introduced in 2009, included language to remove the word "navigable" from the Clean Water Act and would have allowed the U.S. Army Corps of Engineers and the EPA to regulate all interstate and intrastate waters. This proposed legislative expansion of the scope of the Clean Water Act was drafted in response to Supreme Court rulings that precluded the EPA from using the Act to regulate pollution in some wetlands because they were not considered navigable bodies of water. In response to this, the EPA released guidance that broadens the scope of waters subject to regulation under the Clean Water Act.

On September 17, the Administration announced that it would withdraw guidance on the Clean Water Act and proceed with a formal rulemaking process.

CAP Position: Continue to oppose expansion of the coverage of the Clean Water Act from "navigable waters of the United States" to "waters of the United States."

Navajo/Hopi Water Rights Settlement Legislation

CAP has long been a party to the discussions of a Navajo/Hopi Water Rights Settlement. CAP has worked closely with other stakeholders in negotiations regarding a comprehensive settlement of the claims of the two tribes to the Lower Colorado River, the Little Colorado River and groundwater in the vicinity of the reservations.

CAP Position: Continue to seek a settlement of these water rights claims and support legislation necessary and appropriate to implement a settlement.

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Colorado River Basin Salinity Control Forum

Recognizing the rapidly increasing salinity concentration in the Lower Colorado River and its impact on water users, the Colorado River Basin States came together in 1973 and organized the Colorado River Basin Salinity Control Forum (Forum). Forum membership consists of appointees from each of the governors of the Colorado River Basin states and includes water quantity and water quality agency leads and representatives from major water user organizations, including CAP. In 1974, in coordination with the Department of the Interior and the U.S. State Department, the Forum worked with Congress on the passage of the Colorado River Basin Salinity Control Act (Act).

Title I of the Act deals with the United States' salinity commitments to Mexico. The Yuma Desalting Plant was constructed pursuant to Title I.

Title II of the Act creates the Colorado River Basin Salinity Control Program (Program) which focuses on improving the water quality of the Colorado River to U.S. users above Imperial Dam. Since implementation of the Program, measures have been put in place to control more than 1.2 million tons of salt annually but continued success is dependent on the program securing adequate funding.

CAP Position: Continue to support the operation of the Yuma Desalting Plant or a suitable alternative. Support the activities of the Colorado River Basin Salinity Control Forum, including efforts to secure adequate funding.

Colorado River Basin Water Supply and Energy Legislation

The Bureau of Reclamation's Upper Colorado and Lower Colorado Regions, in collaboration with representatives of the seven Colorado River Basin States, released a study in December 2012 that outlined current and future imbalances in water supply and demand in the Colorado River Basin and the adjacent areas of the Basin States that receive Colorado River water for the next 50 years. Stakeholders are now engaged in developing and analyzing adaptation and mitigation strategies to resolve those imbalances.

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In addition, CAP is in a unique position as the only federal Reclamation project in the U.S. that has a coal-fired power plant as a project component. CAP continues to explore diversification of its power portfolio and to engage in federal energy legislation as it relates to the energy needs of the Project.

CAP Position: Continue to collaborate with Federal, State, tribal, and environmental stakeholders to augment water supplies and mitigate potential impacts on CAP water and power operations.

Hualapai Water Rights Settlement Legislation

The role of Indian reservations in Arizona water supply and management has become increasingly important. With approximately 28% of Arizona lands held in trust by the federal government on behalf of Native Americans, determination of Indian water rights and water use by Indian communities can have a significant impact on other State water users.

CAP Position: Support the settlement of these water rights claims and support legislation necessary and appropriate to implement a settlement.

Pascua Yaqui Tribe Trust Land Act (H.R. 507)

The Pascua Yaqui Tribe Trust Land Act (H.R. 507) benefits the Pascua Yaqui Tribe in their need to transfer property from the Bureau of Land Management to the Bureau of Indian Affairs and, in turn, would allow CAP to continue discussions with the Tribe to establish a joint-use maintenance road parallel to CAP's Black Mountain pipeline.

CAP Position: Support the passage of H.R. 507 allowing the transfer of Pascua Yaqui tribal land.

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Federal Rulemaking

EPA Rulemaking, Greenhouse Gas Emissions

CAP's participation in the Navajo Generating Station as its primary source of power to pump Colorado River water throughout the State of Arizona necessitates a thorough understanding of the potential impact of EPA rulemakings on greenhouse gas emissions. Many of these proposed rules could impact the CAP and the viability of the Navajo Generating Station.

CAP Position: Monitor proposals to regulate greenhouse gas emissions from large facilities under the Clean Air Act.

Water Quality

Because the Colorado River provides a critical supply of municipal drinking water, agricultural irrigation water, water for wildlife habitat and water for recreation for the Lower Basin States including Arizona, protection of the river's water quality is vital to maintaining these beneficial uses. Over the years, a number of water quality issues and constituents of concern have been identified by Colorado River stakeholders. Of particular interest to CAP are quagga mussels and such compounds as salinity, perchlorate, nutrients (phosphorus and nitrate), uranium, etc.

CAP Position: Monitor water quality issues impacting the Colorado River that may affect CAP operations.

If you have any questions or would like additional information, please contact Business Planning & Governmental Programs at 623-869-2150.