



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION

Biden Nominees

On April 27, the White House sent a new slate of nominations to the Senate for several positions affecting federal water policy. These include Radhika Fox for Assistant Administrator of the Environmental Protection Agency (EPA - Water); Tracy Stone-Manning for Director of the Bureau of Land Management; Bryan Todd Newland for Assistant Secretary of Indian Affairs, Department of Interior; Cynthia Weiner Stachelberg for Assistant Secretary of Policy, Management and Budget, Department of Interior; Richard Spinrad for Undersecretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration (NOAA); and Robert Farrell Bonnie for Undersecretary of Agriculture for Farm Production and Conservation. President Biden also announced his nomination of Michael Connor for Assistant Secretary of the Army for Civil Works, Department of Defense.

Fox is currently the Acting Assistant Administrator for Water at EPA. Previously, as CEO of the U.S. Water Alliance she led the organization's Value of Water Coalition. She served as director of policy and government affairs for the San Francisco Public Utilities Commission, and as the federal policy director for PolicyLink, where she coordinated the organization's policy on a wide range of issues from infrastructure investment to sustainable communities.

Stone-Manning is currently a senior advisor for conservation policy with the National Wildlife Federation, where she advocates for the "wise stewardship of our nation's lands and waters." Previously, she worked for former Montana Governor Steve Bullock as his chief of staff and as Director of the Montana Department of Environmental Quality. She also worked as a regional director and senior adviser to Senator John Tester during his first term, with a focus on forestry issues.

Newland is a citizen of the Bay Mills Indian Community (Ojibwe). He previously served as President of the Community, and as Chief Judge of the Community Tribal Court. From 2009 to 2012, Newland served as a Counselor and Policy Advisor to the Assistant Secretary of the Interior – Indian Affairs under President Obama.

Dr. Spinrad is a Professor of Oceanography at Oregon State University (OSU), and a member of the Ocean Studies Board of the National Academies. In 2016, he retired as Chief Scientist of NOAA, appointed by President Obama. He was the Vice President for Research at OSU, and was the head of NOAA's Research Office and the National Ocean Service. He co- led the White House Committee developing the Nation's first set of ocean research priorities. He was a Senior Executive with the U.S. Navy, and received Presidential Rank Awards from Presidents Bush and Obama.

Bonnie is currently the Deputy Chief of Staff for Policy and Senior Adviser on Climate for the Department of Agriculture (USDA). He authored several studies on engaging with rural America on climate change and environmental issues, and was on the steering committee for the Climate 21 Project to advise the Biden Administration on a whole-of-government approach to climate change. From 2013-2017, Bonnie served as Undersecretary for Natural Resources and Environment at USDA, where he oversaw the Forest Service and the National Resource Conservation Service. From 2009-2013, he was a senior adviser for then-Secretary of Agriculture Tom Vilsack.

Connor is currently a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr, LLP. He served as the Deputy Secretary of the Department of Interior from 2014-2017, where he led implementation of key water policies for the Obama Administration. He also served as Commissioner for the Bureau of Reclamation from 2009-2014, where he helped negotiate two major binational agreements with Mexico on the Colorado River, completed several Indian water rights settlements, and integrated climate science and resilience actions into water resource management. From 2001-2009, he served as counsel to the U.S. Senate Energy and Natural Resources Committee, as well as in the Interior Solicitor's Office and Indian Water Rights Office.

ADMINISTRATION/WATER QUALITY

EPA/PFAS

On April 27, Environmental Protection Agency (EPA) Administrator Michael Regan released a memo requesting the creation of the EPA Council on PFAS (ECP), per- and polyfluoroalkyl substances. He called on

Principal Deputy Assistant Administrator Fox and Acting Regional Administrator for Region 1, Deb Szaro “to convene and lead a council of senior EPA career officials from across the agency to strategize the best way to use the EPA’s authorities, expertise, and partnerships to mitigate and reduce PFAS pollution and protect public health and the environment.” He said the ECP “will collaborate on cross-cutting strategies; advance new science; develop coordinated policies, regulations, and communications; and engage with affected states, tribes, communities, and stakeholders.... The ECP will strive to build on and significantly enhance our capabilities through comprehensive, coordinated and results-driven multi-media actions.”

