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WestFAST News

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Biden-Harris Administration Announces Historic Consensus System Conservation Proposal to Protect the Colorado River Basin

Seven Basin states agree on analyzing consensus-based approach proposed by the Lower Basin

Funding from President Biden's Investing in America agenda combined with voluntary commitments will conserve 3-million-acre feet of water through 2026

DOI 5/22/2023

The Department of the Interior today announced significant new developments in the Biden-Harris administration's efforts to protect the stability and sustainability of the Colorado River System now and into the future.

As part of the Department's [continued efforts](#) to address ongoing severe drought conditions and a changing climate in the Colorado River Basin, representatives from the seven Colorado River Basin states have [agreed to the submission](#) of a Lower Basin, consensus-based system conservation proposal. They are requesting the proposal be fully analyzed as an action alternative under the Bureau of Reclamation's draft Supplemental Environmental Impact Statement (SEIS), published last month. The [consensus-based proposal](#) – agreed upon by the three Lower Basin states – commits to measures to conserve at least 3 million-acre-feet (maf) of system water through the end of 2026, when the current

operating guidelines are set to expire. Of those system conservation savings, 2.3 maf will be compensated through funding from the historic Inflation Reduction Act, which is supporting efforts to increase near-term water conservation, build long term system efficiency, and prevent the Colorado River System's reservoirs from falling to critically low elevations that would threaten water deliveries and power production. Under this consensus proposal, the remaining system conservation needed for sustainable operation will be achieved through voluntary, uncompensated reductions by the Lower Basin states.

"There are 40 million people, seven states, and 30 Tribal Nations who rely on the Colorado River Basin for basic services such as drinking water and electricity. Today's announcement is a testament to the Biden-Harris administration's commitment to working with states, Tribes and communities throughout the West to find consensus solutions in the face of climate change and sustained drought," said Secretary Deb Haaland. "In particular I want to thank Deputy Secretary Tommy Beaudreau and Reclamation Commissioner Camille Calimlim Touton, who have led the discussions with Basin state commissioners, Tribes, irrigators, local communities, and valued stakeholders to reach this critical moment."

"I commend our partners in the seven Basin states who have demonstrated leadership and unity of purpose in developing this consensus-based approach to achieve the substantial water conservation necessary to sustain the Colorado River System through 2026," said Deputy Secretary

Tommy Beaudreau. “Reclamation’s SEIS process succeeded in facilitating this agreement, and we will carry forward the consensus proposal by analyzing it under the SEIS.”

“For over a century, Reclamation has led with solutions grounded in partnership and collaboration. The agreement today continues in this tradition,” said Bureau of Reclamation Commissioner Camille Calimlim Touton. “I am proud of the Reclamation team’s work and thank our partners across the basin and the Basin states representatives for reaching this moment. This is an important step forward towards our shared goal of forging a sustainable path for the basin that millions of people call home.”

In light of the Lower Basin states’ conservation proposal, the Department today announced that it is temporarily withdrawing the [draft SEIS](#) published last month so that it can fully analyze the effects of the proposal under the National Environmental Policy Act (NEPA). Reclamation will then publish an updated draft SEIS for public comment with the consensus-based proposal as an action alternative. Accordingly, the original May 30, 2023, deadline for the submission of comments on the draft SEIS is no longer in effect. The Department plans to finalize the SEIS process later this year.

Early next month, the Department will formally advance the process for the development of new operating guidelines replacing the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead at the end of 2026. In the coming weeks, Reclamation will publish the Notice of Intent for the Environmental Impact Statement related to the post-2026 guidelines.

President Biden’s [Investing in America agenda](#) represents the largest investment in climate resilience in the nation’s history and is providing pivotal resources to enhance the resilience of the West to drought and climate change, including to protect the short- and long-term sustainability of the Colorado River System. Through the [Bipartisan Infrastructure Law](#), Reclamation is investing \$8.3 billion 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 investing

an additional \$4.6 billion to address the historic drought.

