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Keynote Address: Interior Water Issues: A Year of Transition and Plans for the Future

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Keynote Address: Interior Water Issues: A Year of Transition and Plans for the Future

allow them time to challenge the agreement. The water court upheld the stay. In federal court, the NGOs argued that the United States violated the National Environmental Policy Act ("NEPA"), and the federal court held in their favor, invalidating the agreement. Kassen felt that federal and state governments usually exclude NGOs from "a seat at the table." However, by "pulling up a chair," the NGOs were able to gain the respect of the other parties, and have since been more included in settlement negotiations.

Regarding the Chester Dam Hydropower License, Kassen noted that the negotiation was a successful example where the parties talked about interests rather than their positions, respected each others' bottom lines, and worked together to find a solution that achieved each party's goals. Kassen concluded by noting that regardless of whether NGOs legally have to have a "seat at the table," when parties allow NGOs to be involved in settlement negotiations, it will affect the outcome in a meaningful way.

Carl Ullman, Director of the Water Project for the Klamath Tribes in Oregon, discussed the Klamath Basin Project. He examined the background of the Klamath Tribes' water rights, the political interests joined in the struggle of dealing with policy changes, the policy initiatives that are aimed at resolving some of the Basin's resource issues, and the challenge of fitting the litigation demands of the adjudication into the negotiation of policy issues. He noted that most parties to the Klamath Basin Project are committed to a path to end litigation and to work on a settlement agreement that will provide new opportunities for all water-dependent communities in the Klamath Basin.

Kathlyn Bullis

KEYNOTE ADDRESS: INTERIOR WATER ISSUES: A YEAR OF TRANSITION AND PLANS FOR THE FUTURE

David J. Hayes, Deputy Secretary of the Interior, reminded the attendees that lawyers are problem solvers, which is so important in water issues. Water is integral to what is happening at the Department of Interior ("Interior"). Secretary of the Interior, Ken Salazar, has created, with the President's support, five priorities for Interior that all include water: (1) Energy and Climate Change; (2) Treasured Landscapes; (3) Reconnecting Youth to the Outdoors; (4) Repairing Relationships with the First Americans; and (5) Water.

First, Hayes explained Interior's priority surrounding energy and climate change. During this administration, there is a refocus on renewable energy. Currently, solar energy, which uses water in its production, is prohibited on public lands, but this administration is moving aggressively toward implementing it. The goal includes achieving five to ten thousand megawatts of energy on public lands by the end of 2011. Interior also wants to increase offshore wind energy

because it is twenty percent more efficient than onshore wind energy. During the Bush administration, there had been jurisdictional disputes that had stalled growth in wind energy. In fact, the governments of all the Atlantic states are planning to meet very soon to discuss this possibility. The current administration has placed a huge emphasis on climate change. Hayes, as the primary Interior manager, has seen the fire season lengthen, wildfires strengthen, and coastal lines change. While there was good work during the previous administration, lack of communication between bureaus slowed progress. A secretarial order has now created components to enable science centers to work regionally and with locals in order to implement new science. The federal government is the catalyst to bring interested parties together, provide baseline data, and facilitate coordination. For example, the Bureau of Reclamation will set up eight landscape conservation cooperatives in the Colorado Basin.

Second, Interior emphasizes the protection and conservation of treasured landscapes. By returning funding to the Land and Water Conservation Fund, Interior hopes to restore damaged landscapes. These sites include water-based ones such as the Colorado River Basin, Glen Canyon, the Great Lakes, Chesapeake Bay, the Everglades, San Joaquin Valley, and California Bay Delta.

Third and fourth, Hayes noted that Interior plans to help reconnect youth to the outdoors by involving young people in water activities. Next, Hayes discussed repairing relationships with Native Americans by addressing Indian water rights settlements.

Finally, Hayes examined Interior's opportunities to place more consistent attention on water challenges. These include the United States Geological Survey's science component and WaterSMART, a programmatic effort to improve spending practices.

Hayes ended his lunchtime talk by answering questions from the attendees.

Danielle Sexton

BREAKOUT SESSION 1A: FRONTIERS OF SCIENCE

Lynn Bergeson, of Bergeson & Campbell, P.C. and moderator of the panel, first introduced the topic: the presence of micropollutants and the water quality effects they have on our drinking water. Micropollutants are trace measures of chemicals that may include pharmaceuticals, disinfection byproducts, and nanomaterials. Ms. Bergeson noted that much of the current debate centers on which micropollutants are present in the water, how to identify them, and then how to communicate those findings to the public. She noted that while determining the standards or limits on micropollutants is a major concern, the lack of information regarding these pollutants makes it hard to identify contamination, and then assess the harm resulting from the contamination.