



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / www.westernstateswater.org

Chair - Jon Niermann; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

ADMINISTRATION/WATER QUALITY

Environmental Protection Agency/SWIFIA/WIFIA

On September 6, the Environmental Protection Agency (EPA) announced the availability of \$7.5B in Water Infrastructure Finance and Innovation Act (WIFIA) funding. It is the eighth round of funding, and includes \$6.5B available through WIFIA and \$1B available through the State Water Infrastructure Financing Authority (SWIFIA). To date, EPA's WIFIA program has closed loans totaling more than \$20B to help finance \$44B in projects across the country. EPA is currently accepting letters of interest for WIFIA and SWIFIA loans. EPA Administrator Michael S. Regan said: "Good infrastructure is the foundation for delivering clean, safe water to people across the country. The Biden-Harris Administration has prioritized water infrastructure investment with this \$7.5B infrastructure funding through WIFIA, on top of the unprecedented \$50B in funding... secured under the Bipartisan Infrastructure Law. With these resources, communities will keep building on progress to replace lead pipes, cut PFAS pollution, and protect people from climate change." www.epa.gov

ADMINISTRATION/WATER RESOURCES

NIDIS/Drought/Tribes

On September 5, the National Oceanic and Atmospheric Administration's (NOAA) National Integrated Drought Information System (NIDIS) released a report titled "Rethinking Resilience: Toward Holistic Approaches to Drought Management on Tribal Lands in the Upper Columbia and Missouri River Basins." The report synthesizes a 2023 workshop, co-organized by NIDIS and the Confederated Salish and Kootenai Tribes of the Flathead Reservation. Attendees came from tribal nations, intertribal organizations, and tribal colleges and universities. The workshop featured topics such as building and maintaining resilience, historic traumas, tribal sovereignty, and the interplay between indigenous and western knowledge.

The report outlined best practices for planning engagement and action activities around drought with tribal nations. Best practices included: (1) inviting early tribal participation; (2) emphasizing tribally-led

presentations; (3) holding workshops on tribal lands; (4) including local knowledge holders; and (5) coordinating the opening ceremony with the hosting Nation. www.drought.gov/documents/rethinking-resilience-toward-holistic-approaches-drought-management-tribal-lands

CONGRESS/WATER RESOURCES

California/Water Supply

On September 6, the House Natural Resources Committee's Subcommittee on Water, Wildlife and Fisheries held an oversight field hearing titled "Water Abundance: Opportunities and Challenges in California." The hearing examined California's water supply, including the challenges faced through federal regulations, and national food security.

Camille Calimlim Touton, Commissioner, Bureau of Reclamation (USBR), discussed managing California's Central Valley Project (CVP) and the State Water Project (SWP) amidst growing water supply challenges. Touton outlined the changes in California's hydrology over the past decade including snow-to-rain shifts in precipitation, rising sea levels, and extreme drought-flood cycles. She said the (CVP) was originally designed based on the assumption of a reliable snowpack and its operations need to be updated to address new challenges. Touton highlighted USBR's commitment to working with partners to modernize water infrastructure, address drought resiliency, improve water supply reliability, foster climate change adaptation, and improve ecosystem health.

U.S. Fish and Wildlife Service Director, Martha Williams, discussed the collaborative management of the CVP, SWP and the Klamath Project to benefit agricultural and public water supply, while maintaining habitat for Delta smelt, chinook salmon, Lost River sucker, and shortnose sucker populations. Williams said: "The Service believes the CVP can be operated in a way that meets the needs of the Central Valley's imperiled fish populations, while supporting California's farms and communities. Finding this balance takes an open, transparent, creative, and collaborative effort by all interested parties, including Tribes, agricultural producers, communities, and state and federal agencies.... In both the Klamath Basin and Central

Valley, hydrology is expected to trend drier, which will impact and complicate consultation, restoration, and other long-term planning efforts. These challenges to our environment and communities must be addressed through collaborative partnerships and transparent processes among a wide variety of stakeholders who work together to develop holistic solutions.”

