

PENDING LEGISLATION

HEARING
BEFORE THE
SUBCOMMITTEE ON
WATER AND POWER
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

ON

S. 737	S. 2693	S. 4176
S. 953	S. 3450	S. 4231
S. 1179	S. 3539	S. 4232
S. 1554	S. 3971	S. 4233
S. 2334	S. 4175	S. 4236
H.R. 5001/S. 3693		

MAY 25, 2022



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The text for each of the bills addressed in this hearing can be found on the Committee's website at: <https://www.energy.senate.gov/hearings/2022/5/water-power-subcommittee-legislative-hearing>

PENDING LEGISLATION

WEDNESDAY, MAY 25, 2022

U.S. SENATE,
SUBCOMMITTEE ON WATER AND POWER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 3:06 p.m. in Room SD-366, Dirksen Senate Office Building, Hon. Ron Wyden presiding.

OPENING STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM OREGON

Senator WYDEN. The Subcommittee will come to order, and before we begin our discussion today, I just want to take a moment to say how horrifying the spectacle was yesterday, to lose more innocent children to a mass shooting. And there is no question in my mind that this carnage is only going to continue until members here in the United States Senate on both sides of the aisle can come together and actually get something done to provide a new measure of safety and reduce the risk of these horrors as we saw yesterday. There is just no substitute for doing the hard work to get 60 votes on common-sense gun legislation. I want to commend several of my colleagues, just in the last couple of hours, that have been in meetings—the Senator from New Mexico and the Senator from Montana, and I want to appreciate their comments because in virtually every other sentence they talk about trying to find common ground, and I know my colleague, the Senator from Nevada, and my colleagues from Colorado share that view.

This afternoon, the Water and Power Subcommittee is going to look at western water legislation. I welcome the opportunity to hear testimony from the Bureau of Reclamation to discuss 16 bills that make investments to address drought and protect our country's water supply. This is a pressing issue across the country, but particularly for us westerners that are up here on this panel. We know we are looking at yet another dry, hot summer in our part of the country. Today's hearing covers a variety of issues facing the Bureau of Reclamation. Some of the bills on today's agenda attempt to advance federal water policy and to promote climate resiliency through forward thinking and innovative policy solutions. The bills are an opportunity to build on the recently passed Bipartisan Infrastructure Law, which, in my view, made several historic investments at the Bureau of Rec. With the help of some senators on this Committee, Congress invested \$8.3 billion in western water

infrastructure and programs that address fish recovery, habitat restoration, and the environment.

The bills on today's agenda also call for investment in more resilient and robust infrastructure and surface groundwater and natural storage on water recycling and reuse, efficiency, and conservation. These pieces of legislation highlight the need to invest and prioritize projects that provide watershed health, and they are grounded in science and data. Managing our water resources for the future means developing sustainable solutions that benefit both people and the environment.

Just briefly, we have 16 bills on the agenda—a number that affect broader western water policy, and several that are more limited. We have nine bills on the agenda that address Bureau of Rec authorities, programs, and activities. I will start with two bills that Senator Merkley and I have joined on—the Water for Conservation and Farming Act and the Watershed Results Act. In Oregon, communities in the Klamath and Deschutes Basins are looking at yet another devastating drought year, the worst with the threats of wildfire and extreme heat. I met just yesterday with farmers from the Basin, and they made it clear, this is not an abstract issue. They are looking at devastating drought. As these pressures continue to mount, it is essential that we get a lot more high-impact water projects on the ground, and fast. That is what Senator Merkley and I are focused on with our Watershed Results Act. It would use the best available science and expertise to identify and implement the most cost-effective and high-impact restoration activities for watersheds.

On the second bill that Senator Merkley and I joined together on, the Water for Conservation and Farming Act, we aim to help communities—gesundheit over there for Senator Heinrich. The Water for Conservation and Farming Act aims to help communities better plan and prepare for the increased demand for clean water by funding projects that improve dam safety, create more resilient watersheds, and benefit agricultural and urban water users. And I have been crossing the State of Oregon. I have five town hall meetings coming up over the next week or so, talking with farmers in rural communities about what resources they need to respond to these extreme weather events. And these two bills aim to tackle the drought concerns.

My colleagues have a number of bills. I am going to allow time for them to make remarks on their important work, and at this point, let's go with Senator Barrasso.

**OPENING STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Well, thanks so much, Mr. Chairman. And I want to thank Commissioner Touton for testifying today. Thank you very much for being here. Welcome.

As you know, aging Bureau of Reclamation infrastructure is a major issue in western states, especially in Wyoming. We have discussed that in 2019, Irrigation Tunnel #2 on the Fort Laramie Canal collapsed, leaving more than 100,000 acres of cropland—not just in Wyoming, but a lot of area of Nebraska—without water, and this, of course, seriously impacted farmers and ranchers in both

states. After the collapse, they inspected Tunnel #1, which is part of that same canal system and it also revealed major structural deficiencies. New tunnels through the existing infrastructure are necessary to reinstate full operation for the whole Goshen Irrigation District in Wyoming and the Gering-Fort Laramie Irrigation District in Nebraska—The two irrigation districts need funding for the construction of both tunnel replacements. According to Wyoming Governor Mark Gordon’s office, the project would cost upwards of \$60 million.

