



Carpe Diem

WESTERN WATER &
CLIMATE CHANGE

.....

A PROJECT OF EXLOCO

F E D E R A L P O L I C Y

in

Western Water & Climate Change

A Carpe Diem Project Convening

CONVENING SUMMARY

Friday, March 6, 2009

Las Vegas, NV

Summary

The incoming Obama Administration, new Congress and the impacts of climate change provide opportunities to rethink and reshape the historic role of the Federal government in western water. The **Carpe Diem - Western Water & Climate Change** project held a federal policy convening with key political and policy leadership to identify opportunities for new, pragmatic science-based federal policy.

On Friday, March 6, in Las Vegas, this leadership group examined possible changes to the federal government's role in adaptation strategies addressing climate change impacts on the West's water supply, water dependent industries, agriculture, and river ecosystems.

The convening also presented the **Carpe Diem** project's western water and climate change communications research with project partner Resource Media providing the report on media coverage in the West.

Although the conversation ranged widely, a consistent theme emerged around the need to develop and convey a compelling message about climate change and water. As Doug Kenney asked in his concluding comments, "If we can look past the 'zoological gauntlet' of 800-pound gorillas and sacred cows, is there a 'grand bargain' for western water that the feds can help facilitate? Can we in the West articulate what that 'grand bargain' could look like?"

While diverse points of view were well represented, there was general consensus around the needs for a clear message to address climate change impacts on western water, and a coalition to advocate action, along with leadership, primarily at the state level, but extending to all stakeholders who help frame western water issues for a national audience.

The convening was hosted by the Southern Nevada Water Authority; convening sponsors included the Bullitt Foundation, Metropolitan Water District, National Wildlife Federation, Water Replenishment District of Southern California, Western Water Assessment, Western Water Policy Program/CU Boulder.

Additional information on the Carpe Diem project and this convening, including the project's federal policy white paper, is at www.exloco.org/federal

Starting the Day - “Hello, Washington DC ... are you there?”

Tom Jensen, a multi-decade veteran of western water issues, kicked off the convening with a call to westerners to take responsibility for defining the problem to be addressed, providing a script for policy makers to understand the context of big, complex problems. Pointing to the insignificance of water resource funding in the 2009 Federal Stimulus bill, he noted that western water concerns do not register as ripe for solutions.

Commenting on the successful campaigns to promote renewable energy and green jobs, he suggested starting with a clear statement of broadly accepted values for water that can be shared in ways that move people: “food, fiber, fish, and freedom.”

Jensen stressed the importance of new and unfamiliar partnerships to seek action on both mitigation and adaptation to climate change. Only by working with one another to seek common objectives can westerners get the attention of federal officials—moving beyond the traditional tug-of-war among competing stakeholders and toward a coherent approach to deal with the myriad impacts of climate change.

He noted that “the water community’s factional interests ask policy-makers to pick sides, to pick fights, to choose among winners and losers. That’s not unusual in policy making. What’s different is that the water development community individually and collectively asks policy-makers to make those choices without reference to accepted, popular national policy goals.”

“Climate change,” Jensen concluded, “is both the reason and the opportunity to reframe the nation’s understanding of the needs and concerns for western water.”

“We have a US Department of Energy, but no Department of Water.”

- Mary Ann Dickinson, Alliance for Water Efficiency

“Our western water pasture is overrun with sacred cows.”

- Doug Kenney, Western Water Policy Program, CU Boulder

Framing the Discussion - Rethinking the Federal Role

During the day, three panels helped lead and frame the discussion on opportunities to rethink the federal role in western water management in the era of climate change.

► **Energy and Water: The Case for Integration**

Speakers on the first panel agreed that a coherent western water message would resonate with federal lawmakers, and stressed the importance of linking water and energy concerns in all policy responses to climate change. As moderator **Lillian Kawasaki**, Water Replenishment District of Southern California, remarked, a new approach is necessary because we can't solve our problems by continuing to apply the same thinking that created them.

Mike Connor, Counsel to the Senate Energy and Natural Resources Committee, provided a look ahead at the legislative agenda on water and energy, remarking that the need to link water and energy is clear and is finally on the table for action. He noted that in regard to the states working with the federal government "incentives are good, conditions are more tricky and regulations are a hard sell."

