

LeRoy Poff:

Thank you Matt (Miller). That was very interesting and data rich presentation. I'm sure that will stimulate a lot of questions and it's certainly a promising approach. We're going to have one more talk before the break. And that will be from Roger Gorke. And Roger is the ... works with the US EPA Office of Water out of Southern California, and he's the agency lead for issues related to drought across the West. Roger's talk today will be entitled Federal Tools and Cooperative Actions used to Mitigate Drought related Negative Impacts to in Stream Flows and Water Levels required by Fish and Wildlife. So, Roger . . .

Roger Gorke:

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Good morning. Is this adjusted properly so that you can hear me? Is everybody awake? Fortunately, I had a great big cup of coffee, so, I'm ready to go. I really don't like to use PowerPoint because, half the time I think of things I want to say that are different than when I would have created the PowerPoint. Like just what Matt Miller said that ... Tony Willardson, he just said surface water and ground water are the same resource. So, ground water is jurisdictional now. Oh, okay. Just not regulated by us.

I don't have a lot of slides and I'm just going to talk from a few of them and even yesterday, there was quite a few presentations that really show most of us don't ... and I'll say us, not to the us in the room, but I'll say most of us that work on issues like drought or water resource management or water quality, frankly have no idea what's happening on other parts of either our agency, another agency, or in other parts of the nation, which is frustrating when you're trying to help those that are trying to build long-term drought resilience. So, with that ... let me get the right glasses on.

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So, a little history, everybody's seen these maps. I tried to squeeze three of them on here from 2011, 2012, and 2013. This is the one that really got the feds and a lot of people's attention with ... in the middle of 2013, the President had called most of his cabinet into the White House and said, we've got to do something. So, from there we tried to throw the normal disaster recovery efforts at it.

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And so, USDA led the NDRF, since we are all working with government where alphabet soup of that's the National Disaster Recovery framework, and realized that, that just doesn't work, because drought as we all know is not like a tornado, an earthquake, a flood, a hurricane, where it's an event that lasts minutes to days and then you recover from it. It's more like being strangled by a boa constrictor when you don't know if it's going to get worse or when it's going to get worse or if it's going to get better before it gets worse.

We also did some listening sessions, the feds heard loud and clear, that we're not working together to be helpful. We don't know who to turn to. We don't

know who's in charge. And you guys really got to get your act together because you guys are all over the map and we don't know where to go because we've got one agency doing this and another agency doing that, which on the flip side of that, it's somewhat of a good thing, that we're really good at looking at our authorities and our appropriations, and saying, "Hey, there's a problem. We want a run at it." But usually, we run down the track and we just look straight ahead without looking to our left or right, which is a good thing if you're running track. But when you're trying to help and work with others collaboratively, you want to look at what everybody else is doing around you, so that you're not duplicating or stepping on toes or doing something that is counteractive to what ... or counter purpose to what somebody else was doing. Before I came EPA, I worked for the city of Santa Monica in California. And that gave me a great experience of seeing things on the ground. It would be tremendously irritating to us after we do a street resurfacing project that another part of the city government would allow a utility upgrade. So, we had just resurfaced the whole street and then a month or six months later, there's somebody coming and doing a utility cut right down the brand new street. That's not how we should do things. Whether it's happening at the local level or at the federal level.

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So, I'm going to give you a couple of the big drought things that the Feds have going on, that you probably all know about. But I just want to I've you some different perspectives of it. So, there's the National Oceanic and Atmospheric Administration's (NOAA) National Integrated Drought Information System (**NIDIS**). And I'm sure you're all familiar with NIDIS, that it was developed in 2006 and an early warning, planning, and information system. It's designed to go from a reactive to a more proactive approach. And establishing these drought early warning systems. And NIDIS is the one that are kind of helping on the front end. They're not a response organized effort. They're not a, here's how we can help you build infrastructure organization. It's more of a, when is it coming and how are we better going to get folks on the ground at the state level or at the regional level to plan for it.

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So, let's go to the National Drought Resilience Partnership (NDRP). With Stafford Lehr's presentation ... and here's where the ... and Christopher Estes is probably irritated with me that I delayed submitting my presentation in advance because I kept changing it and running upstairs and changing something, coming back down. After this drought in 2012, 2013, the president called us all together, and then, after realizing we can't really throw our normal disaster recovery efforts at it, we figured out, we need to get out ... try to get out in front of drought. And so, that's where the NDRP was first conceived. And it wasn't meant to duplicate what NIDIS was doing. It was meant to fill in the gaps around what NIDIS was doing. And to get the federal family working better together.