The western water infrastructure title of the new Bipartisan Infrastructure bill does not cover this project. This is simply because it happened three years ago and the law is currently written to only cover projects over the past two years. It does not mean the needs are not there. This is an important example of why I believe the new infrastructure law is going to need to be improved. That is why I introduced S. 4233, the Platte River Basin Critical Maintenance and Repair Act. Wyoming is facing serious aging water infrastructure needs, so I am happy that you are writing this down, but that is the kind of attention you pay to these things, and I am grateful. I have noticed it on our phone calls as well, so, thank you.

It comes as no surprise that my legislation has the support of Wyoming’s Governor. He had the following to say about this bill. He said, “I can think of no wiser use of Infrastructure Investment and Jobs Act funds than to direct additional funding to the Bureau of Reclamation reserved or transferred works that have had a structural failure like the Goshen Irrigation District tunnel collapse that occurred in Wyoming.” So, whether it is this Goshen Irrigation District tunnel, or replacement of dams that are really close to failure, like another one in Converse County, Wyoming—Wyoming has many important water infrastructure needs. Wyoming and other western states want to see improvements through the new infrastructure law. They are also eagerly awaiting implementation of its existing water infrastructure provisions.

So, as you know, time is not on our side with regard to aging infrastructure. Another critical failure of an aging project could occur at any time. That is why we need to move legislation to improve the new Bipartisan Infrastructure Law to allow projects that suffered a recent critical failure to get access to this vital funding. We also need the Bureau of Reclamation to expeditiously implement western water infrastructure provisions of the new infrastructure law. Implementing these provisions will allow funding to be released for farming and ranching communities in the West that really need it.

So, thank you, Mr. Chairman. Thank you, Commissioner.

Senator WYDEN. I thank my colleague.

Next, we will go with Senator Hickenlooper and then Senator Heinrich and then our colleagues.

**OPENING STATEMENT OF HON. JOHN W. HICKENLOOPER,
U.S. SENATOR FROM COLORADO**

Senator HICKENLOOPER. Great. Thank you, Mr. Chair. And I am going to be very brief because I know that there is important testimony here to come.

You know, in the West, our cities and our streams support an impressive wealth in wildlife, in outdoor rec, and help sustain entire ecosystems, but those ecosystems are under dramatic threat. Climate change has made the West hotter. A 20-year drought is the start of what could become long-term aridification, putting our rivers and the communities and ecosystems that rely on them under tremendous stress. The Endangered Species Act is our bedrock environmental law to protect fish, and they rely on our most iconic rivers. That does not imply that ESA is not a challenge to comply with sometimes. Yet, it is not the case with endangered fish in the Upper Colorado and San Juan Basins. Upper Colorado and San Juan River Basin endangered fish recovery programs have helped the water project developers comply with ESA with minimum regulatory burden. The program helps study, monitor, and stock endangered fish while managing habitat, river flows, and especially invasive species that in turn ensures compliance for water users. To date, compliance for 2,500 water projects in total, saving uncountable hours, dollars, and fish while prompting exactly zero litigation.

Two of the four fish covered by the Endangered Species Act have been downlisted from endangered to threatened. That is why Senator Romney and I introduced our Upper Colorado and San Juan River Basins Recovery Act to ensure that the success of these programs carries on while stakeholders in the Upper Basin states collaborate on a longer-term path to negotiate with this continuing drought. Representative Neguse's bipartisan House companion bill has overwhelmingly passed the House. This bill is bipartisan, bicameral, and shows how states, tribes, federal entities, water users, and environmentalists can come together and work successfully toward a solution. I look forward to moving to final passage in the Senate and to the President's desk.

Senator WYDEN. Thank you. Well said.

Senator Heinrich.

**OPENING STATEMENT OF HON. MARTIN HEINRICH,
U.S. SENATOR FROM NEW MEXICO**

Senator HEINRICH. Chairman Wyden, I want to thank you for including a bill today that is incredibly important to preserving our water resources in New Mexico, and the West in general. The members of the New Mexico delegation introduced this legislation because the constant threat of a changing climate and the aridification, and I use that word aridification because drought says it is temporary. That is not what the data is telling us at this point. But the aridification of the Rio Grande Basin is resulting in a drier river year after year.

In New Mexico, we know firsthand that water is life. We need to find innovative ways to meet new demands and conserve this precious resource using the most current science, data, and knowledge. This bill will address immediate and long-term water security needs of the Rio Grande through an integrated water resource management plan driven by a federal working group tasked with improving collaboration across the Basin. In addition, this bill would increase access to the best science, and the best data and management tools for water monitoring and conservation through

a national water data framework. Lastly, this bill will provide a 10-year reauthorization to a critical program that invests in Pueblo irrigation infrastructure and repairs to canals along the Rio Grande, granting the program much more stability.