Mary Ann Dickinson, Alliance for Water Efficiency, added that federal and state water efficiency investments create new jobs, which provides a strong justification in the current economic crisis. She noted that the scattered authority over water policy makes it hard to speak in a unified voice, but expressed hope that concerns over climate change impacts might catalyze movement in that direction.

Ronnie Cohen, Natural Resources Defense Council, described the financial savings that arise from both energy and water conservation, and pointed out that the relationship between energy and water is now a regular part of policy discussions. Her organization answers the call for compelling message points with expressions such as "the virtual river" to evoke the power of conservation, water recycling, storm water capture, and other water management tools, to meet new demands.

Bob Wilkinson, from the University of California/Santa Barbara, spoke of the need for integration more broadly, and pointed out the need for robust institutions to deal with the new "surprises expected" era. (See addendum at the end of this document for his "five points.")

In the follow-up discussion with the larger group, several obstacles to integration of water and other policy issues emerged. These include the fragmented Congressional committee structure (resulting in “stove-piped” approaches to issues), the enduring emphasis on states’ rights to lead in western water issues, and the tradition of approaching water management through the lens of risk management. Climate change demands a new approach, and the federal government could take the lead in reframing the discussion as managing uncertainty rather than risk.

“Wherever we’re going, western water interests will be the last to get there.”

- Mike Connor (responding to a question about the new stimulus package.)

“Most new infrastructure requires a lot of energy - this double downs the bet.”

- Brad Udall, Western Water Assessment

► **Water Infrastructure - 20th Century Infrastructure & 21st Century Demands**

The second panel, moderated by **Fran Spivy Weber**, California State Water Resource Board, continued the conversation about consistent messages and better cooperation among varied interests. Congressional staffer (House Water and Power Subcommittee) **Amelia Jenkins** described a “fear factor” that prevents thoughtful discussion of climate change issues— including a worry that climate change will be used as a Trojan horse to justify big water grabs. She reinforced earlier suggestions that the best approach to improving water policy will be through coalitions of agricultural-urban-environmental interests, as the House Water and Power Subcommittee works best when presented issues with a bipartisan perspective.

Terry Fulp, Bureau of Reclamation, described the challenge facing federal agencies whose missions responded to historic climate variability, not the current circumstances of uncertainty. He called for more federal funding and institutional support for moving forward in the face of uncertainty—making decisions in the face of incomplete information, but always seeking more data to assess whether a change of course is necessary.

Brad Udall, Western Water Assessment, described the mismatch between 19th century laws, 20th century infrastructure, and 21st century demand. He said it was time to bring the “big elephants” into the room - population and growth. He emphasized the need for the federal government to help to coordinate the research now taking place across 19 different federal agencies. He concluded by noting that water agencies need help on how to manage for the “uncertainty paradigm” rather than the “risk paradigm”.

Pat Mulroy, Southern Nevada Water Authority, echoed the theme of uncertainty by describing the challenge of “managing into a dark tunnel.” She said that conservation alone will not address the scale of the climate change impacts, and urged broad rethinking of priority-based rules in an evolution toward basin-wide water sharing. She noted “the West is on a journey from 18th century fierce independence to 21st century interdependence.”

The group discussion ranged from reflection on the appropriate scale of solutions (is water essentially a local issue, or is it possible to link residents of Las Vegas to the headwaters of their water supply in the national forests in Colorado?), debate about whether it is possible to limit population growth in water-limited areas, and the role of the federal government in facilitating settlements of reserved water rights and Endangered Species Act disputes.

As **Bob Pelcyger** concluded at the end of the discussion, “Aging infrastructure creates the opportunity for common ground - that includes repairing and updating old projects to meet the water needs of the 21st century. This is a time of grand bargains in our country and it’s time for that to include water.”

“On adaptation, all we hear from are the land-based NGOs. There’s no similar coalition of western water interests to call for the funding, inter-agency coordination and science needed.”

- Amelia Jenkins

“Somehow over the years we’ve made Lee’s Ferry the DMZ on the Colorado. We need entire watershed management, and we need the next generation of the 2007 accord.”

- Pat Mulroy

“The 2007 accord guidelines say that we have to start no later than 2020 to come up with answers - we can’t wait until then to take action to find longer-term solutions.

- Terry Fulp

► **Multi-jurisdictional Water Planning**

This panel discussion was premised on the idea that water problems are becoming larger—more likely to involve diverse jurisdictions, and thus demanding more complex solutions. As moderator **John Leshy** noted, the federal government can play a much larger role than it has in catalyzing and supporting such multi-jurisdictional solutions and that these multi-jurisdictional disputes are everywhere.

