

**Written Testimony of the
WESTERN STATES WATER COUNCIL**

**Submitted to the
Senate Committee on Energy and Natural Resources
Water and Power Subcommittee Legislative Hearing**

Regarding Legislative Hearing Senate Bills 953, 2334, 3539, 3693, 4231, 4236

May 25, 2022

On behalf of the Western States Water Council (WSWC), we wish to express our appreciation for the opportunity to provide written testimony on S. 953, S. 2334, S. 3539, S. 3693, S. 4231, S. 4236 and H.R. 5001. The WSWC is a bi-partisan government entity created by Western Governors in 1965, representing eighteen states. Our members are appointed by and serve at the pleasure of their respective Governors, advising them on water policy issues. Our mission is to ensure that the West has an adequate, secure, and sustainable supply of water of suitable quality to meet its diverse economic and environmental needs now and in the future. The WSWC has long supported legislation that addresses the impacts of aging infrastructure, drought mitigation, and a reliable water supply.

Water in the West is a limited resource. Water must be recognized as a critical public policy priority given the importance of the resource to our public health, economy, food security, environment, and the western way of life. We must cultivate a western water conservation ethic through a greater understanding of and appreciation for water's value. A secure and sustainable water future will be determined by our ability to maintain, replace, expand, and make the most efficient use of critical water infrastructure. Sustainable water resource management should enhance the protection and restoration of significant aquatic ecosystems and improve economic and environmental security.

The West and the Nation depend on an intricate and aging system of weirs, diversions, dams, reservoirs, pipelines, aqueducts, pumps, canals, laterals, drains, levees, wells, stormwater channels, and water and wastewater treatment and hydroelectric power plants. Substantial and sustained investments in water project construction, maintenance, rehabilitation, and replacement are necessary and pays long-term dividends to the economy, public health and safety, and the environment. The federal government has a significant role in financing and cost-sharing for water-related infrastructure, given federal economic and environmental objectives, federal tribal trust and treaty obligations, past commitments, and federal regulatory mandates. See WSWC positions #439, #451, and #462. (See [Resolutions Summary | Western States Water Council](#))

S. 953: Water for Conservation and Farming Act

We welcome the proposed creation of the Bureau of Reclamation Infrastructure Fund. The WSWC has repeatedly encouraged the Congress to fully appropriate the receipts and collections accruing to the Reclamation Fund subsequent to the Reclamation Act and other acts for their intended purpose in the continuing conservation, development and wise use of western resources to meet western water-related needs. Specifically, we have supported expenditures to cover Reclamation project dam safety costs, financing extraordinary maintenance and rehabilitation of aging infrastructure (including transferred works), authorized rural water supply projects, and the

construction of Reclamation facilities incorporated as part of congressionally-approved Indian water right settlements.

A secure and sustainable water future will be determined by our ability to maintain, replace, expand and make the most efficient use of critical water infrastructure. We must preserve and improve existing infrastructure, as well as encourage and support innovative water supply strategies and new storage options to better balance supplies with demands. Moreover, sustainable water resource management and development should yield long-term economic growth, enhanced protection and restoration of significant aquatic ecosystems, and improved economic and environmental security and quality of life.

The WSWC similarly supports WaterSMART grant programs. As recognized in the Science and Engineering to Comprehensively Understand and Responsibly Enhance (SECURE) Water Act, "...States bear the primary responsibility and authority for managing the water resources of the United States." Western water law and policy are based on the reality of scarcity and the need to use water wisely. Western states have made great strides in increasing efficiency and reducing water use, but continued investments and sacrifices are needed to maintain our quality of life and to protect our environment.

The SECURE Water Act also recognizes that "the Federal Government should support the States, as well as regional, local and tribal governments..." and authorizes a number of important programs to provide this much needed support. The Council supports technical and financial assistance to states, local watershed groups and water districts as an appropriate federal role, consistent with authorized federal programs. Section 9504 of the SECURE Water Act authorizes the Secretary of the Interior to provide grants or enter into cooperative agreements to assist states and other non-federal entities in carrying out a range of water use efficiency improvements to address crucial water supply issues, stretch limited water supplies, and improve water management.