The Rio Grande stretches over 1,900 miles from its headwaters in the Rocky Mountains to the Gulf of Mexico, and it is one of the West's most iconic rivers. This river provides water to millions of people, hundreds of thousands of acres of irrigated land, dozens of tribal nations, and countless ecosystems. We know that the West is facing the driest conditions in 1,200 years and the Rio Grande is projected to run dry across significant reaches this summer. It is vital that we use every resource and tool available to address water security and scarcity.

Thank you again for holding this hearing today. I look forward to hearing from our witnesses.

Senator WYDEN. I thank my colleague.

It is not an accident that we have seven westerners here today to discuss these issues. And it is because water questions in the West are not abstract. This is lifeline kind of business. So, I appreciate all my colleagues.

Here is what we will do now. We are going to call an audible because we have all these votes coming up. We will have Senator Tester give his opening remarks, then we will have Senator Feinstein give her opening remarks, then we will have Senator Padilla give his opening remarks and then at that point, we will excuse our three colleagues and we will go to Ms. Camille Touton, the Commissioner of Reclamation. We will have her remarks. Then we will begin questions from the members.

Senator Tester.

**OPENING STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA**

Senator TESTER. Thank you very much. It is good to be here. I want to thank you and Ranking Member Hyde-Smith for having this hearing. I want to take a moment to introduce my St. Mary's Reinvestment Act before the Subcommittee today.

The St. Mary's Diversion Dam is the critical juncture where water from the St. Mary's River is diverted into the Milk River Project. That project is a cornerstone of northern Montana's agricultural economy and a way of life. That project irrigates 121,000 acres, provides water for four towns, and serves a critical role in tribal rights for two tribal communities. It provides irrigation water also to Canadian communities under the 1909 Boundary Waters Treaty and the 1921 order from the International Joint Commission. So without this project, every community along the Milk River is in deep trouble, as we found out in May 2020, when there was a drop structure failure. We were able to scramble and scrap some funds together and resources to make emergency repairs, but that was just a drop in the bucket as what is needed for this project.

The St. Mary's storage unit was authorized over 110 years ago. Mr. Chairman, you may remember that, but the truth is, is that it was in bad shape when I was back in the state legislature, when I was advocating for more money to rehabilitate the project. It has

gotten worse since then, with rough estimates to rehabilitate the whole system coming in well north of \$200 million. This bill works to reverse that trend. It authorizes \$52 million to rehabilitate the St. Mary's Diversion Dam and related infrastructure. It sets aside a local cost share for that funding based on a Bureau of Rec study. This builds upon \$100 million that I was able to secure in the Bipartisan Infrastructure bill for rehabilitating the Milk River Project by providing targeted funding, specifically for St. Mary's Diversion Dam, one of the highest priority parts of this project. And with cost share requirements based on what water users can actually pay, water users can finally get the rehabilitation work that they have needed for decades without going broke.

Reclamation is already working with water users on that study, and I have spoken to Reclamation about the need to get that out the door as soon as possible. In Montana, as Senator Heinrich said, we also know that water is life, and it is, and it is a testament to how universal that is when you see the entire Montana delegation united behind this bill. I would appreciate your guys' quick action on this bill.

One final point—Senator Daines will be introducing the Sun River Hydropower Authorization Act. I am in full support of that too. I hope you can act quickly on that.

Thank you, Mr. Chairman and Ranking Member Hyde-Smith.

Senator WYDEN. Thank you, Senator Tester, and I am trying to keep a straight face at your sense of humor. Thank you.

Senator Feinstein.

**OPENING STATEMENT OF HON. DIANNE FEINSTEIN,
U.S. SENATOR FROM CALIFORNIA**

Senator FEINSTEIN. Thanks very much, Mr. Chairman and Ranking Member Hyde-Smith, other Senators. I want to thank you for the opportunity to speak. I want to make one point here today. It is this: California, Arizona, and other western states cannot survive without improving our water infrastructure. I know that Senators Kelly and Sinema, my co-sponsors on the STREAM Act, will agree with me, and here is the reason for the challenge—science projects that with climate change the Colorado River will lose one-third of its flow on average within a generation. That is more than five million acre-feet, or enough water for 30 million people that would be gone. Much of the water already has vanished, with Lake Powell and Lake Mead today at 25 percent and 30 percent of capacity, respectively.

So to avoid disaster, we need an all-of-the-above strategy, and that means funding water storage and conveyance where it is feasible, more drought-resilient sources of water supply, like recycling and desalination, and conservation and environmental restoration. In combination with the Bipartisan Infrastructure Law, the STREAM Act would help, providing more than a million additional acre-feet of water per year on an average. I believe that we have no choice. We need to make this investment. And so, I ask unanimous consent that the stack of letters supporting this bill be introduced into the record.

Also, before you today—I did not give you a chance to respond. Senator WYDEN. No, not at all, please proceed.

[Letters of support for S. 4231 follow:]



Bringing
Water
Together

May 16, 2022

The Honorable Dianne Feinstein
United State Senate
331 Hart Senate Office Building
Washington, DC 20510

RE: Support for Introduction of the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act)

Dear Senator Feinstein:

The Association of California Water Agencies (ACWA) is pleased to support your draft "Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act)" and looks forward to its introduction. ACWA's more than 450 public water agency members supply over 90 percent of the water delivered in California for residential, agricultural, and industrial uses.