Tim Brick, with the Metropolitan Water District, outlined the growing challenges facing his organization in ensuring adequate water supplies in the face of growing uncertainty, and suggested that the federal role can be one of facilitator—providing access to the best possible information to support better decisions, and helping to frame water in a larger, global context. He urged a hard look at international lessons, including broad institutional changes in the European Union and Australia. “Water can be an element of peace,” he concluded.

Jennifer Pitt with the Environmental Defense Fund, described the effort to seek binational agreement on water issues in the Lower Colorado River, and the many challenges it faces. She, too, urged a strong facilitative role for the federal government to encourage cooperative solutions to large-scale problems.

Gary Collins, with the Ruckleshaus Institute, University of Wyoming, and Arapahoe Tribal Liaison, spoke from the viewpoint of Native American tribes, for whom the federal government bears trust responsibilities. He noted the differences in tribal approaches to water management—stressing the fundamental value of water as a shared resource—and remarked that the tribal position has improved in the last several decades, to the point where, “now we’re at the table, not on the menu.”

“The federal government has plenty of authority - it can regulate all aspects of interstate and international water. Historically, that’s meant a lot of money but not much leadership.”

- John Leshy

“We need something better than everyone racing to build their new pipeline.”

- Jennifer Pitt

“Will the states take a leading role or will they wait until the system implodes?”

- Doug Kenney

. III .

Media Analysis - Reframing the issues

The Carpe Diem project's new communication research, conducted by project partner Resource Media, was presented. Resource Media principals **Belinda Griswold** and **Scott Miller** reported on the results of the media framing analysis aimed at mapping the public debate over climate change and water in the West and informing a critical discussion of how best to promote a sustainable response.

For the analysis, newspaper coverage from 11 western states (regional and national) was examined over the period of a year (ending January 2009), to determine if, and how, water and climate change issues are reported. The analysis found remarkably few articles that report on the impacts of climate change on water. Newspapers are covering climate change, and to a lesser extent the need to conserve water, but very few stories make any connection with changes in climate to increased drought periods or flooding.

In addition, Resource Media created a synthesis of current polling data to provide a snapshot of public opinion as to how people are thinking about climate change and the connections to water supply, along with responses to different conservation messages.

The media analysis and polling synthesis revealed that: (1) water is a local story; (2) climate change impacts are not a local story; (3) the intersection of water-climate change is invisible, and; (4) drought is seen as "normal", not as a result of long term changes in climate. Currently, the most trusted messengers are water managers, farmers and engineers.

In conclusion, the analysts suggested that the connection between climate change and water be reframed as a pressing local concern. Effective messengers could help "connect the dots" between climate change, water scarcity and flooding, using values based messaging. Any effective communications work will link the need for mitigation and adaptation (but not use those words) to stop climate change; will use plain, accurate, and value-based language to convey key information; and will lead with solutions, foregoing the disaster scenarios that rarely motivate the public to support solutions.

. IV .

Other Key Discussions

Along with the panel-led discussions, throughout the day a number of consistent themes and messages were discussed:

On calling for a renewed federal role: Some participants called for caution: “Do we need big coalitions tackling the complexity of these issues, or can we make what’s already in place work better?” “What part of the feds do we want leadership from? Be careful what you ask for.”

Blue jobs: Referring to the conversation at the beginning of the day regarding the success of the green jobs/renewable energy coalition, many convening participants discussed the need to highlight the development of “blue jobs” as part of state and federal jobs stimulus programs. It was noted that the green jobs/renewable energy coalition had spent many years in developing their message and working relationships.

Response to human suffering: A number of participants pointed out that the current drought/overall ineffective water management has led to, for example, more than 40,000 unemployed farm workers in the Central Valley, and asked what the federal role should be to help these communities. “Most people only pay attention to agriculture when their food prices go up.”

Federal land management and the need for protecting headwaters: **Rick Cables**, USFS and **Larry Hicks** Family Farm Alliance both commented on the need for a renewed focus on the protection of Western headwaters. Rick noted “Water managers rarely weigh in on national forest plans and I’ve been trying to figure out how to break into the water community. There’s an assumption that the watersheds are Okay - they aren’t. We have to connect downstream users with the watersheds.”

