



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/CONGRESS

Nominations/EPA/Interior

On May 26, the Senate Environment and Public Works Committee voted 14-6 to favorably report the nomination of Radhika Fox as Environmental Protection Agency (EPA) Assistant Administrator, Office of Water. On May 27, the Senate Energy and Natural Resources Committee unanimously voted to support Tanya Trujillo as Assistant Secretary of the Interior for Water and Science. Both are key water roles within President Biden's Administration. Votes by the full Senate on the nominations have not yet been scheduled (WSW #2450 and #2453).

ADMINISTRATION/WATER RESOURCES

Colorado River Basin/Water Supply Outlook

On May 14, 2021, the Bureau of Reclamation (USBR) released its monthly 24-Month Study estimating the elevation of Lake Powell will drop to 3,525.57 feet as early as March 2022 under their most probable hydrology forecast. The Lake is currently at an elevation of 3,560.60 feet and is approaching its lowest recorded level since the reservoir began filling in the early 1960s. Maintaining Lake Powell above 3,525 feet is a key to Colorado River Compact compliance by the Upper Basin States of Colorado, New Mexico, Utah, and Wyoming, as well as preserving hydropower production at Glen Canyon Dam.

Under the 2019 Drought Response Operations Agreement, Reclamation and States will begin to develop a plan that would first consider operational flexibilities at Lake Powell, consistent with existing legal and operational constraints, followed by releases of water to Lake Powell from some or all of the upstream reservoirs of Flaming Gorge, Blue Mesa, and Navajo. Any plan would not be final until Reclamation's monthly 24-month forecast shows Lake Powell falling below 3,525 feet or below within a 12-month period and after consultation with the States of Arizona, California, and Nevada. The Secretary of the Interior may then take emergency action after consulting with the Colorado River Basin States to protect lake levels.

CONGRESS/WATER QUALITY

Drinking Water/EPA/Infrastructure

On May 25, the House Energy and Commerce Committee's Subcommittee on Environment and Climate Change held a hearing titled, "The CLEAN Future Act and Drinking Water: Legislation to Ensure Drinking Water is Safe and Clean," focused on several pieces of legislation addressing drinking water and infrastructure. Dr. Jennifer McLain, Director, EPA's Office of Ground Water and Drinking Water testified. She described the impact of several water financing programs that EPA administers, including the Clean Water and Drinking Water State Revolving Funds (SRFs), the Water Infrastructure Finance and Innovation Act (WIFIA) program, the Water Infrastructure Improvements for the Nation (WIIN) Act grant program, the Drinking Water Infrastructure Grants Tribal Set-Aside Program, and the Water Infrastructure Funding Transfer Act, which has been used by several states to accelerate actions to reduce lead in drinking water.

The Subcommittee discussed: H.R. 616, the Emergency Water is a Human Right Act; H.R. 1512, the Climate Leadership and Environmental Action for our Nation's (CLEAN) Future Act; H.R. 3238, the Colonia Infrastructure Improvement Act; H.R. 3267, the Protect Drinking Water from PFAS Act; H.R. 3282, the Drink Water Funding for the Future Act; H.R. 3286, the Emergency OASIS Act; H.R. 3291, the Assistance, Quality and Affordability Act; H.R. 3292, the Water Debt Relief Act; H.R. 3293, the Low-Income Water Customer Assistance Programs Act; and H.R. 3300, the Get the Lead Out Act.

The Subcommittee primarily focused on The CLEAN Future Act, which would: (1) increase and extend the authorization for the Drinking Water SRF (DWSRF) to nearly \$55B for FY22-31; (2) increase and extend the authorization for the Drinking Water System Resilience Funding program to \$50M per year for FY22-31; (3) establish a new grant program under the Safe Drinking Water Act to aid water utilities in paying the capital costs associated with treatment for per- and polyfluoroalkyl substances (PFAS) at \$500M per year for FY22-31; and

(4) authorize \$4.5B per year for FY22-31 to replace lead service lines with a priority for disadvantaged and environmental justice communities.

In her written statement, McLain said, “The legislative priorities in the Committee’s CLEAN Future Act (H.R. 1512) and other legislative proposals would help support investments in the DWSRF, protect our communities from PFAS in drinking water, and replace the millions of lead service lines across the nation. EPA shares the Committee’s interest in addressing these critical priorities and is available to provide technical assistance to advance these shared goals.”