This legislation comes at a critical juncture for Californians: drought conditions are worsening due to climate change, and the need for additional investments in aging water infrastructure is great. Through the STREAM Act, both challenges can be addressed. Providing funding for groundwater and surface storage projects, water recycling, desalination, habitat restoration, drinking water assistance for disadvantaged communities and the many other facets of this legislation will help improve water supply reliability for Californians and the West for years to come.

ACWA's Federal Affairs committee discussed the bill with Mr. John Watts of your staff on March 23, 2022. Our members found many provisions to be supportive of and appreciate having the opportunity to learn about your plans for moving the bill through congress.

ACWA sincerely appreciates your leadership on this issue and looks forward to working with you to advance the STREAM Act this Congress. We would be happy to work with you on finalizing this legislation; please feel free to contact our DC Office at jayt@acwa.com.

Sincerely,

A handwritten signature in blue ink that reads "David L. Reynolds". The signature is written in a cursive, flowing style.

David Reynolds
Director of Federal Relations



COACHELLA VALLEY WATER DISTRICT

Established in 1918 as a public agency

GENERAL MANAGER
Jim Barrett

ASSISTANT GENERAL MANAGER
Robert Cheng

CLERK OF THE BOARD
Sylvia Bermudez

ASSISTANT GENERAL MANAGER
Dan Charlton

May 18, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

RE: Support for STREAM Act, “Support To Rehydrate the Environment, Agriculture and Municipalities Act”

Dear Senator Feinstein:

Coachella Valley Water District (CVWD) writes to support your legislation, Support To Rehydrate the Environment, Agriculture and Municipalities Act (STREAM Act). The STREAM Act will provide expanded, robust funding streams for water and wastewater agencies. Additionally, this legislation will update and reform several program requirements that have prevented or forestalled infrastructure funding and development. The legislation also incorporates provisions dedicated to disadvantaged communities, which are a high priority for CVWD.

By way of background, in 1918, Coachella Valley Water District was created to protect and conserve water primarily for agricultural irrigation. Today, CVWD’s service area covers approximately 1,000 square miles from the San Geronio Pass to the Salton Sea, mostly within Riverside County and includes portions of Imperial and San Diego counties. CVWD is a multifaceted agency that provides diverse water services, including: irrigation and drainage, drinking water service, groundwater replenishment, and wastewater treatment.

Importantly, the legislation will reauthorize the Title XVI competitive grant program for water recycling authorized in the WIIN Act. As water funding is increasingly sought after due to water shortages gripping the West, it is crucial to increase the authorized appropriations in order to provide more funding opportunities and to raise the federal contribution cap. Currently, CVWD is applying for Title XVI WIIN Act grant funding. CVWD is working on expanding its nonpotable water service through a new project, the Wastewater Reclamation Plant #10 project, which would benefit from the STREAM Act provisions. Importantly, the provision aimed to expedite water recycling projects by giving Interior full authority to approve projects will reduce the time and cost expenditure to utilize federal funds. This will remove unnecessary red tape that delays critically needed infrastructure expansion and improvements.

Coachella Valley Water District
P.O. Box 1058 Coachella, CA 92236
Phone (760) 398-2651 Fax (760) 398-3711

www.cvwd.org
an Equal Opportunity Employer

The Honorable Dianne Feinstein
United States Senate
May 18, 2022
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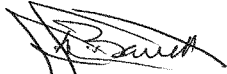
Additionally, the bill incorporates disadvantaged communities as a component of "public benefit." The inclusion allows for non-Federal storage project, water recycling project, groundwater recharge or desalination project to potentially receive increased reimbursable funds if the projects improves water supply for disadvantaged communities. The increased reimbursement will appropriately aid grant recipients that are assuming a higher financial burden by supporting their financially-restricted disadvantaged communities. The provision will also potentially motivate water infrastructure project planners to more extensively incorporate disadvantaged communities in their construction plans.

In Section 107, the bill provides specific funding allowances for disadvantaged communities. CVWD is committed to aiding its disadvantaged communities and created the Disadvantaged Communities Infrastructure Task Force in order to focus efforts to improve the water quality and water service needs of historically underprivileged communities, which are primarily in the eastern valley. The legislation will authorize the Bureau of Reclamation to provide grants for projects that will support disadvantaged communities. The provision allows up to a 100 percent of the cost of the planning, design, or construction of water projects, or facilities or features of water projects. The provision includes a \$100 million authorization over five years.

The targeted funding pot and authorization will logically separate federal funding opportunities aimed for disadvantaged communities. Although many federal programs require a percentage of funds to be designated to disadvantaged communities, these communities need more funding opportunities specifically for them. CVWD would be a competitive candidate for this funding opportunity and use strategic planning and funding procurement to secure a grant. A program explicitly dedicated to these communities will alleviate the capital burden the communities are incapable of supporting.

CVWD is grateful for your leadership on water and wastewater infrastructure, specifically on Title XVI. CVWD will encourage members of its delegation to support this bill throughout the legislative process. This comprehensive legislation addresses the existing gaps in water and wastewater programs, while also providing new opportunities that will greatly benefit water and wastewater systems like CVWD.