To date, the Interior Department has announced the following investments for Colorado River Basin states, which will yield hundreds of thousands of acre-feet of water savings each year once these projects are complete:

- \$281 million for [21 water recycling projects](#) that are expected to increase annual water capacity by 127,000 acre-feet annually
- Up to \$233 million in [water conservation funding](#) for the Gila River Indian Community, including \$83 million for a water pipeline project and an additional \$50 million from the Inflation Reduction Act through the [Lower Colorado River Basin System Conservation and Efficiency Program](#), which will also provide similar investments in 2024 and 2025
- Over \$73 million for infrastructure repairs on water delivery systems, \$19.3 million in [fiscal year 2022](#) and another \$54 million [announced last month](#)
- \$71 million for [32 drought resiliency projects](#) to expand access to water through groundwater storage, rainwater harvesting, aquifer recharge and water treatment
- \$20 million in new [small surface and groundwater storage](#) investments

[Biden-Harris Administration Makes Historic, \\$11 Billion Investment to Advance Clean Energy Across Rural America Through Investing in America Agenda](#)

Two new programs made possible by the Inflation Reduction Act will support clean and affordable energy, new jobs and healthier communities

USDA 5/16/2023

The Biden-Harris Administration today announced the availability of nearly \$11 billion in grants and loan opportunities that will help rural energy and utility providers bring affordable, reliable clean energy to their communities across the country.

This represents the single largest investment in rural electrification since President Franklin D. Roosevelt signed the Rural Electrification Act into law in 1936.

“The Biden-Harris Administration’s commitment to cleaner energy provides rural communities with an affordable and reliable power grid, while supporting thousands of new jobs and helping lower energy costs in the future,” Agriculture Secretary Tom Vilsack said. “These investments will also combat climate change and significantly reduce air and water pollution that put children’s health at risk. The U.S. Department of Agriculture stands ready to partner with municipalities, tribal entities, entrepreneurs, rural electric cooperatives and other utilities to see this transformative investment come to life and create new economic growth and healthier communities.”

Funding is available through two programs under President Biden’s Inflation Reduction Act, which makes the nation’s largest-ever investment in combatting the climate crisis. Specifically, the U.S. Department of Agriculture (USDA) will be opening a Letter of Interest process for the Empowering Rural America (“New ERA”) program, which makes \$9.7 billion available to eligible rural electric cooperatives to deploy renewable energy systems, zero-emission and carbon capture systems. In addition to New ERA, USDA will also be opening a Letter of Interest process for the Powering Affordable Clean Energy (PACE) program, which makes \$1 billion available in partially forgivable loans to renewable-energy developers and electric service providers, including municipals, cooperatives, and investor-owned and Tribal utilities to help finance large-scale solar, wind, geothermal, biomass, hydropower projects and energy storage in support of renewable energy systems.

“This new funding from the Inflation Reduction Act shows that President Biden, and our entire administration, is serious about investing in rural America,” said John Podesta, Senior Advisor to the President for Clean Energy Innovation and Implementation. “This announcement embodies what the Investing in America Agenda is all about—building a clean energy economy that works for everyone.”

Together, these two programs represent the single largest investment in rural electrification since President Franklin Delano Roosevelt signed the Rural Electrification Act into law in 1936. This announcement is part of President Biden’s Investing in America agenda to grow the American economy from the bottom up and the middle out by rebuilding our nation’s infrastructure, driving more than \$435 billion in private-sector manufacturing investments, creating good-paying jobs, and building a clean-energy economy to tackle the climate crisis and make our communities more resilient.

“All across America, rural cooperatives lift up our rural communities. President Biden’s investment agenda positions his Agriculture Department as the ultimate partner in this work – financing not just upgrades to clean and affordable power, but also economic empowerment and uplift,” said Ali Zaidi, Assistant to the President and National Climate Advisor. “For so many of our rural communities, this is simply a gamechanger. It’s a big deal.”

More information on the **New ERA program** is available at www.rd.usda.gov/programs-services/electric-programs/empowering-rural-america-new-era-program. Rural electric cooperatives, including current and previous USDA borrowers, are eligible for funding. To apply, eligible entities must submit a Letter of Interest between July 31 and Aug. 31, 2023.

More information on the **PACE program** is available at www.rd.usda.gov/programs-services/electric-programs/powering-affordable-clean-energy-pace-program. Loans through this program may be forgiven by 40% of the loan amount, and the maximum loan amount is \$100 million. Applicants in Puerto Rico, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and Tribal communities are eligible for up to 60% loan forgiveness. For this program, USDA will begin accepting Letters of Interest starting on June 30, 2023, on a rolling basis until Sept. 29, 2023.

