

Water Resource News



EPA Nutrient Reduction Strategy, the quest for State Nutrient Standards

In 2000, the United States Environmental Protection Agency (USEPA) established recommended numeric nutrient standards of Nitrogen and Phosphorus for different eco-regions. Each State had three years to adopt Federal Standards or establish its own.

According to the USEPA, most aspects of modern society contribute to pollution to the water of United States. Nitrogen and phosphorus come from municipal wastewater treatment, urban stormwater, row crop agriculture, livestock production, industrial wastewater and combustion of fossil fuels. The proportion of loading to a particular water body from these sources varies from watershed to watershed, with point sources and urban stormwater being most important in urbanized watersheds and row crop and/or livestock production being predominant contributors in agricultural watersheds.

Many state agencies are struggling with the Federal Standard levels being set at level that is not accurately representing the state's waters. Currently, most states have not finalized their own nutrient standards.

Florida - The Sierra Club and the Conservancy of Southwest Florida sued the state of Florida for failure to enforce the Clean Water Act. Forced by federal promulgation, the state is now lawsuit-driven rather than by science to set numerical water quality standards. Under settlement, the Florida EPA had until January 2010 to establish pollutant limits for lakes, rivers, and creeks. The limits were set to be finalized in September but numerous comments (22,000) received and pressure from politicians has delayed the finalization of the rules. In the draft proposal, Florida EPA has established Phosphorus and Nitrogen standards for lakes and flowing water.

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Peterson Introduces Bill to Protect Producers

WASHINGTON – House Agriculture Committee Chairman Collin C. Peterson, D-Minn., yesterday introduced H.R. 6273 which amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Clean Water Act (CWA) to prohibit additional permits for pesticide application when pesticides are applied consistent with FIFRA.

“This legislation provides farmers and ranchers with the safe harbor they deserve in the application of pesticides. The bill relieves producers from a potentially costly regulatory burden that does little if anything to protect the environment,” Peterson said.

In the decades since Congress enacted the CWA, the Environmental Protection Agency (EPA) has never issued a National Pollutant Discharge Elimination System (NPDES) permit for the application of a pesticide. Instead, EPA has regulated these types of applications through FIFRA, enacted by Congress to control all aspects of pesticide registration, sales and use. The FIFRA registration process includes stringent requirements for a wide range of environmental, health and safety studies to establish the circumstances under which pesticides can be legally used in the United States.

In January 2009, the 6th Circuit Court of Appeals overturned a 2006 EPA rule which specifically exempted permitting of certain pesticide applications from the CWA. In *National Cotton Council of America, et al., v. United States Environmental Protection Agency* the court ruled EPA did not have the authority under the CWA to exempt application of pesticides. The Court's decision marks a pre-emption of FIFRA by the CWA for the first time in the history of either statute.

Chairman Peterson's bill would make clear that producers who are in compliance with the requirements of FIFRA are not subject to Clean Water Act permits.

“The 6th Circuit decision overturned decades of policy and practice with regard to the sufficiency of FIFRA regulation,” Peterson said. “This legislation will make clear that Congress never intended for farmers and ranchers to meet additional permit requirements for pesticide applications under FIFRA.”

Twelve members of the House of Representatives joined Peterson as original co-sponsors of the bill.

H.R. 6273 bill text: <http://agriculture.house.gov/inside/Legislation/111/HR6273.pdf>

Nutrient Standards continued

Florida EPA <http://www.dep.state.fl.us/water/wqssp/nutrients/index.htm>

Illinois is working to establish state standards. A Nutrient Reduction Summit was hosted by IL EPA in September inviting all interested parties to voice concerns. A smaller group of invited stakeholder were invited to participate in series of roundtable meetings. AAW Water Resource Chair, Cheryl Day was selected as an agriculture member to the roundtable.