Sincerely,



J. M. Barrett
General Manager

File: 0931

Coachella Valley Water District
P.O. Box 1058 Coachella, CA 92236
Phone (760) 398-2651 Fax (760) 398-3711

www.cvwd.org



March 16, 2022

The Honorable Dianne Feinstein
U.S. Senator from California
331 Hart Senate Office Building
Washington, D.C. 20515

RE: EMWD Supports Senator Feinstein’s STREAM Act

Dear Senator Feinstein:

On behalf of Eastern Municipal Water District (EMWD), we write to express support for your soon-to-be introduced legislation titled the “Support to Rehydrate the Environment, Agriculture, and Municipalities Act” or the STREAM Act.

EMWD is the water, wastewater and recycled water service provider to nearly one million people living and working within a 555-square mile service area in western Riverside County. EMWD is California’s sixth-largest retail water agency, and our mission is to deliver value to our customers and the diverse communities we serve by providing safe, reliable, economical and environmentally sustainable water, wastewater and recycled water services.

We were very pleased to learn that the STREAM Act reauthorizes the Bureau of Reclamation’s Title XVI competitive grant program at increased levels. This successful program has allowed communities, including those in EMWD’s service area, to leverage federal funding to finance important water recycling and water reuse related infrastructure. For over thirty years, water reuse has been an incredibly valuable tool in the West, where we face potable water shortages and are currently in the middle of another historically devastating drought.

Since the Title XVI program was first enacted in 1992, approximately \$700 in million federal funding has been leveraged with more than \$3.3 billion in non-federal funding to design and construct water recycling projects, adding hundreds of thousands of acre-feet to the nation’s water supply.

Board of Directors
Philip E. Paule, *President* Randy A. Record, *Vice President* Jeff Armstrong Stephen J. Corona David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300
T 951.928.3777 • F 951.928.6177 www.emwd.org

Honorable Dianne Feinstein
March 16, 2022
Page 2

Moreover, the STREAM Act's provision removing the current requirement that competitive Title XVI awards be first listed in an enacted Congressional appropriations bill before funds can be released will provide more certainty to project sponsors.

EMWD is also supportive of several other Western water programs that the STREAM Act authorizes, including those that will help fund:

- Water storage and conveyance projects;
- Drinking water infrastructure for disadvantaged communities;
- Desalination projects; and
- Environmental restoration efforts.

As our region continues to experience record drought conditions and water shortages, this legislation is needed now more than ever. For these reasons, EMWD supports the STREAM Act.

Thank you for your long-standing efforts and leadership to increase sustainable water supplies and enhance water security throughout the West. If EMWD can ever be a resource for you, please contact me at mouawadj@emwd.org.

Sincerely,



Philip E. Paule
President, Board of Directors



Joe Mouawad, P.E.
General Manager



5550 Newbury Street, Suite B
Baltimore, MD 21209
P: 443.921.9441
F: 410.235.1503

March 11, 2022

The Honorable Dianne Feinstein
United State Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: STREAM ACT

Dear Senator Feinstein,

On behalf of Ecosystem Investment Partners (EIP), a private company that specializes in large scale ecosystem restoration, I write to express EIP's support for your discussion draft of the Support to Rehydrate the Environment, Agriculture and Municipalities Act (STREAM Act).

EIP strongly supports Section 302 of the bill which authorizes the Secretary of the Interior to use performance-based contracts when funding ecosystem restoration projects from existing grant programs. Performance based contracting allows private investment to deliver creative solutions quickly and forces project teams to focus on the delivery of successfully completed projects as opposed to traditional contracting which reward plans and reports. EIP is currently using a performance-based contract with the state of California to deliver 3,400 acres of delta smelt habitat. The ability to utilize this project delivery mechanism at the federal level will ensure that we can quickly and creatively mitigate the impacts of climate change - moving from plans to projects in real places requires risk capital, real estate control, intense and difficult permitting, and complex construction project management.

Section 301 of the STREAM Act would authorize \$250 million for environmental restoration projects, including \$150 million in competitive grants. Of note in this section, funding would be prioritized projects that are: "multi-benefit projects recommended by collaborative processes or plans, integrated water management projects integrating water supply and flood control for the purpose of restoring, protecting, and enhancing floodplains and managed wetlands for improved species habitat..."

EIP has developed a floodplain restoration project in the Yolo Bypass to improve habitat conditions for juvenile salmonids and also increase the productivity of the food web for the benefit of pelagic fish species in the delta. This project, known as Floodprint, fits well within the funding criteria highlighted above as it has multiple benefits and is not intended to meet any existing environmental mitigation requirements.

EIP looks forward to working with you as the bill is introduced and moves through the legislative process to ensure that projects like Floodprint can be implemented quickly and begin having a positive impact on salmonid populations. Please do not hesitate to reach out with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Graham", is written over a light blue horizontal line.