The goal of the PACE program is to make clean energy affordable for vulnerable, disadvantaged, Tribal and energy communities to heat their homes, run their businesses and power their cars, schools, hospitals and more. USDA may be able to leverage nearly \$3 billion in projects through this program.

This is in line with President Biden's [Justice40 Initiative](#), which aims to ensure that 40% of the overall benefits of certain federal investments reach disadvantaged communities that are marginalized and overburdened by pollution.

Background: Inflation Reduction Act

The Biden-Harris Administration championed the Inflation Reduction Act to help provide new funding and unprecedented incentives to expand clean energy, transform rural power production, create jobs and spur economic growth.

The Inflation Reduction Act provides several funding opportunities to USDA Rural Development to help eligible organizations invest in renewable energy infrastructure and zero-emission systems and make energy-efficiency improvements that will significantly reduce greenhouse gas emissions.

For example, the Inflation Reduction Act provides up to \$2 billion for the [Rural Energy for America Program](#) (REAP), with \$303 million set aside for underutilized technologies and technical assistance. USDA anticipates funds will support renewable energy and energy-efficiency projects for more than 41,500 farms and small businesses.

The Inflation Reduction Act also provides up to \$500 million in grants for [infrastructure improvements to blend, store or distribute biofuels](#) to give consumers more fueling options. This includes installing, retrofitting or upgrading dispensers for ethanol at retail fueling stations, as well as home heating oil distribution centers.

For more information on the Inflation Reduction Act, visit: www.rd.usda.gov/inflation-reduction-act.

USDA touches the lives of all Americans each day in so many positive ways. Under the Biden-Harris Administration, USDA is transforming America's food system with a greater focus on more resilient local and regional food production, fairer markets for all producers, ensuring access to safe, healthy and nutritious food in all communities, building new markets and streams of income for farmers and producers using climate-smart food and forestry practices, making historic investments in infrastructure and clean energy capabilities in rural America, and committing to equity across the Department by removing systemic barriers and

building a workforce more representative of America. To learn more, visit www.usda.gov.

EPA Proposes to Establish First-Time Clean Water Act Protections for Over 250 Tribes

EPA's proposed baseline water quality standards would usher in new Clean Water Act protections for Tribal Nation waterways

EPA 5/3/2023

Today, the U.S. Environmental Protection Agency (EPA) announced proposed federal baseline water quality standards for waterbodies on Indian reservations that do not have Clean Water Act standards, ensuring protections for over half a million people living on Indian reservations as well as critical aquatic ecosystems.

Fifty years ago, Congress established a goal in the Clean Water Act (CWA) that waters should support fishing and swimming wherever attainable. All states and 47 Tribes have established standards consistent with that goal. However, the majority of U.S. Tribes with Indian reservations lack such water quality standards. This proposal would extend the same framework of water quality protection that currently exists for most other waters of the United States to waters of over 250 Tribes and is the result of decades of coordination and partnership with Tribes.

"President Biden has made it clear; all people deserve access to clean, safe water. Today's proposal is a monumental step forward in our work with Tribal governments to ensure precious water resources are protected," said EPA Administrator Michael S. Regan. "Establishing federal baseline water quality standards, and implementing them in consultation with Tribal governments, will help support Tribes' interests in protecting and improving waters that are essential to thriving communities, vibrant ecosystems, and sustainable economic growth."

If finalized, this proposal would safeguard water quality on Indian reservations until Tribes are able to adopt their own CWA standards for their water bodies. EPA estimates this proposed water quality standard will increase protections for 76,000 miles

of rivers and streams and 1.9 million acres of lakes, reservoirs, and other open surface waters within Indian reservations, protecting aquatic life and the health of over half-a-million residents living within reservation boundaries.

Water quality standards define the goals for the condition of a water body by (1) designating its uses, such as fishing and swimming, (2) establishing maximum levels (or water quality “criteria”) for pollutants that protect those uses, and (3) outlining policies that protect water quality from degradation. The proposed baseline WQS would provide a common set of designated uses, criteria, and antidegradation policies for Tribal waters, with certain built-in flexibilities to enable EPA to tailor the standards where needed to best protect local circumstances.