USEPA <http://www.epa.gov>

Chesapeake Bay info:

<http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/index.html>

IL EPA: <http://www.epa.state.il.us/water/nutrient/index.html>

Iowa changes to the state's water quality standards were approved in October. The Iowa Department of Natural Resources (IDNR) establish a three Tier system to protect the quality of the state's water. The new policy will establish regulations to new or expanded discharges of wastewater treatment plants. Iowa is still focusing on prioritizing conservation practices to reduce nutrient loading by agriculture. IDNR: <http://www.iowadnr.gov/water/nutrients/index.html>

Michigan has established a Phosphorus standard for flowing water only. Michigan Dept. of Natural

Resources Website: <http://www.michigan.gov/deq/0,1607,7-135-3313---,00.html>

Montana has established water quality standards by classification of water bodies. The water quality standards varies among the water bodies. Montana Dept. of Environmental Quality: <http://deq.mt.gov/wqinfo/standards/default.mcp>

Ohio's water quality standards are based on classification of the state's water bodies. Numerical water quality standards are based on setting a standard for concentration of chemical and degree of aquatic life toxicity allowable in a water body without adversely impacting its beneficial use. The state's numeric criteria are applied to all water bodies but primarily used to regulate discharger through NPDES permits. [All most every agriculture is currently exempt from NPDES permit process] Ohio EPA Website: <http://www.epa.state.oh.us/dsw/wqs/index.aspx>

Wisconsin has proposed a Phosphorus Standard for different Water body types. The proposed rule establishes phosphorus water quality criteria: Rivers 100 ug/L (parts per billion), Smaller streams and rivers 75 ug/L, Lakes and Reservoirs 15 ug/L, shallow drainage lakes and reservoirs 40 ug/L, Great Lakes 5-7 ug/L depending on the Lake, and no criteria proposed for marsh lakes and other wetlands. Find the final ruling on the Wisconsin Administrative Rules Website <https://health.wisconsin.gov/admrules/public/Home>. Enter "Phosphorus" in the search and select the final report filed Sept 2010.

Several states are working to reduce nutrient reductions without numeric water quality standards for Nitrogen and Phosphorus.

Connecticut - The state is working to identified optimal nutrient "yield" per acre for urban, agricultural, and forested lands. Connecticut's Department of Environmental Protection

(DEP) is working to break down water bodies into classifications. Each classification are assigned to surface and groundwater in all areas of the state. The classification will be based on both the use or potential use of such water. Ideally, in this system, water bodies not used for drinking water source would not have to met the same level of water quality standards as those used for drinking sources. Learn more on the DEP's website: <http://www.ct.gov/dep/cwp/view.asp?a=2719&q=325620>

Kansas is using the Gulf Hypoxia task force goals to require point source nutrient removal and non-point source implementation through watershed plans. The three year review of the state's water quality is overdue. Pressure from the USEPA and the modern environment movement is pushing for regulations to non-point sources including agriculture. Monitor the Action of the Kansas Bureau of Water: <http://www.kdheks.gov/water/index.html#regs>

North Carolina requires nutrient reductions from point and non-point sources through state authorities to meet Total Maximum Daily Loads (TMDLs) goals. NC Division of Water Quality: <http://portal.ncdenr.org/web/wq/ps/csu>

Virginia [Chesapeake Bay]:

President Obama issued an Executive Order requiring an action plan to clean up the Chesapeake Bay watershed. Guided by 4 goals (water quality, habitat, fish and wildlife, and public access) and four supporting strategies (citizen and stewardship, environmental markets, climate change, and science). Farmers are voicing concerns of Senate Bill 1816/H.3852, Chesapeake Clean Water and Ecosystem Restoration Act of 2010. The proposed legislation would give EPA unprecedented authority to regulate farm practices and other land and water uses in the six-state bay watershed.

Editor Note: The USEPA's action in Florida and the Chesapeake Bay area is setting precedent for new mandates under the Clean Water Act. Your state maybe next.

Chesapeake Bay, A Closer Look

On May 19, 2009, President Barack Obama signed an Executive Order calling the federal government to restore and protect the nation's largest estuary, Chesapeake Bay, and its watershed. In accordance with the Executive Order, a Federal Leadership Committee chaired by the Administrator of the Environmental Protection Agency and include senior representative from the department of Agriculture, Commerce, Defense, Homeland Security, Interior, Transportation, and others.