Kyle Graham
Kyle@ecosystempartners.com



March 18, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Support for *STREAM* Act

Dear Senator Feinstein:

On behalf of the Family Farm Alliance (Alliance), thank you for your continued work to improve water security and drought resilience in the Western United States. Your "*Support to Rehydrate the Environment, Agriculture, and Municipalities Act*" (STREAM Act) contains a number of provisions that could be helpful to our members if enacted.

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. We are committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons – many of which are often overlooked in the context of other national policy decisions. The American food consumer nationwide has access to fruits, vegetables, nuts, grains, and beef throughout the year largely because of Western irrigated agriculture and the projects that provide water to these farmers and ranchers.

The Alliance believes the federal government must be a partner with the Western states and local water purveyors in the West in creating opportunities for investment in new surface and groundwater storage infrastructure. With the ongoing impacts of climate change and drought over the past decade, the West must increase water storage to replace lost snowpack and help deal with the increasing demand for water for growing municipal and environmental needs. We believe we should not allow these needs to be met by reducing agricultural water supplies so important to feeding this nation and the world, especially during this time of uncertainty. We also firmly believe the federal government should be part of reinvesting in our aging water storage and delivery infrastructure.

We appreciate the provisions of the STREAM Act supporting new water storage and conveyance projects, including those that continue the "*Water Infrastructure Improvements for the Nation Act*" (WIIN Act) storage program in a revised form, as well as extending the availability for cost-shared

grant funding for non-congressionally authorized Title XVI water recycling, reuse, and desalination projects. Importantly, the STREAM Act would grandfather storage and conveyance infrastructure projects that receive construction funding in the bipartisan infrastructure bill enacted earlier this Congress to receive new funding authorized by the STREAM Act to complete construction. Family Farm Alliance members are involved with several of those projects in California, Idaho and Washington state. The bill would also provide some non-reimbursable funding for modifications to extraordinary maintenance on aging Bureau of Reclamation (Reclamation) projects that would provide additional public benefits. This could be helpful to some of our members; we would like to work with you further to ensure that it encompasses all potential modifications and added benefits that could be realized on the ground.

The STREAM Act would also allow the Department of the Interior to provide emergency drought relief assistance for permanent infrastructure projects, amending the current requirement under the Reclamation States Emergency Drought Relief Act that such assistance (other than groundwater wells) must be for projects that are temporary in nature. Given the expected increase in frequency and duration of drought in many parts of the West, drought relief facilities will likely be needed more often in the future. Amending the Emergency Drought Relief Act to allow longer-term facilities realistically acknowledges our changing hydrology and will allow more cost-effective drought response investments to be made.

The provisions establishing a *Reclamation Infrastructure Finance and Innovation Act* (RIFIA) Pilot Loan Program would potentially lower the cost of financing this critical water infrastructure for our members by adding another important tool in the financing “toolbox.” Likewise, provisions allowing revenues generated by voluntary water transfers to be used for safety of dams or drought resilience projects would help cash-strapped water districts make needed investment. This addition to Reclamation Law would also provide an important incentive for projects to temporarily transfer water to help water users that need it if conditions on the ground allow for such a transaction.

The Alliance also supports the ecosystem restoration funding provisions authorized in the bill. Having a federal funding partner for these restoration projects will be crucial in helping to accelerate efforts to protect and recover the ESA listed species while supporting our members’ ability to develop and use drought-resilient water supplies through existing and new surface and groundwater storage and conveyance projects West-wide.

Again, thank you again for your decades of leadership on Western water. We look forward to continuing to work with you and your staff on the STREAM Act as it moves through the legislative process.

Sincerely,



Dan Keppen
Executive Director



FARM BUREAU San Diego County

The Voice of Local Farmers

Serving San Diego agriculture since 1914

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Subject: FY2023 Interior Appropriations Request for Valley Center Municipal Water District Pipeline Replacement Project

Dear Senator Feinstein,

On behalf of the San Diego County Farm Bureau, I urge you to support Valley Center Municipal Water District's ("VCMWD" or "District") FY2023 Interior Appropriations request to help fund the District's crucial Pipeline Replacement Project. ***VCMWD plays a critical role in contributing to California's agriculture, which supplies not only California, but also the nation.*** VCMWD supports nearly 1/5th of San Diego County's 5,000 farms—more than *any* other U.S. County—and the nation's 20th largest Agricultural Economy.

VCMWD also is one of the largest contributors to San Diego County's:

- \$1.8 billion annual farm-gate value, which provides over \$3.6 billion in economic value
- Position as one of the top 5 California counties for avocados, flowers, foliage, citrus, nursery products, etc.
- 20,000 on and off-farm jobs (19% operated by women; and many farms employ disadvantaged minority populations)

VCMWD serves a population of 29,700, which includes 11,700 accounts—700 of which are Agricultural accounts. The District also serves the San Pasqual Band of Mission Indians through a Water Supply Delivery Agreement.

VCMWD has aging pipeline, pump station and reservoir infrastructure—some over 60 years old—with its accompanying risk of water loss and its threat to water reliability. This Pipeline Replacement Project replaces pipelines originally installed in the 1960's, which have reached the end of their useful lives as is evidenced by numerous necessary repairs to date. In addition to creating new jobs, the project will reduce water loss and increase water reliability for the District's distribution system and is shovel-ready to begin construction as soon as funding is available.