CONGRESS/WATER RESOURCES **Appropriations/NOAA/S2S**

The WSWC has been actively working, in coordination with former WSWC Chair Jeanine Jones, to garner support for appropriating funds for the Western Winter Subseasonal to Seasonal (S2S) precipitation forecasting pilot program, as recommended in the National Oceanic and Atmospheric Administration’s (NOAA) 2020 report to Congress under Public Law 115-25. (WSW #2437). Forecasts at S2S time scales (weeks to a year or more) are needed to support water project operations, drought preparedness and response, and innovative water management strategies such as forecast-informed reservoir operations.

The WSWC is requesting a \$15M increase for the U.S. Weather Research Program within NOAA’s Office of Oceanic and Atmospheric Research appropriations account. Through the end of May, WSWC had sent letters to 25 Senators and 12 House Representatives, along with formal appropriations requests to 13 Senators and 9 Representatives. Follow-up on those letters has led to virtual meetings with 8 Senators and 4 Representatives. Several WSWC members joined calls/Zoom meetings with key members that included Senators Jerry Moran (KS) and Jeff Merkley (OR), members of the Senate Commerce, Justice, Science and Related Agencies (CJS) Appropriations Subcommittee, as well as Rep. Mike Garcia who is on the House CJS Appropriations Subcommittee.

Representative Grace Napolitano (D-CA) circulated a Dear Colleague letter in the House of Representatives, gathering 12 signatures from Democrats. Additionally, partners throughout the West have submitted letters of support for the S2S appropriation request. These include the Association of California Water Agencies, California Chamber of Commerce, Central Utah Water Conservancy District, Interstate Council on Water Policy, Salt River Project, Six Agency Committee (California’s Colorado River contractors), Truckee Meadows Water Authority, Upper Colorado River Commission, and the Wyoming State Engineer’s Office.

Infrastructure/Rural and Tribal Water Projects

On May 27, the WSWC, together with the Native American Rights Fund (NARF), and the National Congress of American Indians (NCAI) sent a letter to congressional committees expressing strong support for construction, operation, and maintenance of critical water infrastructure, particularly in tribal and rural regions of the West. The letter was sent to the Senate Committees on Energy and Natural Resources and Indian Affairs; House Committee on Natural Resources; and Appropriations Subcommittees on Agriculture and Rural Development, Energy and Water Development, and Interior and Environment.

The letter notes that many existing water infrastructure projects have long been authorized by Congress but lack adequate appropriations to complete construction. Examples include infrastructure projects authorized as part of Indian water rights settlements and rural water projects. “For example, the Fort Peck Reservation/Dry Prairie Rural Water System (Montana) was authorized in 2000 (P.L. 106-382) but has only been 75% funded with a balance remaining of \$85M as of 2020. The Rocky Boy’s/North Central Montana Rural Water System, authorized in 2002 (P.L. 107-331), has only been 35% funded, with a balance remaining of \$266.2M in 2020. Appropriations for these projects has trickled in at around \$10M per fiscal year, with recent increases to \$30M per fiscal year. Other rural water projects lacking a specific tribal component in New Mexico, North Dakota, and South Dakota have likewise been delayed.” These numbers have since been updated with the release of the FY2022 Budget.

The letter also points out that existing programs in multiple federal agencies have been authorized by Congress “to support drinking water infrastructure for tribal communities, but lack adequate funding and coordinated interagency effort. These neglected projects and programs have contributed to the disproportionate impact of the pandemic on tribal communities.” The letter concluded: “We urge you to prioritize federal funding to meet these urgent needs, especially as Congress is considering potential infrastructure packages.”

WSWC positions attached in support of the letter included: #465, Universal Access to Reliable, Clean Drinking Water for Federally Recognized Indian Tribes and Alaska Native Communities; #454, Indian Water Rights Settlements; and #447, Rural Water and Wastewater Project/Infrastructure Needs and U.S. Department of Agriculture Programs. See <https://westernstateswater.org/policy-letters/2021/rural-and-tribal-water-infrastructure/>.

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.