The Executive Order requires these agencies to prepare and submit a draft report by September 9, 2009. By November 12, the Federal Leadership Committee integrated these reports into a coordinated strategy. In July 2010, the USEPA proposed a draft Nitrogen and Phosphorus limits as part of a "pollution diet".

The watershed-wide draft limits of 187.4 million pounds of nitrogen and 12.5 million pounds of phosphorus are divided among the six watershed states and the District of Columbia, as well as the major river basins. In addition to these draft allocations, the EPA is committing to reduce the amount of airborne nitrogen that falls on the Bay's tidal waters to 15.7 million pounds per year. This will be achieved through federal air regulations that will be implemented over the coming years. The EPA will assign draft allocations for sediment on August 15.

Bay jurisdictions are expected to use the draft allocations as the basis for completing their Watershed Implementation Plans (WIPs), which detail how they will further divide the limits among different sources of pollution and achieve the required reductions. Jurisdictions must provide the first drafts of their WIPs to the EPA by September 1, and final Phase 1 WIPs are due November 29.

Currently, the draft Chesapeake Bay total Maximum Daily Load (TMDLs), a mandatory "pollution diet" is being discussed in public hearings. The final TMDL will be established December 31, 2010,

Implementation on Agriculture

Overall, it was noted that the evaluation was lacking key research and accurate picture of the current practices of farming practices including evaluations of CAFO Operations.

Phosphorus (P)

- In Delaware, the committee has recommend a prohibiting Phosphorus application on high P soils
- It is noted in other states, EPA wants to revisit the P index and the desire to restrict over application of P through commercial fertilizer but mostly with manure application.

Animal Agriculture

- In most of the states, the inspections and coordinated effort to enforcement of the Concentrated Animal Feeding Operations (CAFO) including regulating Nutrient Management Plans
- New York appears to have the most aggressive CAFO enforcement and West Virginia has yet to have a CAFO program approved by EPA. The remainder of the states with animal agriculture are in the middle ground. Those state's CAFO program are established but the committee questioned enforcement strategies.
- EPA is looking for better solutions to manure management for poultry farms.

Best Management Practices

- All states rely on Voluntary Incentives through USDA.
- Wants to improve Conservation practices to decrease sediment
- Wants to revise Nutrient Management Plans
- Prioritize USDA program dollars

Wildcards

- In some States, the EPA wants to expand CAFO inspired programs to all Animal Feeding Operation regardless of size.

The Bay

- ◆ The Chesapeake Bay is an estuary, a body of water where fresh and salt water mix. It is the largest in the united States
- ◆ 200 miles stretching from Grace, Maryland to Virginia Beach, Virginia
- ◆ Holds 15 trillion gallons of water
- ◆ Supports more than 3,600 species of plants, fish and animals, including 348 species of finfish, 173 shellfish, and over 2,700 plant species
- ◆ Produces 500 million pounds of seafood a year.

The Bay Watershed

- ◆ The Bay receives about half its water volume from the Atlantic Ocean and the rest drains into the Bay from

Details on

Chesapeake Bay:

<http://www.chesapeakebay.net>

64,000 square mile watershed.

- ◆ Includes Six States-Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia-an entire District of Columbia
- ◆ The Bay is home to more than 16.6 million people
- ◆ There are 150 major rivers and streams in the bay watershed

Source: Chesapeake Bay Website and the USEPA Website

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Chesapeake Bay Proposed Legislation, Agriculture Perspective

S. 1816

US Senator Benjamin Cardin (MD) introduced the Chesapeake Clean Water and Ecosystem Restoration Act to increase the protection for the Chesapeake Bay watershed by applying new, stricter regulations and extending the regulatory power of the Environmental Protection Agency.

H. 5509

US Representative Tim Holden (PA) introduced the Chesapeake Bay Program Reauthorization and Improvement

USEPA <http://www.epa.gov>

Chesapeake Bay info:

<http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/index.html>

Act, which is also co-sponsored by Rep. Bob Goodlatte (VA). The bill allows states and communities more flexibility in meeting water quality goals. In addition, it sets up new programs for farmers and home builders.