Looking at the unthinkable: While there was no formal presentation on the current science of climate change and adaptation, a number of comments were made on how little is known about what may be coming. **Kathy Jacobs** commented: “Systems fail in new and catastrophic ways - we need to think about the solutions to low probability, high impact events.” With **Pat Mulroy** adding: “We need to look at the outlier possibilities - we’ve been afraid to look at the improbable and the consequences.”

On voices that need to be in the room: Participants noted the need for additional leadership in the mix: different agriculture sectors, developers, water-dependent corporations, public health advocates.

. V .

Conclusion

In wrapping up the day, **Doug Kenney**, Western Water Policy Program/UC Boulder, observed “This was not another ‘sky is falling’ meeting, but instead was a productive dialogue about the need for action.” He noted that the discussion revealed a number of points of agreement around specific needs:

- A clear message about the need to address climate change impacts on western water, and a coalition to advocate action
- Leadership, primarily at the state level, but extending to all stakeholders who help frame western water issues for a national audience
- Integration of water issues with a number of other policy sectors
- Better understanding of worst-case scenarios
- Better communication with the media and the public
- More consistent follow-through from the federal government on its obligations to tribes and public resources.

Kathy Jacobs, Arizona Water Institute, provided the final remarks, observing that the scale of this challenge requires a new and larger federal role in convening regional discussions, providing excellent data, and providing an overall framework within which states can lead the effort to address climate change impacts on water. Kathy noted that the federal government can create any number of “sticks and carrots” incentives to encourage state and regional entities to move towards more sustainable responses.

“As Gary Collins commented earlier today, having to carry your own water is a big incentive for conservation - owning resources collectively and working in partnerships changes the game.”

- Kathy Jacobs

. VI .

Three Lists

Three recent “short hand” lists:

Peter Gleick, Pacific Institute, in recent Congressional testimony on water and climate change called for the federal government to:

- Establish of bipartisan national water commission
- Update the Clean Water Act and the Safe Drinking Water Act
- Reorganize and streamline the federal water responsibilities
- Implement water infrastructure and wastewater system improvements
- Improve efficiency through the tax code, Farm Bill
- Recognize and address the national security impacts
- Update the National Assessment
- Integrate climate change into all federal policy

At the Las Vegas convening, **Bob Wilkinson** presented a list of five key framing points:

- **Integration.** The definition of “integration” keeps growing - we need to tie in energy, stormwater management, recycling, etc., along with jobs and the economy, and to link adaptation and mitigation.
- **Infrastructure.** The definition of water infrastructure needs to be broadened to include things like household fixtures and landscaping. Infrastructure investment needs to be decentralized and more community based.
- **Investment.** We need to evaluate “investments” from a full system analysis that considers all the costs and benefits (e.g., water efficiency programs have energy and GHG benefits and fish and so on).
- **Information.** Climate - how its changing and how we adapt - we don’t understand this as well as we might think.
- **Institutions and laws.** We need to create institutions and laws that can address an uncertain water future.

In his February 2009 address to the American Bar Association, **John Leshy** made these recommendations:

- Congress should make more money available for essential data gathering and analysis by the U.S. Geological Survey.
- National water policy needs to be closely connected to national energy policy.
- National water policy needs to be closely connected to national agricultural and food policy.
- The federal government should improve its efforts, including working more closely with the states, to ensure a base level of ecological health in every stream.
- The federal government should create a mechanism for systematic, periodic review of federal dams and other federal projects, to ensure they are being managed to meet these objectives.
- The federal government should move with vigor to complete the process of quantifying Indian and other federal water rights, favoring negotiated settlements wherever possible.

. VII . Participants

Note: Participation in this convening does not imply or indicate endorsement by the individual, or their related organization, of any policies or actions discussed or implied.

