



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER RESOURCES **USBR/Native American Affairs Program**

On July 27, the Bureau of Reclamation (USBR) announced an award of \$4M for eleven tribes in nine western states to develop, manage, and protect their water and related resources. The funding will support water infrastructure development and technology projects through USBR's Native American Affairs (NAF) Technical Assistance Program.

The FY23 funding will include: (1) the Fort McDowell Yavapai Nation (Arizona) – \$398,730 for the replacement of irrigation wells, lift station pumps, and motors to secure water access and improve system-wide efficiency and productivity; (2) Quechan Indian Tribe (Arizona) – \$400,000 for irrigation infrastructure construction including pump station, pipeline, structures, solar panel installation for a system power supply to provide increased water accessibility and reliability; (3) Big Pine Paiute Tribe (California) – \$367,249 to replace deteriorated structures integral to irrigation water distribution systems for gardens, pastures, yards, and stock watering; (4) Santa Ynez Band of Chumash Indians (California) – \$358,411 to guide restoration for hydrologic functions within riparian corridors and evaluate groundwater production capacity to support future housing; (5) Shoshone-Paiute Tribes of the Duck Valley (Idaho) – \$262,992 to rehabilitate stock-ponds structures, replanting of native plant stocks and improving the riparian habitat in the surrounding areas to benefit livestock and wildlife.

Further spending will support: (6) the Fort Belknap Indian Community (Montana) – \$382,838 to drill stock water wells on tribal range land to secure a source of fresh water and prioritize water quality; (7) Winnemucca Indian Colony (Nevada) – \$400,000 for technical assistance to guide future planning for agriculture and economic development, housing community facilities, tourism, and recreation; (8) Pueblo of Isleta (New Mexico) – \$399,773 for surveying and engineering design for irrigation infrastructure and practical improvements to maximize water efficiency and availability; (9) Osage Nation (Oklahoma) – \$399,302 for the replacement and installation of fire hydrants to

provide reliable firefighting infrastructure in the Hominy Indian Village; (10) Rosebud Sioux Tribe (South Dakota) – \$398,895 for the implementation of climate-smart irrigation technology on the Rosebud Reservation and to conduct in-depth monitoring of water usage, soil moisture, and crop health; and (11) Confederated Tribes and Bands of the Yakama Nation (Washington) – \$293,643 for hydrologic modeling to inform and improve groundwater recharge and flood control activities in the Toppenish Creek Watershed.

USBR's NAF Program funding efforts support the implementation of the Biden Administration's priorities to increase opportunities for tribes to develop, manage, and protect their water and related resources as outlined in Executive Order 14008: Tackling the Climate Crisis at Home and Abroad, and Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

The Native American and International Affairs Office in the Commissioner's Office is the central coordination point for the NAF Program and lead for policy guidance for Native American issues in Reclamation. www.usbr.gov/native

DOI/Bipartisan Infrastructure Law

On July 27, the Department of the Interior (DOI) announced a \$152M investment from President Biden's Bipartisan Infrastructure Law (BIL) to bring clean, reliable drinking water to communities across the West through six water storage and conveyance projects. The projects in California, Colorado, and Washington are expected to develop at least 1.7 million acre-feet of additional water storage capacity, enough water to support 6.8 million people for a year. The funding will also invest in a feasibility study that could advance water storage capacity once completed.

The BIL is providing much-needed resources to enhance western communities' resilience to drought and climate change, including protecting the short- and long-term sustainability of the Colorado River System. USBR is investing a total of \$8.3B in BIL funds over five years for water infrastructure projects, including water

purification and reuse, water storage and conveyance, desalination and dam safety. The Inflation Reduction Act is providing an additional \$4.6B.

DOI Secretary Deb Haaland said: “In the wake of severe drought across the West, the Department is putting funding from President Biden’s Investing in America agenda to work to provide clean, reliable drinking water to families, farmers and Tribes throughout the West. Through the investments we’re announcing today, we will expedite essential water storage projects and provide increased water security to Western communities.” USBR Commissioner Camille Touton said: “Water is essential to every community – for feeding families, growing crops, powering agricultural businesses and sustaining wildlife. Our investment in these projects will increase water storage capacity and lay conveyance pipeline to deliver reliable and safe drinking water and build resiliency for communities most impacted by drought.”