This proposal carries out the commitments to honor the federal trust responsibility and protect Tribal water resources outlined in EPA’s 2021 action plan, *Strengthening the Nation-to-Nation Relationship with Tribes to Secure a Sustainable Water Future*. It also delivers on the Biden-Harris Administration’s commitment to uphold the United States’ treaty and trust responsibilities to the 574 federally recognized Tribes.

“The National Tribal Water Council fully supports federal baseline WQS for all of Indian country not already covered by tribal WQS (TWQS),” said Ken Norton, Chairman for the National Tribal Water Council. “While the Council advocates for tribal environmental self-determination through TWQS, we endorse EPA’s proposed rule that discharges the federal government’s trust responsibility to tribes by filling longstanding regulatory gaps in Indian country, using standards that support the unique traditional and cultural uses indigenous peoples make of aquatic ecosystems.”

“We, the tribal representatives of the National Tribal Caucus, are charged with identifying and addressing regional and national environmental issues that affect Tribal Nations and Alaskan Native Villages,” said Gerald Wagner, National Tribal Caucus Chairman. “As one of the four elements of life, it is critical that Tribes and Alaskan Native Villages are provided a reasonable means to protect their water resources and ensure the protection of tribal environmental health, aquatic ecosystems, and

tribal beneficial use waters. We recognize that the national baseline water quality standards is one important step in ensuring the gap is closed for impaired waters to be protected, while providing the opportunity for Tribes to gain status toward establishing their own water quality standards. The National Tribal Caucus welcomes this unique start in recognizing the importance of water quality in the livelihood of tribal communities and we hope to see further meaningful advancements that integrate tribal identities.”

“The Navajo Nation has water quality standards that were approved under both the Navajo and federal Clean Water Acts and are supported by EPA,” said Yolanda Barney, Environmental Department Manager, Surface and Ground Water Protection Department, Navajo Nation Environmental Protection Agency. “It is imperative that EPA continue to support tribal efforts to protect tribal waters. Working with neighboring states Arizona, New Mexico and Utah as well as EPA, the Navajo Nation ensures that its waters are protected from pollution to the greatest extent possible.

“The promulgation of Tribal Baseline WQS is necessary to protect tribes without federal standards from transboundary pollution released from off-reservation polluters and addresses EPA’s duty to fill the regulatory water quality protection gaps in Indian country,” said Michael Bolt, Vice-Chair of the National Tribal Water Council and Water Quality Section Supervisor, Eastern Band of Cherokee Indians.

“The Poarch Band of Creek Indians, the only federally recognized Tribe in Alabama, has developed a robust surface water quality-monitoring program throughout the last decade,” said Stephanie A. Bryan, Tribal Chair and CEO, Poarch Band of Creek Indians. This program has helped our Tribe defend its lands and waters, but we also recognize not all Tribes have had this same opportunity. The Poarch Band of Creek Indians support any attempt to develop National Water Quality Standards to help Tribes safely preserve and protect their water rights now and into the future.”

“I appreciate that EPA recognizes that most tribes do not have WQS in place. This baseline will provide protection for fish, wildlife and tribal communities that depend on clean water,” said Russell N. Hepfer, Vice Chairman,

Lower Elwha Tribal Community. “Each tribe is unique, most not having the programs or funding to ensure the baseline is met. Moving forward, EPA should consult with and support tribes with funding for implementation and enforcement.”

The Agency will accept comments on this proposal for 90 days. EPA will also hold two online public hearings on this proposal. [Learn more about the proposed rule and public hearings.](#)

Background

Water Quality Standards (WQS) define the water quality goals for a waterbody and provide a regulatory basis for many actions under the CWA, including developing water quality-based effluent limits in National Pollution Discharge Elimination System (NPDES) permits for point-sources; performing Clean Water Act (CWA) section 401 certifications of federal licenses and permits; and reporting on water quality conditions and designated uses attainment.