Virginia Farm Bureau is actively opposing S. 1816. The bill significantly expands USEPA's regulatory authority over farming practices.

Virginia Farm Bureau FAQs to S. 1816

1. *Why are farmers opposing Senate Bill 1816, the Chesapeake Clean Water and Restoration Act of 2010?*

Virginia farmers, like everyone, want the Chesapeake Bay to be clean and pristine. And we've done more than our fair share to help protect it over the past decade. But more needs to be done—by everyone.

Unfortunately, the cure proposed in S. 1816 is a flawed solution. It unfairly blames agriculture for more than 50 percent of all excess nutrients reaching the bay. And it ignores the negative economic and social byproducts of essentially putting the Environmental Protection Agency in charge of every land-use decision within the bay watershed.

This legislation would put the federal government in the position to override every local zoning decision and to second-guess every state environmental regulation. Virginia's environmental regulations are already stricter than EPA standards, and regulations on top of regulations do not lead to a cleaner bay. They only lead to unrealized goals and broken promises—the very disappointments S. 1816 proposes to cure.

The bill is also flawed because it relies on a computer model that does not account for extensive voluntary clean-up efforts Virginia farmers already have put into place. Just like a GPS device that has outdated maps, this flawed model is skewing the information state and federal government regulators are using to justify the need for increased regulations on farmers.

2. *Why shouldn't the federal government crack down on farmers?*

What the average person may not realize is that farmers have been making great strides in reducing runoff for decades in Virginia and other bay states. From 1989 to 2008, 705 stream banks in Virginia were improved to reduce erosion and protect water quality. Farmers paid an average of \$1,600 for each of these projects, with the state paying the balance from cost-share funds. Of course, much more needs to be done. But the average cost of each stream bed improvement project is about \$4,100 and is rising.

S. 1816 doesn't provide new

money for the clean-up effort. All the dollars mentioned in the bill are already allocated under the 2008 Farm Bill. Without any new federal money, the cost of complying with these regulations will be forced down onto local governments and landowners.

For 24 years Virginia has acknowledged the efforts of individual farm families in improving water quality on their property by honoring them with a Chesapeake Bay Clean Water Farm Award or, if the farm is outside the bay watershed, a Virginia Clean Water Farm Award. Since that program began, 1,118 Virginia farms have been honored for implementing best management practices to protect water quality.

These farms and many others already have conservation practices in place, doing their job to protect water quality. More federal regulations could be counter-productive, as they'd force farmers to consider whether it was worth the time and expense of complying with two sets of regulations.

According to the U.S. Department of Agriculture, nearly 14 percent of tillable farmland and 20 percent of all agricultural land in bay states was converted to another use between 1987 and 2007. During that same period, the bay watershed lost 41 percent of its farms. These changes occurred despite acknowledgement by all parties that agriculture and forestry are the best possible land uses for protecting the Chesapeake Bay

3. *What are farmers specifically doing right now to clean up the bay?*

Farmers are planting cover crops to slow or stop soil erosion, putting vegetative buffers like grass and trees between fields and waterways, covering manure piles with storage sheds, applying manure only according to nutrient management plans, and fencing livestock out of rivers and streams.

Many farmers have been taking these steps with only a fraction of what is needed from state or federal cost-share money. Farmer demand continues to outpace the funding levels.

A 2009 Financial Needs Assessment Study by the Department of Conservation and Recreation concluded that \$27.4

Chesapeake Bay Proposed Legislation, Agriculture Perspective

million is needed for Virginia's agricultural best management cost-share program for the current fiscal year in the Chesapeake Bay watershed.

That was before additional federal mandates currently being proposed in Congress, and before cost-share funding fell \$20 million short due to the economic recession.

4. What do farmers propose to do to clean up the bay?

Farmers support a bill in the U.S. House of Representatives introduced by Reps.

Timothy Holden of Pennsylvania and Bob Goodlatte of

Virginia, that really addresses what needs to be done to advance the cause of cleaning up the bay.