The funded projects include: California – \$10M for the San Luis and Delta-Mendota Authority for the B.F. Sisk Dam Raise and Reservoir Expansion Project to develop approximately 130,000 acre-feet of additional storage; \$10M for the Los Vaqueros Reservoir Expansion Phase II to efficiently integrate approximately 115,000 acre-feet of additional water storage through new conveyance facilities that will allow Delta water supplies to be safely diverted, stored and delivered to beneficiaries; and \$30M for North of Delta Off Stream Storage (Sites Reservoir Project) capable of storing up to 1.5 million acre-feet of water in the Sacramento River system.

Colorado – \$100M for the Arkansas Valley Conduit for construction of more than 103 miles of pipelines to provide a safe, long-term water supply to an estimated 50,000 people in 39 rural communities, replacing current groundwater supplies contaminated with radionuclides and helping communities comply with federal drinking water regulations. It is designed to deliver up to 7,500 acre-feet of water per year from Pueblo Reservoir.

Washington – \$1M for the Cle Elum Pool Raise Project to increase the reservoir’s capacity by an additional 14,600 acre-feet to be managed for instream flows for fish, with additional funds for shoreline protection to provide mitigation for the pool raise; and \$1M for the Upper Yakima System Storage Feasibility Study to identify and assess storage alternatives within the Kittitas Irrigation District area. The district could use the conserved water as part of the total water supply available for tangible instream flow improvements, tributary supplementation efforts, aquatic habitat improvements, and support the delisting of steelhead and bull trout populations to meet the goals of the Yakima Basin Integrated Plan. <https://www.doi.gov>

LITIGATION/ENERGY/ENVIRONMENT **Supreme Court/Mountain Valley Pipeline**

On July 27, the Supreme Court vacated three stay orders that the 4th U.S. Circuit Court of Appeals issued to halt the final phase of construction of the \$6.6B 303-mile pipeline recently authorized by Congress (*Mountain Valley Pipeline v. Wilderness Society*, #23A35). The Administration supported an expedited review, noting that Congress ratified and approved all the relevant permits, orders, and biological opinions already issued by federal agencies, and provided exclusive jurisdiction in the D.C. Circuit Court. The stays would impose further delays that would prevent the final 20 miles of pipeline from being completed and the environment restored before winter.

The natural-gas pipeline is being built from northwest West Virginia to southern Virginia, including a 3.5-mile stretch across several streams through the Jefferson National Forest. Environmental litigants have challenged the pipeline over its anticipated impacts on endangered species, erosion, and stream sedimentation. Congress ratified the permits for completion of the project in Section 324 of the bipartisan debt ceiling compromise (H.R. 3746) that President Biden signed into law (P.L. 118-5) in June. (WSW #2559)

The Wilderness Society argued that the appeal to the Supreme Court was premature, because the 4th Circuit had not yet issued an opinion on whether Section 324 violated Article III of the Constitution and the separation of powers. Additionally, they argued, federal courts have the inherent power to determine their own jurisdiction.

The Supreme Court wrote: “The application to vacate stays [in 4th Circuit cases #23-1592, #23-1594, and #23-1384] ...is granted.... Although the Court does not reach applicant’s suggestion that it treat the application as a petition for a writ of mandamus at this time, that determination is without prejudice to further consideration in light of subsequent developments.”

Senator Joe Manchin (D-WV), said: “The Supreme Court has spoken and this decision to let construction of the Mountain Valley Pipeline move forward again is the correct one. I am relieved that the highest court in the land has upheld the law Congress passed and the President signed.”

Senator Shelley Moore Capito (R-WV) said: “All necessary permits have been issued and approved, we passed bipartisan legislation in Congress, the president signed that legislation into law, and now the Supreme Court has spoken: construction on the Mountain Valley Pipeline can finally resume, which is a major win for American energy and American jobs.”

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.