And so, we kind of limped along having meetings. You know, what should we do? Should we put together a great big action plan or anything? And then in 2015, is when the drought was really bad in California, and then Governor Brown summoned the FEMA administrator out to California wanting a Stafford Act declaration. And Stafford Act really won't work for drought, or at least that's

what FEMA tells us. Stafford Act really won't work for drought because it could be never ending, and we don't want to use all of our disaster funding for putting in Las Vegas's new intake into Lake Mead. Or a big infrastructure like that. So, what the administrator did was he came back and as FEMA is now part of Homeland Security. They have great access to the National Security Council. So, the National Security Council took a lead in pulling the Federal family together.

When the National Security Council calls a meeting, or somebody from the council calls a meeting, you usually get a pretty good attendance from all of the agencies. So, they led an effort and the task was, what can we do now that in three to five years, we will look back and say, "We're really glad we started doing that three to five years ago." And so, we started developing an action plan of, not everything that we're doing on drought, but, what are some of the things that really would want a better collaboration within the Federal family? And then we had this argument about, "Well, is this an internal document or is this an external document? Because we don't want to put anything in here that we said that we're going to do that we really can't do in future years. And so, how do we talk to our partners with this? How do we talk to the public? To the states? To everyone else but us?"

And that's where we go to the idea of a presidential memorandum, which is very similar to an executive order, that sets up and formally established the National Drought Resilience Partnership. The action plan that's on the website, and frankly, most of those actions that are in that 2016 action plan, have been accomplished. So, now we're looking at, what are the next steps? What are the next things that we should be doing? In my mind, the biggest piece of the NDRP, is the regional collaboration aspect of it, is empowering and directing our local Federal partners to work together on a basin and watershed/regional scale, and using the locals and the states, and the tribes as the leaders. Not us coming in and telling everybody what to do. One of the things ... that was ... when the president signed that, it was right at the same time in 2016 where there was a White House water forum that the Office of Science and Technology Policy hosted.

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We also had a Western states Water Council. WestFAST, that Tony Willardson had mentioned, which is the Western States Federal Agency Support Team, which will be the next slides. Well, I'll get to that. We had meeting with all of our principals. So, these are all the Assistance Secretaries, or Deputy Assistant Secretaries, Commissioner of Reclamation, et cetera. I don't think JD Strong is here. But when he was with the Oklahoma Water Resources Board, he held up the presidential memo and the action plan, and said, "We were just in Senator Inhofe's office, and said, "We really like what the administration has done with this." And then he said, "After we picked them up off the floor, we showed them why this was a good thing that here, now, the Federal Family's responding to what ... we told them of the problems with how we're aligned or not aligned, and looking to us to be the leaders of efforts on the ground, not having them thrust on us."

WestFAST is ... it's a 12 or 13 member organization, depending on who you count and who's counting, that works closely with ... predominantly with the Western State's Water Council and WGA. We fund a federal liaison that sits at the Water Council office for two years, and this has been one of the most successful things that I've been a part of over the last 10 years old this year, of Federal partnerships. I think there's just three of us here. I know Andrew Hautzinger and Mindi Dalton are here, but I don't think anybody else is. But we have, monthly calls. We have efforts where we kind of, how do you work better together. We have monthly discussions where we have presentations like this to figure out what others are doing. Some of those we'll invite the states. Others we'll just have discussions among ourselves.

Slide 7

So, back in October of 2016, JD Strong from the OWRB reached out to me, because I was the WestFAST chair and he reached to our liaison Pat Lambert from USGS at the time, and said we've got a great idea for a regional collaboration in Southwest Oklahoma, and we said great. They said, "Well can you guys come and make an announcement that you'll work with us at the Governor's Water conference in a month or so?" We were like, "We know we really want to do this, but we don't know exactly how to pull the trigger and saying yes. This is something we'll do. No, this isn't something that we want to do and here's why." So, it took us a couple months to really figure out, yes. This is what we can and will do with them. It just started with phone calls and discussions.

Now, we've been working with them, it'll be coming up almost a year and a half now. Where, in the midst of that drought, back four or five slides ago, the folks in South West Oklahoma, they thought their water problems were solved forever with the development of the Tom Steed Reservoir. They got within, I think, 60 to 90 days of running out of water, and were in a panic. So, they started trying to meet and coming together. They then called in consultant that is fairly familiar with Oklahoma water Duane Smith who was JD's predecessor at the OWRB. And he helped them, organize themselves and they have a drought plan, or any kind of water resource management plan done the right way.