Upcoming Meetings and Webinars

WSWC-NARF 18th Biennial Indian Reserved Water Rights Symposium
Aug 08 – 09 2023, Virtual

2023 Improving Sub-seasonal to Seasonal Precipitation Forecasting to Support Water Management Workshop
Aug 15 - 17 2023, San Diego, CA

Other Federal News

BLM 5/8/23. [BLM Awards Contracts to Remediate Orphan Wells on Public and Tribal Lands](#)

BLM 5/10/23. [Update: BLM Releases Public Meeting Information for Proposed Public Lands Rule](#)

DOI 5/3/23. [Secretary Haaland Announces \\$12.6 Million from Bipartisan Infrastructure Law for Desalination Research Facility in Southern New Mexico](#)

DOI 5/19/23. [Biden-Harris Administration Announces \\$62.5 Million Through Investing in](#)

[America Agenda for Endangered Species Recovery Planning](#)

DOI 5/22/23. [Biden-Harris Administration Announces \\$48 Million for Water Sanitation, Irrigation, Power and Dam Safety Projects in Indian Country](#)

DOI 5/24/23. [Biden-Harris Administration Continues Commitment to Protect the Stability, Sustainability of Colorado River Basin](#)

DOI 5/31/23. [Biden-Harris Administration Announces \\$161 Million for Landscape Restoration](#)

DOJ 5/5/23. [Justice Department Looks Back on First Year of Comprehensive Environmental Justice Enforcement Strategy and Office of Environmental Justice](#)

EPA 5/18/23. [EPA selects recipients for \\$25.7 million in technical assistance funding to help rural communities access clean water](#)

EPA 5/25/23. [Statement on Supreme Court Decision in Sackett v. EPA](#)

FS 5/1/23. [USDA Announces \\$36M to Improve Roads, Trails, Water Quality as part of Investing in America Agenda](#)

FS 5/4/23. [USDA Invests \\$63M for Fuel Breaks to Protect Communities, Increase Firefighter Safety, as Part of Investing in America Agenda](#)

FWS 5/8/23. [How snowpack and snowmelt affect rare wildlife and plants in Nevada & Eastern Sierra](#)

FWS. [Advanced Water Mapping and Analytics](#)

FWS 5/19/23. [Biden-Harris Administration Announces \\$62.5 Million Through Investing in America Agenda for Endangered Species Recovery Planning](#)

FWS 5/24/23. [National Fish Hatchery System: By the Numbers \(2022\)](#)

FWS 5/25/23. [U.S. Fish and Wildlife Service Supports Boaters and Clean Waterways Through Clean Vessel Act Program](#)

NOAA 5/8/23. [U.S. dominated by remarkable warmth so far in 2023](#)

NOAA 5/9/23. Precipitation study in Colorado Rockies strikes gold during epic winter

NOAA 5/19/23. The Endangered Species Act: 50 Years of Conserving Species

NOAA 5/23/23. Tracking Sea Surface Temperatures

NRCS 5/2/23. Strategic Approach and New Investments for Addressing Water Supply Challenges for Producers in the West

NRCS 5/19/23. Biden-Harris Administration Announces Availability of \$500 Million for Improved Regional Conservation Partnership Program to Better Support Partners, Producers as Part of Investing in America Agenda

NRCS 5/23/23. NRCS Delivering Climate Solutions through the Inflation Reduction Act

NRCS 5/23/23. USDA Invests in Watershed Infrastructure to Help Communities Recover from, Prepare for Natural Disasters as Part of Investing in America Agenda

Reclamation 5/1/23. Biden-Harris administration to replace Leadville Mine Drainage Tunnel Treatment Plant

Reclamation 5/17/23. Agencies reach agreement over Jackson Lake Dam

Reclamation 5/26/23. 2023 Drought Response Operations Plan Finalized; plan focuses on recovery of upstream reservoirs

USGS 5/17/23. New Online Maps for Exploring Groundwater Levels in Arizona

USDA 5/11/23. Agriculture and Interior Departments Invest \$2.8 Billion to Improve Public Lands Access and Support Conservation Efforts Across the United States

USDA 5/19/23. Biden-Harris Administration Announces Availability of \$500 Million for Improved Regional Conservation Partnership Program to Better Support Partners, Producers as Part of Investing in America Agenda

USDA 5/19/23. USDA Previews Emergency Relief Assistance for Agricultural Producers Who Incurred Losses Due to 2022 Natural Disaster Events

USDA 5/22/23. Biden-Harris Administration Invests in Watershed Infrastructure to Help Communities Recover from, Prepare for Natural Disasters as Part of Investing in America Agenda

The Western States Federal Agency Support Team (WestFAST) is a collaboration between 13 Federal agencies with water management responsibilities in the West. WestFAST was established to support the Western States Water Council (WSWC), and the Western Governors Association in coordinating Federal efforts regarding water resources.