The ECP will build on the 2019 EPA PFAS Action Plan. Regan outlined four tasks to direct the first actions taken by the ECP: (1) Develop a four-year strategy to deliver critical public health protections addressing PFAS and provide recommendations within 100 days of establishment; (2) continue close interagency coordination on place-based and cross-media PFAS issues to assist states, tribes and local communities; (3) work with national program offices and regions to maximize the impact of PFAS funding and financing; and (4) expand engagement with states, tribes and federal partners to ensure consistent communication, exchange information, and identify collaborative solutions.

ADMINISTRATION/WATER RESOURCES **EPA/WIFIA/Infrastructure**

On April 27, EPA Administrator Regan announced a new round of Water Infrastructure Financing and Innovation Act (WIFIA) and state infrastructure financing authority (SWIFIA) funding. Regan said: “EPA’s \$6.5B in water infrastructure funding will provide more than \$13B in water infrastructure projects while creating more than 40,000 jobs. Today’s announcement illustrates the multiple benefits of investing in water infrastructure – better public health and environmental protection, job creation, and economic development.”

The WIFIA program will make \$5.5B available to support \$11B in water infrastructure projects that prioritizes five areas: (1) supporting economically-stressed communities; (2) protecting water infrastructure against the impacts of climate change; (3) reducing exposure to lead and addressing emerging contaminants; (4) updating aging infrastructure; and (5) implementing new or innovative approaches including cybersecurity and green infrastructure.

The SWIFIA program, created by the 2018 America’s Water Infrastructure Act (AWIA), offers low-interest loans to state water infrastructure programs that help finance community projects. SWIFIA will offer \$1B in loans to support \$2B in water infrastructure projects. EPA requests letters of interest from prospective

borrowers by June 25 for SWIFIA and July 23 for WIFIA. All projects must submit a letter of interest and then be invited to apply. See www.epa.gov/wifia.

WATER RESOURCES **Colorado River/Water and Tribes Initiative**

On April 28, the Water and Tribes Initiative (WTI) released its report, *Universal Access to Clean Water for Tribes in the Colorado River Basin*. The WTI “launched the Universal Access to Clean Water project to raise awareness and understanding about the lack of water security in Native American communities within the Colorado River Basin (CRB), and to engage leaders to solve the problem. As part of that initiative, WTI commissioned this report to describe current conditions among CRB Tribes, examine existing federal assistance programs, and develop policy recommendations to address Tribal community water needs.” The pandemic highlighted the disparities in tribal access to running water, and the report documents those deficiencies in infrastructure, operation and maintenance, water quality and water service. The report addresses federal treaty and trust responsibilities to the tribes. It discusses existing programs and efforts to provide clean water to tribes within the Indian Health Service, the EPA, the USDA, and the Bureau of Reclamation.

Despite existing federal programs, the report points to several barriers that hinder access to clean water for tribes, including lack of tribal consultation and interagency coordination; statutory and regulatory barriers to tribal participation; and lack of tribal capacity. The report makes recommendations to overcome these barriers, including a “whole of government” approach. “The federal government’s current approach to provide drinking water and sanitation to Tribes is haphazard and inefficient. Currently, at least seven different federal agencies with 23 different programs provide some type of drinking water or sanitation funding for Tribes. These programs have different eligibility requirements, funding cycles, points of contact, and deadlines. Typically, Tribes do not receive significant amounts of funding under some of these programs, thus requiring large-scale projects to be broken up into stages that ultimately results in additional cost and significantly more time to complete.” The report recommends pooling and optimizing funding from federal programs to allow the greatest possible benefit for tribal water projects.

The report notes that the federal government, under the direction of the State Department, has already created an Interagency Water Working Group to “develop and implement a coordinated, coherent strategy to provide more people with access to drinking water and sanitation internationally.” A similar approach is needed domestically for American Indian and Alaska Native communities. See <http://www.naturalresourcespolicy.org/projects/water-tribes-colorado-river-basin/>.

The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.