They have all of their stakeholders ... and this is getting to the point of the question that was asked, "How do we get wildlife , aquatic resource and flow stakeholders at the same table and at the same level of discussion with [inaudible 00:16:11] agricultural and municipal uses when there comes a drought. This is how you do it, you get assemble diverse stakeholders form a task force. They have strong, consistent leadership of the task force and a key part of this task force, it's not run by the water geeks that say, "We just need water for all of these purposes." It's run by their Chamber of Commerce. So, they're, not strictly but primarily looking at this as an economic issue. They realize that if they don't have a strong plan for water for their future, they won't have an economy for their region or for their town.

There's also an Air Force base that is one of the biggest employers for that entire area. And they were one of the poorest performers in terms of water

conservation and efficiency. Altus Air Force Base has gone from one of the poorest performers over the last five years, to be one of the best performers in terms of conservation and efficiency in water. They also developed a plan and they've continued to implement that plan even when the drought was over. They went from those pictures of 2012, 2013 to being all white, where none of the country was really in drought in 2016. To, if you look at that Drought Monitor today, they're back into drought situation now. And they've continued to meet and continued to implement their plan over the last five years.

We also had a summit in August of last year, where the WestFAST team and our regional colleagues, met in Altus, Oklahoma to talk about, what do we do next? How do we take our programs and best line them up with the needs that they've identified? The biggest problem has always been, here you go. Here's a data dump of 1,000 things that the Federal government has, knock yourself out. I'm sure there's something in there. There might even be two or three in that, that would be able to help you, but we don't know where they are. Rather, the way to do it, is to really tailor and pull programs that are helpful for their specific needs and show them how to contact the right people and navigate the process to be able to, whether it's apply for grants, or who are the technical experts that they need.

I don't have many more slides, but this is where I'm convinced that, we need to have more and more of these efforts going on in different parts of the country. I saw a bunch yesterday, in during the ... one of the panels that Tony moderated of different states having drought plans, but, when there's a drought and you've got ... I was to say hypothetically the Governor in a state saying, "Well, we're not going to do that plan. We're going to do something else and I'm going to take care of it." But, that's where these folks have been working with the state to continue to implement it as part of Oklahoma's Statewide planning process... I think that they call it Water for 2060. So, these regular calls that we have are not just us working with a consultant and working with Dwayne Smith, because we know Dwayne. But it's working collaboratively with the locals on the ground, the state, and the different federal agencies.

This fits in ... I've been trying to help to lead this because I was very active in the development of the NDRP work, and just kind of personally and professionally convinced that this is how we should do it. So, I've been helping lead as I was chair of WestFAST and in part of the NDRP to lead in terms, is very softly, because it's more of Have you done what you're supposed to do? Have you ... just pushing people to be proactive and responsive to what their needs are rather than, this is the way we should do it.

I was going to start with this, but I think it might be a good to wrap things up.

101(g) of the Clean Water Act

"It is a policy of Congress that the authority in each state to allocated quantities of water within its jurisdiction should not be superseded, aggregated or

otherwise impaired by this chapter. It is the policy of Congress and nothing in this chapter should be construed to supersede or abrogate rights of quantities of water, which have been established by any state.”

So, usually, people, and states, say those two sentences, and stop. There's a third sentence that says, "Federal Agencies shall cooperate with state and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources."

EPA, or any Federal Agency is looking for a hook as to what gives you authority or why should you be doing this? Or who told you to do this? Here's a statutory sense of Congress and policy of Congress that this is the way we should be working together. And EPA has a strong history of, that this type of thing works. So, the National Estuary Program is a great example of pulling locals together, the state together, the Feds together, to develop a comprehensive management plan for an estuary, plus implementation. They are given \$5,000,000 to do it, but the concept of pulling people together to negotiate and work together on an estuary has a long history.

And then more recently, at EPA, is our Urban Waters Program, it is another example of pulling all the federal family together as well as the locals together to be able to help restore and protect water ways that run through urban areas. Whether it's the LA river, whether it's the Anacostia River in Washington, or wherever. These types of things work.

So, my final thing will be what ... I can't remember who said it last night, but it was the, writing a memo to your boss about what should happen, and that memo or a memo should say, "We need to be someone with our expertise. Someone with our kind of stakeholders, which are fish, and wildlife and in-stream flows, need to be at the table when drought planning is happening. And that way, you can start showing that there's an economic benefit to being at the table, as well as a resource benefit of being at the table to be able to show that it's not just [inaudible 00:24:40] that the water, but the resources and the aquatic resources and wildlife need that water as well.

So, with that, I think I'm done and I don't want to keep you from the break. So, thank you very much.