ART BAGGETT, JR. *Board Member, CA State Water Resources Board*

RORY BAKKE *President, Sustainable Concepts Studio; Strategic Advisor, Exloco*

SARAH BATES *Senior Fellow, Public Policy Research Institute, University of Montana Carpe Diem Project Team*

LIZ BELL *Program Officer, Wilburforce Foundation*

TIM BRICK *Chair, Metropolitan Water District Board of Directors*

CAROLYN BRICKEY *Executive Director, Dividing the Waters*

JANETTE BRIMMER *Staff Attorney, Earthjustice*

KAY BROTHERS, *Deputy General Manager, Southern Nevada Water Authority*

RICK CABLES *Regional Forester, Rocky Mountain Region, U.S Forest Service*

CELESTE CANTU *General Manager, Santa Ana Watershed Project Authority*

JOAN CARD *Director, Water Quality Division, Department of Environmental Quality, Western Governors' Association*

RONNIE COHEN *Senior Policy Analyst, Water Program, Natural Resources Defense Council*

GARY COLLINS *Chairman, Water Working Group, Ruckelshaus Institute of Environmental Resources; Indigenous Waters Network*

MIKE CONNOR *Counsel, Energy & Natural Resources Committee, United States Senate*

MARY ANN DICKINSON *Executive Director, Alliance for Water Efficiency*

DEBBIE DRAKE *Legislative Director, Environmental Justice Coalition for Water*

JOHN ENTSMINGER *Deputy General Counsel, Southern Nevada Water Authority*

DAN FERGUSON *Program Manager, CLIMAS University of Arizona*

PAT FORD *Executive Director, Save Our Wild Salmon, Carpe Diem Project Advisor*

JOSH FOSTER *Manager of Climate Adaptation, Center for Clean Air Policy*

BOB FULKERSON *State Director, Progressive Leadership Alliance of Nevada*

TERRY FULP *Deputy Regional Director, Lower Colorado Region, Bureau of Reclamation*

KARA GILLON *Senior Staff Attorney, Defenders of Wildlife*

BELINDA GRISWOLD *Program Director, Resource Media*

HOLLY HARTMANN *Director, Arid Lands Information Center, University of Arizona, Carpe Diem Project Team*

LARRY HICKS *Director, Little Snake River Conservation District & Family Farm Alliance*

RICK HOLMES *Director of Environmental Resources, Southern Nevada Water Authority*

DEBRA HUGHSON *Science Advisor, Mojave National Preserve/National Parks Service*

KATHY JACOBS *Executive Director, Arizona Water Institute, Carpe Diem Project Advisor*

AMELIA JENKINS *Staff Director, Water & Power Subcommittee, House Committee on Natural Resources*

TOM JENSEN *Partner, Sonnenschein Nath & Rosenthal LLP*

MELINDA KASSEN *Director, Western Water Project, Trout Unlimited*

LILLIAN KAWASAKI *Director, Water Replenishment District of Southern California, Carpe Diem Project Team*

DOUG KENNEY *Senior Research Associate, Natural Resources Law Center, University of Colorado, Boulder Carpe Diem Project Team*

JOHN LESHY *Harry D. Sunderland Distinguished Professor of Real Property Law U.C. Hastings College of Law*

DAN LUECKE *Western Water Consultant*

SUSAN LYNN *Coordinator, Great Basin Water Network*

STEVE MALLOCH *Senior Western Water Program Manager, National Wildlife Federation, Carpe Diem Project Team*

SCOTT MILLER *CEO, Resource Media*

BILL MITCHELL *Flatcoat Consulting/Senior Advisor Alki Fund, Tides Foundation, Carpe Diem Project Team*

PATRICIA MULROY, *General Manager, Southern Nevada Water Authority*

PAT O'TOOLE *President, Family Farm Alliance*

SHARON O'TOOLE *Co-Owner, Ladder Ranch*

ROBERT PELCYGER *Attorney/Consultant*

JENNIFER PITT *Senior Resource Analyst, Land, Water & Wildlife Program, Environmental Defense Fund*

LAUNCE RAKE *Communications Director, Progressive Leadership Alliance of Nevada*

ELIZABETH SODERSTROM *Senior Director of Conservation, American Rivers*

JEN SOKOLOVE *Program Officer, The Compton Foundation, Carpe Diem Project Team*

FRAN SPIVY WEBER *Board Member, CA State Water Resource Control Board Carpe Diem Project Team*

ROSE STRICKLAND *Sierra Club*

BRAD UDALL *Director, Western Water Assessment, Carpe Diem Project Advisor*

ANNE WATKINS *Special Assistant, Office of the State Engineer New Mexico (ret.) Carpe Diem Project Team*

ROBERT WILKINSON *Director of Water Policy Program, Environmental Studies, UC Santa Barbara*

KIMERY WILTSHIRE *CEO & President, Exloco; Director, Carpe Diem – Western Water & Climate Change*