



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER RESOURCES

USBR/Corps/Infrastructure

On February 21, the Army Corps of Engineers (Corps) and the Bureau of Reclamation (USBR) released a joint report on the state of water infrastructure they manage. The report summarized their infrastructure asset portfolio, related asset management practices, collaboration efforts, and future strategies. Over the past five years, the Corps initiated 48 and completed 61 construction projects, and USBR invested more than \$12B in water infrastructure and drought resilience projects. The report outlined the agencies' goals, strengths, and challenges with major infrastructure categories, including dams, hydropower facilities, canals and pipelines, protecting and restoring the environment, and water supply.

The Corps reported the capacity to provide \$7.5B in loans to support \$15B in non-federal dam infrastructure through the Corps Water Infrastructure Financing Program (CWIFP). Dams that are more than 50 years old sometimes must operate at reduced capacity to accommodate flood storage, water supply, and recreation. Additionally, some reservoirs have lost storage capacity due to sediment accumulation. The Corps also reported increased reliability of hydroelectric turbines, with a 25% decrease in unscheduled outages at Corps facilities. However, hydrologic variability remains a challenge as long-term drought constrains hydropower operations. The Corps and USBR are exploring adaptations to ensure long-term operability.

USBR emphasized use of its title transfer authority under P.L. 116-9 for nearly 90% of its conveyance facilities, reducing federal investment and bringing local knowledge and management to operations. They reported funding challenges for frequent urban area canal assessments, and addressing aging prestressed concrete cylinder pipe (PCCP) installations. They touted 12,000 miles of water conveyance canals, pipelines and siphons

The Corps and USBR noted challenges in addressing water supply needs into the future, including: (1) increasing populations in the western United States;

(2) drought and resulting variable revenues; (3) siltation and dam safety restrictions; and (4) cost of project rehabilitation and operation and maintenance. USBR pointed to programs such as WaterSMART, the Water Infrastructure Improvements for the Nation (WIIN) Act, and the Investments in Infrastructure and Jobs Act (IIJA), through which they commit to working with tribal governments, states, and local entities to modernize existing facilities and build new infrastructure. "Water resources challenges of today are not like those of yesterday. The Army Corps and Reclamation are committed to constructing infrastructure projects that will strengthen the Nation's economy, protect people and property, and restore key ecosystems." www.usbr.gov/newsroom/news-release/4741

CONGRESS

Appropriations

On February 29, the House and Senate passed a fourth continuing resolution (H.R. 7463) for FY2024 appropriations, partially extending funding and averting a government shutdown. The House approved the bill on a motion to suspend the rules with a 320 - 99 vote. Following multiple failed motions to recommit the bill to committee, the Senate voted in favor 77 - 13.

A joint statement from Senate and House leaders said: "We are in agreement that Congress must work in a bipartisan manner to fund our government. Negotiators have come to an agreement on six bills: Agriculture-FDA, Commerce-Justice and Science, Energy and Water Development, Interior, Military Construction-VA, and Transportation-HUD. After preparing final text, this package of six full year Appropriations bills will be voted on and enacted prior to March 8. These bills will adhere to the Fiscal Responsibility Act discretionary spending limits and January's topline spending agreement. The remaining six Appropriations bills – Defense, Financial Services and General Government, Homeland Security, Labor-HHS, Legislative Branch, and State and Foreign Operations - will be finalized, voted on, and enacted prior to March 22. To give the House and Senate Appropriations Committee adequate time to execute on this deal in principle, including drafting, preparing report language, scoring and other technical matters, and to

allow members 72 hours to review, a short-term continuing resolution to fund agencies through March 8 and the 22 will be necessary, and voted on by the House and Senate this week.” www.appropriations.senate.gov

President Biden said: “This bipartisan agreement prevents a damaging shutdown and allows more time for Congress to work toward full-year funding bills. That’s good news for the American people. But I want to be clear: this is a short-term fix – not a long-term solution. In the days ahead, Congress must do its job and pass full-year funding bills that deliver for the American people.” www.whitehouse.gov/briefing-room/