That legislation would force federal agencies to develop more accurate models for where future

nutrient control efforts are needed. It would ask farmers to develop conservation plans, plan a timetable for implementing them, and let them achieve that goal without onerous federal oversight.

These plans would be specific to their individual farms, so they would have maximum impact. This legislation is a familiar approach to farmers. It does not set unrealistic deadlines, and it would effectively pick up the smaller farm operations that currently do not have to follow conservation regulations.

5. What's really needed to clean up the bay?

Patience and money. Studies have shown that the sediment and nutrients reaching the Chesapeake Bay and its tributaries today were probably a result of farming practices and economic development that occurred during our grandparents' lives.

Since it takes decades for change to occur in the Chesapeake Bay, it's only good policy to allow decades for improvements to happen.

6. Why should I be concerned about this if I do not live or farm within the Chesapeake Bay watershed?

If you live and/or farm outside the Chesapeake Bay watershed, you could be affected by S. 1816 just the same. EPA administrators have publicly stated that this legislation would serve as the roadmap for the regulation of any other watershed nationwide.

It also would establish new standards to regulate air quality that would affect everyone, regardless of whether they farm.

USEPA <http://www.epa.gov>

Chesapeake Bay info:

<http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/index.html>

Corps Declares 'Emergency' to Close Chicago-Area Locks

Asian Carp, a collection of four distinct fish species, represent a serious, but manageable threat to the Mississippi and Great Lakes Region. Introduced in the 1970s by southern catfish farmers, Asian Carp traveled north through U.S. waterways to their current location in the Illinois River. To cope with the further spread of these invasive species of carp, regulators installed electric barriers to prevent further progression – a solution that has worked to date.

Recently, some have advocated for disruption of commercial traffic through the northern most locks on the Chicago Area Waterway System (CAWS). Unfortunately, the facts do not support such a move:

- Lock closure is not a solution to the threat posed by Asian Carp, but rather a politically motivated stunt that would result in enormous economic consequences for the region.
- The U.S. Army Corps of Engineers

is considering classifying the current situation an 'emergency' to assume authority to close the Chicago-area locks. No emergency exists, and all evidence shows that self sustaining populations of Asian Carp have been controlled by existing barriers.

- The Illinois Fish and Wildlife Service recently logged 34 days on the water in an exhaustive search for any Asian Carp specimen. They located none – alive or dead.
- The CARP ACT, introduced in the both the U.S. House and Senate further injects politics into this process, demanding federal action to immediately close the Chicago-area locks.
 - HR 4472 sponsored by Rep. David Camp (R-MI 4)
 - S 2946 sponsored by Sen. Debbie Stabenow (D-MI)
- Again, no evidence exists to support radical action by the Federal

government. Over 30 additional barrier methods outlined by the government coordinated Asian Carp Working Group, have yet to be fully explored, including additional electric barriers, acoustic deterrents, strobe lights and air bubble curtains.

At present there is no evidence warranting extreme action. The threat posed by Asian Carp is best dealt with through comprehensive, collaborative solutions designed to solve this problem, rather than score political points.

More information: <http://www.unlockourjobs.org/>

California Water Watch

by Joan Webster, CWA Water Director

The 2010 water supply for many farmers throughout the state was better than first anticipated, but the attacks on our water rights and future continue with alarming fervor. Proposed state water bills seemed to have a frightening theme of increased fees and/or reduced water and property rights.

Over all for 2009 -10 the Water Bond was a central focus and removing it from the November ballot certainly put a huge damper on many water users' plans, and long range hopes.

AB 2092 (Jared Huffman, D-San Rafael)

would require the Delta Stewardship Council by 2013 to develop a long-term finance plan to support implementation of the com-

notification remains an unresolved issue

SB 565 (Fran Pavley, D-San Diego), would establish an annual fee for all surface water statements of water diversion and use, including riparian and pre 1914 water right holders. The bill would authorize the State Water Resources Control Board to inspect the facilities of any person or entity to determine compliance, increases civil liability amounts and require costly studies from individual water users. The bill puts in jeopardy existing water rights permits and licenses.