Federal Funding for these projects will help control the cost of water to Valley Center residents, businesses, agriculture, as well as the San Pasqual Band of Mission Indians.

Recognizing that you likely have received several requests from the State—especially as Chair of the Energy and Water Appropriations Subcommittee—we respectfully request that you include **Valley Center Municipal Water District's Pipeline Replacement Project** in your formal submittal of requests to the Subcommittee on Interior, Environment, and Related Agencies.

Sincerely,

HANNAH GBEH Executive Director



Cliff Loeffler
Lindsay-Strathmore I.D.
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Edwin Camp
Arvin-Edison W.S.D.
Vice Chairman
Jim Erickson
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Michael Brownfield
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Kent H. Stephens
Kern-Tulare W.D.
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Eric Borba
Porterville I.D.
Steven G. Kisling
Saucelito I.D.
Matt Leider
Tea Pot Dome W.D.
Edwin L. Wheaton
Terra Bella I.D.
Rick Borges
Tulare I.D.

Jason R. Phillips
Chief Executive Officer
Johnny Amaral
Chief Operating Officer

854 N. Harvard Ave.
Lindsay, CA 93247
1121 L St., Ste. 610
Sacramento, CA 95814
(559) 362-6305

March 16, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Transmitted via email

RE: Letter of Support - STREAM Act

Dear Senator Feinstein:

On behalf of the Friant Water Authority (Friant), I thank you for your continued leadership on California water issues. Your STREAM Act contains several provisions that could be helpful to Friant and our member districts if enacted.

Friant is a public agency formed under California law to operate, maintain and replace the Friant-Kern Canal, a component of the Central Valley Project (CVP) owned by the Bureau of Reclamation (Reclamation) and to represent our members in federal or state policy, political, and operational decisions that could affect the Friant Division's water supply. Our goal is to provide dependable, sustainable water from Millerton Reservoir to Friant Contractors.

Friant believes the federal government must be a partner with the Western states and local water purveyors in the West in creating opportunities for investment in new surface and groundwater storage infrastructure. With the ongoing impacts of climate change and drought over the past decade, the West must increase water storage to replace lost snowpack and help deal with the increasing demand for water for growing municipal and environmental needs. We believe we should not allow these needs to be met by reducing agricultural water supplies so important to feeding this nation and the world, especially during this time of uncertainty. Friant also firmly believes the federal government should be part of reinvesting in our aging water storage and delivery infrastructure. The Friant-Kern Canal has become a poster child of this need to repair and rehabilitate this infrastructure that has stood the test of time but has been negatively impacted by events outside of our control, such as subsidence or age. While this infrastructure was built generations ago, it remains even more important than ever in the delivery of water supplies for multiple uses.

Importantly, the STREAM Act would grandfather storage and conveyance infrastructure projects that receive construction funding in the bipartisan

infrastructure bill enacted earlier this Congress to receive new funding authorized by the STREAM Act to complete construction. The Friant-Kern Canal Capacity Correction Project is one of those projects and is critical to restoring Friant's ability to deliver water to our farmers and help recharge important groundwater resources in support of our rural disadvantaged communities in the San Joaquin Valley. The bill would also provide some non-reimbursable funding for modifications to extraordinary maintenance on aging Bureau of Reclamation (Reclamation) projects that would provide additional public benefits.

The STREAM Act would also allow the Department of the Interior to provide emergency drought relief assistance for permanent infrastructure projects, amending the current requirement under the Reclamation States Emergency Drought Relief Act that such assistance (other than groundwater wells) must be for projects that are temporary in nature.

Thank you for your continued support of Friant Water Authority, our farmers and ranchers and the water infrastructure they rely upon. Again, we appreciate your continued leadership on important water issues in California and the West.

Sincerely,



Jason Phillips
Chief Executive Officer
Friant Water Authority

**BOARD OF DIRECTORS**

Donald R. Bransford, President Peter Knight, Vice President
 John Amaro Logan Dennis Blake Vann

GENERAL MANAGER

Thaddeus L. Bettner, P.E.

May 23, 2022

The Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Glenn-Colusa Irrigation District (GCID) I am writing to express support for your bill, S. 4231, the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act). Representing more than 1,000 water users and approximately 175,000 acres of service area in the western Sacramento Valley, GCID supports your legislation, which includes many provisions that will help improve water security and drought resilience in the Sacramento Valley and throughout California. Your legislation will provide much-needed federal support for essential water supply infrastructure and ecosystem restoration projects. We appreciate the provisions supporting new water storage projects and establishing a Reclamation Infrastructure Finance and Innovation Pilot Program. When combined with previously enacted provisions of the Infrastructure Investment and Jobs Act, which you helped secure, the STREAM Act will make it easier for Reclamation to partner in critically needed non-federal water supply projects, including Sites Reservoir, which will be an essential water supply and drought-reliance feature for farms and communities in the Sacramento Valley and the entire state.