Hearings/WRDA

On February 28, the Senate Committee on Environment and Public Works held a hearing focused on steps the Corps has taken to implement prior Water Resources Development Act (WRDA) provisions. In his opening remarks, Chairman Tom Carper (D-DE), identified consistent themes of the more than 1200 Senators’ requests for consideration in WRDA 2024 which included affordability, flexibility, and concerns about climate change. He noted that the past several authorizations have included changes to Corps policy to address these issues but that implementation is taking longer than expected. He expressed the Committee’s priorities for WRDA 2024, saying: “Senator Capito and I are in agreement that WRDA 2024 will focus on individual project solutions, giving the Corps the ability to dedicate more time and resources to fully implement the changes we have already made in past bills.”

Ranking Member Shelley Capito (R-WV) said: “As the Chairman and I have both said repeatedly, WRDA 2024 will not be a policy-heavy bill. Instead, the legislation will focus on authorizing new or modifying existing studies and projects, as well as making much-needed technical changes to prior provisions in order to better reflect the intent of Congress. This limited scope will enable the Corps to focus the energy and resources on fully implementing prior WRDA provisions, which will ensure that the Agency continues to be responsive to water resource needs.”

Assistant Secretary Michael Connor and Chief Engineer Lt. General Scott A. Spellman testified on several WRDA implementation actions including: (1) progress on establishing federal advisory groups; (2) issuing a proposed rule to establish Agency Specific Procedures for the Corps’ implementation of the Principles, Requirements, and Guidelines for water resources investments; (3) establishing the Army Civil Works research and development program; (4) accepting the first round of applications for direct loans and loan guarantees under CWIFP; and (5) the

authorization of 25 construction projects, 94 feasibility studies, and 131 new environmental infrastructure projects.

Senator Cramer noted that the Western Water Cooperative Committee (WWCC) was a top priority, providing Western states with a platform to bring localized problems directly to the Corps, to engage in dialogue, and help ensure Corps policies align with state water rights and laws. After hearing from states about the delay in establishing the committee, Cramer asked Connor for an update. Connor said: “The process for establishing that committee is to get a Federal Advisory Committee Charter through the Department of Defense. I believe that has been completed on this one to designate a federal officer, provide the correct training. We’ve done that. We have teed up the actions necessary to move forward with the committee, and then we need appropriations, budgeted resources, one or the other, to move forward with the activity because this one in particular is going to be fairly expensive. We’re paying for the travel, the logistics of getting folks together with respect to that. Once again, we are going to lag on any budget resources with respect to post-WRDA authorization before, or we can use the work plan. Neither one which we have had the opportunity to move forward with. We are teed up, ready to go, but we do need the resources to implement.” Cramer said he is working to secure funding to establish the WWCC.

On CWIFP, Spellman said: “This program allows the Corps to accelerate non-federal investments in water resources infrastructure by providing direct loans and loan guarantees to creditworthy borrowers in order to maintain, upgrade, and repair non-federal dams. It is the Corps’ first ever loan program and enables local investment in infrastructure projects that enhance community resilience to flooding, promote economic prosperity, and improve environmental quality.” <https://www.epw.senate.gov/public/index.cfm/press-rel-eases-democratic>

PEOPLE

Patrick O’Toole, president of the Family Farm Alliance, passed away on February 25, at the age of 75. His love of the land and conservation enabled him to be a strong bi-partisan voice for Western irrigated agriculture as he spoke to water user groups, agencies, and congressional committees. The O’Toole family and Ladder Ranch were the recipients of the distinguished 2014 Wyoming Leopold Environmental Stewardship Award. Pat’s family is planning a July 2024 memorial service at the Ladder Ranch. We will miss Pat and express our sincerest condolences to his family. <https://www.dignitymemorial.com/%20obituaries/grand-unction-co/patrick-otoole-11685682>

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