San Joaquin River – The first lawsuit, since the actual restoration of the San Joaquin River began in October 2009, has been filed. The suit charges that the restored flows are causing seepage and damaging prime ag land on the Westside (Los Banos area). Water has not flowed consistently through this area since the Friant Dam was built some 60 years ago. This restoration effort is a result of a 20 year battle started by environment groups to restore the flows. (For more see The Fresno Bee, Modesto Bee, San Diego Tribune and other end of August 2010)

The Delta Stewardship Council adopted the Interim Plan on August 27 at the conclusion of its two day meeting. There are major concerns with the Interim Delta Plan, because many believe that the flow criteria are not consistent with the coequal goals that are the fundamental principles that guide all of the Council's work. NCWA commented that, "the DWR's Water Supply Modeling further demonstrates that the SWRCB's Delta flow criteria cannot possibly help achieve the coequal goals because their implementation would devastate not only water supplies

throughout California, but also would have very significant negative impacts on stream conditions that support fish that migrate through the Delta and are therefore part of its ecosystem." http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/index.shtml

The Technical Issues Committee (TIC) of the Irrigated Lands Regulatory Program (ILRP) recently agreed to prioritize discussion of three monitoring and management plan requirements of water quality coalitions covered by the Coalition Conditional Waiver of Waste Discharge. While the goal of the TIC is to ensure that the monitoring programs use standardized procedures, with field and laboratory procedures that are scientifically sound and defensible, and that water quality data are defensible when characterizing agricultural discharges, the SVWQC's additional goal is to ensure practical and economically viable management plan obligations related to DO and/or pH, and E. coli are developed which recognizes the stewardship practices already used by growers to protect water quality. A majority of the SVWQC Management Plan requirements are related to DO and/or pH, and pathogens versus pesticides.

Butte County in Dispute with DWR-When Oroville Dam was completed in the 1960s, Butte County was allotted 27,500 acre-feet of water. Until 2007 DWR charged the county for the water they actually used. Since then DWR has charged for the full allotment, even when the water was not available for the county. Some years the county is able to sell to other agencies. This year the county may have to pay \$1.2 million dollars for the a allotment. (Many believe that DWR is over stepping their authority with exorbitant fees)

Water Watch is provided by California Women for Ag. Visit CWA Website: <http://californiawomenforagriculture.com/>

prehensive Delta Plan. The measure would require the financing plan to allocate costs based on the beneficiary pays principle from the Delta Plan, including those outside the statutory Delta boundaries, thus expanding the authority of the Delta Stewardship Council outside the Delta.

AB 2304 (Jared Huffman, D-San Rafael) would identify and map groundwater recharge areas and provide protections for those areas. The measure was amended earlier in the session to address some of Farm Bureau's concerns, but property owner

Arbitrator sides with Kansas in dispute over Republican River

Topeka, KS – An arbitrator has sided with the State of Kansas in a pair of disputes over the usage of water from the Republican River. The decision, issued on October 7, is an encouraging step in the ongoing administration of the Republican River by Kansas, Colorado, and Nebraska.

“Kansans who rely on Republican River water for their farms, businesses and communities can rest assured that we will continue to pursue the water they are entitled to under the Republican River Compact and litigation settlement terms,” said Kansas Attorney General Steve Six. “The arbitrator’s decisions should send a strong message to Colorado and Nebraska that Kansas’ concerns about their proposals are justified, appropriate and fair.”

The states had entered arbitration on a pair of issues. Nebraska is seeking changes in the compact accounting to provide water credits if monetary payments are made for noncompliance with the compact terms. Kansas objected that the proposal was contrary to the compact and would encourage future compact violations and deprive

Kansas water users of the water due to them under the compact approved by the Supreme Court.

The arbitrator agreed with Kansas that the proposal is contrary to the compact because substituting money paid for a past violation, “would result in a windfall to Nebraska, allowing accountability for potential future violations to be erased with a single payment for a past violation.”

Colorado officials have proposed a compliance pipeline to offset the effects of groundwater depletion on streamflows. While Colorado’s plan sounds promising, and Kansas officials are encouraged that Colorado is exploring ways to meet their legal obligations under the Compact and settlement, to date the states have been unable to agree on details of the plan.

