



"Serving Western Legislatures"

APPROVED RESOLUTION NO. 97-3

Response to Draft Report of the Western Water

Policy Review Advisory Commission

(Introduced by the Executive Committee)

WHEREAS, the Western Water Policy Review Act of 1992 (P.L. 102-575, Title XXX) directs the President of the United States to appoint a commission 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 Western Water Policy Review Advisory Commission appointed pursuant to the Act has invested a considerable amount of time and energy in meetings and public hearings in compiling its "Public Review Draft" report entitled "Water in the West: The Challenge for the Next Century"; and

WHEREAS, the deadline for comments and recommendations on the draft report has been established as December 19, 1997, but this date does not allow adequate time for the public and its elected representatives to formulate and transmit their comments; and

WHEREAS, the Western Water Policy Committee of the Council of State Governments-WEST has received background materials, explanations, and presentations concerning the contents of the draft documents; and

WHEREAS, the draft report contains a number of positive recommendations, but it also incorporates recommendations that are decidedly negative in their potential impacts on western water policy and the western states; and

WHEREAS, recommendations regarding state authority are placed in the context of the report's conclusion that Federal policy toward state water allocation law should change to "respect" rather than the long-established Congressional policy of "deference"; and

WHEREAS, the draft document specifically advocates "fundamental changes in institutional structure and government process..." including a "top-down" approach to water management by Federal river basin commissions which has been tried and failed in the past; and

WHEREAS, the draft report expresses an intention to support local initiatives, but the suggested use of Federal basinwide governance pilot projects ignores the success of many innovative state and local efforts undertaken without the need for Federal direction or Federal leadership and threatens further successes by the imposition of the proposed governance structure; and

WHEREAS the draft document contains recommendations which either directly conflict with existing state water law or policy, or fail to provide for adequate partnerships between the state and federal agencies on key policy issues, including recommended changes that would affect state management of ground water, protection of in-stream flows, and allocation of conserved water; and

WHEREAS, United States Senators Frank H. Murkowski and John Kyl and United States Representative Don Young, who serve as members of the Commission, submitted letters expressing grave concerns about and opposition to major aspects of the Commissions' recommendations;

NOW, THEREFORE, BE IT RESOLVED that the Western Water Policy Committee of the Council of State Governments-WEST expresses its appreciation for the time spent and commitment made by the Western Water Policy Review Advisory Commission and its staff in the preparation of its draft report entitled "Water in the West: The Challenge for the Next Century"; and [CSG-WEST Water Committee](#)

BE IT FURTHER RESOLVED that the Committee, however, expresses its disappointment with and strong opposition to several of the conclusions and recommendations contained in the draft document, specifically including those points highlighted in the preamble of this resolution; and

BE IT FURTHER RESOLVED that the Committee joins United States Senators Frank H. Murkowski and John Kyl and United States Representative Don Young in their letters expressing grave concerns with and opposition to major aspects of the Commissions' recommendations; and

BE IT FURTHER RESOLVED that the Committee officially requests that the Commission incorporate major modifications in the draft report to address these points before final consideration of the document; and

BE IT FURTHER RESOLVED that the Committee hereby requests an extension of the time for comment on the draft document so individual members of the Committee, as well as other members of the public and their elected representatives, may have adequate time to formulate and transmit their concerns and recommendations to the Commission.