



"Serving Western Legislatures"

RESOLUTION 98-2

Urging the President and the U.S. Congress to Reject the Report of the Western Water Policy Review Advisory Commission and Consider Dissenting Views

Introduced by the Western Water Policy Committee

WHEREAS, the Western Water Policy Review Advisory Commission was appointed under the auspices of the *Western Water Policy Review Act of 1992* (P.L. 102-575, Title XXX) to conduct a comprehensive review of federal activities in the western states which directly and indirectly affect the allocation and use of water resources; and

WHEREAS, the Commission issued a "Public Review Draft" report in late 1997 and a final report on June 25, 1998; and

WHEREAS, on December 5, 1997, CSG-WEST (Council of State Governments-WEST, Serving Western Legislatures) adopted Resolution 97-3 which (1) highlighted shortcomings of the draft report, (2) expressed strong opposition to several of the conclusions and recommendations contained in the draft document, and (3) officially requested that the Commission incorporate major modifications in the draft report before its final consideration; and

WHEREAS, the Commission did not incorporate major modifications in its final report, and the concerns expressed in Resolution 97-3 were only addressed in a superficial manner; and

WHEREAS, the Western States Water Council has transmitted correspondence to the President of the United States expressing concerns with several aspects of the final report including (1) failure to adequately recognize states as the appropriate level of government to take the lead in encouraging and facilitating local watershed initiatives, (2) inclusion in the report of recommendations that would significantly impact state water law and existing water rights in contradiction of a century of federal deference to state prerogatives embodied in law and policy, and (3) failure to recognize that states are in the best position to accomplish the integration of water quantity and water quality management in light of their legally established authority in the allocation of water quantity and their primary role in the implementation of water quality protection under the federal Clean Water Act and the federal Safe Drinking Water Act; and

WHEREAS, the final report was accompanied by strong dissenting views primarily from Congressional members of the Commission, but also from Commission member Pat O'Toole who included an alternative entitled, "A Blueprint for Effective Water Policy in the West: An Alternative to the Final Report of the Western Water Policy Review Advisory Commission;" and

WHEREAS, Mr. O'Toole's alternative advocates that U. S. Congress reject the two major recommendations of the Commission's final report which he highlights as (1) the "Principles of

Water Management for the 21st Century” which would “abruptly set aside the long-standing system of water rights that has afforded certainty to both federal and non-federal water users in the West for 150 years, and would instead transfer water allocation and use decisions to federal agencies,” and (2) the proposed structure for “New Governance of Watersheds and River Basins” which “unless refined to offer substantial deference to state and local authorities, will only worsen the already detrimental impacts of federal activities on the allocation and use of water in the West;”

NOW, THEREFORE, BE IT RESOLVED that CSG-WEST (Council of State Governments-WEST, Serving Western Legislatures) hereby expresses its disappointment that the Western Water Policy Review Advisory Commission did not incorporate in its final report the major modifications advocated through Resolution 97-3 as proposed by the Western Water Policy Committee of CSG-WEST and adopted by the Executive Committee on December 5, 1997; and

BE IT FURTHER RESOLVED that CSG-WEST joins the dissenting views of those voicing concerns with the Commission’s final report including Commission member Pat O’Toole, the Congressional members of the Commission who expressed their dissent, and the Western States Water Council; and

BE IT FURTHER RESOLVED that CSG-WEST strongly urges the President and the Congress of the United States to reject the recommendations proposed in the final report of the Western Water Policy Review Advisory Commission and to seriously consider the dissenting views before issuing any executive order or proposing any legislation which would negatively impact states’ rights in any manner; and

BE IT FURTHER RESOLVED that CSG-WEST urges members of the CSG-WEST Western Water Policy Committee to meet with their congressional representatives to lend their personal support to this resolution.

***ADOPTED BY THE CSG-WEST EXECUTIVE COMMITTEE ON SEPTEMBER 22, 1998
ASSEMBLED IN ANNUAL MEETING IN ANCHORAGE, ALASKA.***