Reclamation has raised serious concerns related to Section 202 of S. 953, which would amend the SECURE Water Act with restrictive new language to prohibit any grant that would "increase the consumptive use of water for agricultural operations above the pre-project levels," even for downstream users who are not the recipient of the grant. This language may also lead to results contrary to the Congress' traditional deference to state water law and policy. We would encourage the Subcommittee to work with States to avoid potential misunderstandings.

S. 2334 - Large Scale Water Recycling Project and Drought Resiliency Investment Act

Amending the Omnibus Public Land Management Act of 2009 to modify the Cooperative Watershed Management Program to provide emergency drought-related funding is a welcome change. As the subcommittee members are aware, much of the West is experiencing severe, extreme, and exceptional drought conditions. The grant program, which provides funding for planning, design, and construction of large-scale water recycling and reclamation projects will help communities mitigate and respond to drought, increasing the reliability of water supplies. See WSWC positions #474, and #475.

An integrated, collaborative, and grassroots approach to water resources management is critical to the environmentally sound and efficient use of our water resources. States, federal agencies, tribes, and local communities should work together to identify water problems and develop optimal solutions at the lowest appropriate level. Striving for cooperation rather than

litigation, we must recognize and respect national, state, regional, local and tribal differences in values related to water resources.

S. 3539 Watershed Results Act

WSWC supports the goals of development of the watershed restoration pilot program that identifies two to five high-impact projects in a collaborative effort with state, local and tribal representatives, non-government organizations, and other entities. This bill focuses on quantified environmental outcomes that support improved surface and groundwater quality. The WSWC encourages federal agencies to provide resources to States and local water watershed groups.

H.R. 5001 and S. 3693 Upper Colorado and San Juan Basins Recovery Act

The Council supports H.R. 5001 and S. 3693 to extend the Secretary of Interior's authority to implement endangered fish recovery programs for the upper Colorado and San Juan River Basins from 2023 to 2024. In 1992 the Council had a hand in the addition of section 2(c)(2) of The Endangered Species Act (16 U.S.C 1531) which reads, "it is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species." This addition recognizes the West's complex past and present relationships between the management and development of water resources and the conservation and protection of threatened and endangered species.

The Upper Basin Recovery program's conservation and management actions have improved habitat and river flow conditions for endangered species and should continue uninterrupted. WSWC looks forward to the continued success of these programs. See WSWC position # 470.

S. 4231 Support to Rehydrate the Environment, Agriculture, and Municipalities Act

The Council supports the purposes of S. 4231 (STREAM Act) in general, including a competitive grant program for funding of water recycling projects to the extent that it benefits regional and rural communities with increased water management flexibility and water supply reliability. Additionally, water conveyance and storage are critical for our Western States. Implementing non-federal storage projects will help communities prepare and mitigate drought shortages. The establishment of a loan pilot program under the Reclamation Infrastructure Finance and Innovation (RIFIA) will promote water conservation and efficiency for domestic, agricultural, environmental, municipal, and industrial users. Federal expenditures generate significant returns on investment and improvements in quality of life.

WSWC supports an integrative approach that improves drinking water supply reliability for disadvantaged communities. There is a federal responsibility to assist these communities in achieving water and wastewater public health goals. Many of Reclamation's facilities are nearing or have already exceeded their design lives. Projects that authorize funding for repair and provide additional public health benefits through modifications should be prioritized.

S. 4236 Title III to Provide for a National Water Data Framework

All levels of government must prioritize the collection, analysis and open sharing of reliable data regarding water availability, quality, and usage given its importance to research for sound science and data driven decision making. The WSWC supports the goal of Title III to

accelerate modernization of federal and non-federal water data infrastructure, as well as leveraging state and federal resources to build a national water data framework for sharing, integrating, and utilizing water data and supporting the development of innovative water data technologies and tools.

The WSWC supports efforts to enhance and expand the availability of and access to consistent and comprehensive water supply, demand and water use data and information. The Council looks forward to collaborating with federal agencies to promote Findable, Accessible, Interoperable and Reuseable (FAIR) water data.