Data/AI Forecasting

On September 9, Representatives C. Scott Franklin (R-FL) and Kevin Mullin (D-CA) introduced the Transformational Artificial intelligence to Modernize the Economy (TAME) against Extreme Weather Act (H.R. 9498). The act would direct NOAA, in collaboration with the National Aeronautics and Space Administration (NASA), the Department of Energy, and other related entities to develop comprehensive weather forecasting training datasets in support of : (1) furthering the understanding of weather, water, climate, and space weather modeling and data; (2) advancing the science of weather forecasting; and (3) developing artificial intelligence weather forecasting applications. NOAA would explore advanced applications of AI to improve weather forecasting and provide technical assistance. The act would also direct the agencies to use AI to improve wildfire detection and modeling, atmospheric chemistry models, greenhouse gas emissions modeling, and data assimilation techniques, as well as explore partnerships with private and academic entities to promote innovation in weather forecasting.

Water Infrastructure

On September 11, the Senate Energy and Natural Resources Subcommittee on Water and Power held a hearing to receive testimony on 16 pending water infrastructure bills. The Bureau of Land Management (BLM) submitted written testimony on S. 4999, to amend the Aquifer Recharge Flexibility Act. The bill would allow the holder of a right-of-way (ROW) grant approved by the BLM, acting on behalf of themselves or a third party, to use the existing ROW for the purposes of aquifer recharge without further authorization from the Secretary. The BLM was supportive of simplifying aquifer recharge but expressed concerns about the lack of BLM review. They argued the lack of oversight could lead to environmental damage and liability issues.

The U.S. Geological Survey (USGS) expressed its support for the Water Data Improvement Act (S. 4245) which, among other provisions, would reauthorize the Federal Priority Streamgauge (FPS) Network and the National Groundwater Monitoring Network (NGWMN). USGS testified that the FPS Network addresses long-term federal needs including informing flood and drought forecasts, implementing intergovernmental compacts and decrees, and tracking trends in

undisturbed watersheds. USGS said NGWMN serves as a critical measurement of current and long-term groundwater conditions which allows water managers to monitor for drought and drought recovery, issue permits for groundwater withdrawals, and establish triggers for water conservation or pumping reductions.

Camille Calimlim Touton, USBR, expressed support for the WaterSMART Access for Tribes Act (S. 2927) which would give the Secretary of the Interior authority to waive or reduce the cost-share requirements in WaterSMART categories for Tribes without sufficient funds to pay the cost-share. She also supported, with an appropriate increase in the cost ceiling, the Drought Preparedness Act (S. 4242) which would reauthorize the Reclamation States Emergency Drought Relief Act of 1991. Touton also expressed support for the Rural Water Supply Program Reauthorization Act (S.4458), which would reauthorize USBR to work with rural communities, including tribes, in the Western States to assess water supply needs and conduct appraisal and feasibility studies without individual acts of Congress. She said that since the expiration of the Rural Water Supply Program in 2016, USBR has continued to receive requests from rural communities for federal support.

Touton discussed the Colorado River Basin System Conservation Act (S. 4576) which would reauthorize the Colorado River System Conservation Pilot Program, enabling voluntary water conservation projects to increase storage levels in Lakes Powell and Mead. She said that, since its inception, the pilot program had made clear that system conservation programs in the Upper and Lower Basins must be implemented and administered independently due to differences in legal frameworks. She said that the Lower Basin has already received authorization to continue its system conservation efforts through the 2019 Lower Basin DCP Agreement. S. 4576 is needed to continue system conservation activities in the Upper Basin. Touton discussed the Water Project Navigators Act (S. 4995), which would direct the Secretary of Interior to establish a program that funds “navigator” positions at partner non-federal organizations including state and local governments, tribes, special districts, and non-governmental organizations to help develop and implement multi-benefit water projects. Touton expressed support for the bill’s aim but indicated a desire to work with the Committee on technical edits.

Senator Michael Bennet (D-CO) discussed the Finish the Arkansas Valley Conduit Act (S. 5013), which would eliminate interest payments on non-federal cost share funds and extend the repayment period, allowing rural communities to complete the project and deliver clean drinking water from the Pueblo Reservoir to farmers, ranchers, and communities in the Arkansas River Valley for the first time.

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.