The arbitrator ruled in favor of the State of Kansas and against the State of Colorado and recommended further action by the states. The arbitrator agreed with Kansas on a number of details for the pipeline plan and concluded Colorado should adopt most of Kansas’ technical objections to the

pipeline plan.

“We are greatly encouraged by the arbitrator’s ruling, particularly with regard to Nebraska’s attempts to claim monetary damages as an offset of their unauthorized and expanding consumption of water,” David Barfield, chief engineer of the Kansas Department of Agriculture’s division of water resources. “We will continue to assert Kansans’ water rights in this case, as those rights have been clearly established by the Supreme Court.”

Source: Kansas Dept of Ag

Kansas Department of Agriculture website at www.ksda.gov/interstate_water_issue/s/content/142

A Supreme Court ruling changes Colorado’s State law

In 2007, two ranch owners in the Durango area prevailed in a lawsuit claiming the state of Colorado had injured their water rights by not administering the produced water from nearby coal-bed methane operations. Last year, the Supreme court upheld the Durango Water Court judge in the Vance v. Wolfe case.

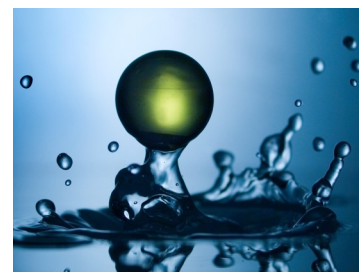
As a result of the Supreme Court Decision, The Colorado State Legislature passed a law [09-HB1303] that

affirmed the Supreme Court decision and directed the State Engineer to develop rules for oil and gas wells.

A new permitting process has begun for drillers. Due to lack of resources, the state places the burden of showing a gas well on the drillers.

To date approximately 5,000 coal-bed methane wells have obtained permits.

More information can be located on the Colorado Division of Water Resources Website: <http://www.water.state.co.us>



"We are a force of truth, a reasoned, non-partisan voice for the agricultural community to the public."

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The Newsletter was created by AAW Water Resource Management Chair, Cheryl Day, to better inform AAW members on water issues. The articles in the newsletter is based from media outlets and information submitted to Cheryl Day. All AAW members are invited to submit information on water issues to Cheryl. If your Affiliate has a Water Resource Chair or a member who follows water issues please have them contact Cheryl Day. In order to best serve AAW, it is important to establish a network across the membership.

If you have any questions about the information appearing in this newsletter or on AAW Water Policies in general please feel free to contact Cheryl Day.

We're on the web!

www.americanagriwomen.org

Waterway Transportation Industry is Disappointed in Obama's Announcement

Arlington, VA-- Cornel Martin, President/CEO of Waterways Council, Inc., has issued the following statement in response to President Obama's announcement on Monday that he will ask Congress to approve a \$50+ billion long-term spending plan for roads, railways and runways:

"While the nation celebrated Labor Day and all that the workforce has done to make America great, the waterways transportation industry was left disappointed and puzzled about why the President's announcement earlier this week to fund at least \$50 billion in infrastructure projects over the long term does not include any waterways or port projects. Our inland waterways not only support people who work on our rivers, but workers in our agricultural community and the many industries who rely on our waterways for affordable transportation of their goods, both domestically and for world markets. To not include and dismiss our nation's most environmentally sound, energy efficient and congestion-relieving mode of transportation, when its lock and dam infrastructure consistently earns a "D" grade, is unreasonable and unacceptable.

Just one jumbo barge moving our nation's and the world's critical commodities carries the same capacity as 70 trucks on our already over-crowded highways. Inland transportation has the lowest carbon footprint of the other modes and has the best safety record.

For all these reasons and more, the inland waterways industry remains a solution for the future and its infrastructure is critical to maintain a modern and efficient system of transportation for cargoes like grain, petroleum, corn, coal, steel, and aggregates that the United States and the world rely upon.

In support of our nation's labor force, our nation's waterways have helped to make our country great. It is time to stop dismissing waterways transportation infrastructure and instead work together to keep America moving!" *Source: Waterways Council, Inc.*