GCID also appreciate your efforts to expand assistance under the Reclamation States Emergency Drought Relief Act to include federal support for more permanent facilities. As you know, the Sacramento Valley is experiencing an unprecedented drought. These provisions will provide Reclamation with greater flexibility in the use of these limited federal dollars, authorizing Reclamation to make investments that will generate longer-term water supply benefits, rather than primarily provide short-term drought relief.

We also appreciate your support of additional federal investments in ecosystem restoration and protection. As you know, GCID works with a broad group of agricultural, water, and conservation interests in the Sacramento Valley to advance projects that will reactivate historic floodplains to benefit birds and fish species, food production, and water security. We are also working to advance projects that enhance, restore and create in-river function and habitat, generate fish food, and improve the knowledge base through research, experimentation, data collection, and advanced analytics. The STREAM Act will help accelerate and expand efforts in the Sacramento Valley to ensure a more reliable water supply that benefits the environment and people.

Protecting agriculture and wildlife in the
 Sacramento Valley for more than a century

And, finally, GCID appreciate your inclusion of language authorizing the Secretary of the Interior to establish an Integrated Water Management Federal Leadership Committee at the request of the sponsor of a project receiving habitat restoration funding under the bill. We believe the establishment of such a committee will help strengthen and improve the coordination and effectiveness of federal investments in ecosystem restoration and protection.

Thank you again for your decades of leadership on California water. We look forward to working with you and your staff on this bill as it moves through the legislative process.

Sincerely,



Thaddeus L. Bettner
General Manager



March 17, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

RE: STREAM Act- SUPPORT

Dear Senator Feinstein:

On behalf of the Irvine Ranch Water District (IRWD), I am writing to express the District's support for your proposed Support to Rehydrate the Environment, Agriculture, and Municipalities (STREAM) Act.

Over many years, IRWD has been grateful to you for your continued pursuit of federal investments in water security for California. The District strongly supports the federal water storage program, which was originally authorized in the WIIN Act, and the reauthorization of the program included in your STREAM Act.

We greatly appreciate that Section 103 expressly states that non-federally owned storage projects include both surface and groundwater storage facilities and facilities conveying water to a surface or groundwater storage facility. The \$750 million proposed funding for storage and conveyance projects will help bring much-needed groundwater and surface water storage to fruition in California. The District strongly supports allowing Interior to approve water recycling and desalination projects, and non-federal storage projects with less than \$250 million in federal funding expedite the approval process for those projects.

IRWD also strongly supports the Bureau of Reclamation's Title XVI Water Reclamation and Reuse Program, and supports your proposal to reauthorize and amend the program, and to authorize appropriations for water recycling of \$300 million over 5 years. By supporting the expansion of water reclamation and reuse in California, Title XVI funding is crucial to ensuring responsible management of our water resources.

IRWD applauds your steadfast efforts to plan for the long-term health of California's water resources. The WIIN Act provided programmatic authorizations and statutory provisions that are crucial to California's water supply, water quality, and environment, and we support your proposal to expand and update the Act's Bureau of Reclamation funding provisions.

Should you have any questions or if we can be of assistance to you or your office, please feel free to contact me at (949) 453-5590 or our federal advocate, Mark Kadesh, at (202) 547-8800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul A. Cook".

Paul A. Cook, P.E.
General Manager



Kings River Conservation District
4886 E. Jensen Avenue
Fresno, CA 93725 (559) 237-5567



Kings River Water Association
4888 E. Jensen Avenue
Fresno, CA 93725 (559) 266-0767

April 21, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Kings River Conservation District and Kings River Water Association, thank you for your continued leadership on water security for California and the entire Western United States. We write to in support of the draft Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act) and look forward to working with you and your staff to address outstanding issues as the bill moves through the legislature.

KRWA and KRC are regional agencies that oversee the operation of the Kings River in the San Joaquin Valley of California. KRWA is an association comprised of the 28 public and private agencies with rights or entitlements to water from the Kings River. The organization manages those water entitlements and deliveries and is engaged in various environmental enhancement and water quality-related projects. The Kings River Conservation District responsibilities are in flood control, hydroelectric power generation, water management and efficiency, and environmental oversight and groundwater management in portions of Fresno, Tulare, and Kings counties.

As you know, California and much of the West continues to face impacts of climate change and severe drought, making investments in water infrastructure and improved water management vital. There are a number of important provisions included in the STREAM Act that move our state in the right direction by helping to increase water storage by extending important provisions of the Water Infrastructure Improvements for the Nation Act (WIIN Act), reinvest in our aging water storage and delivery infrastructure, and better responding to drought emergencies by allowing for permanent drought relief infrastructure projects under the Reclamation States Emergency Drought Relief Act. Additionally, additional tools in the bill to help ecosystem restoration and establish a new low-cost water financing program are important to our water management in our region.

Again, thank you for all of your work on this bill and the countless pieces of important water legislation you have championed in the U.S. Senate over the years. We look forward to continue working with you on these critical issues.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Merritt'.

David Merritt, General Manager
Kings River Conservation District

A handwritten signature in blue ink, appearing to read 'Steve Haugen'.

Steve Haugen, Watermaster
Kings River Water Association

cc: The Ferguson Group, Inc.

File: 201.04



LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY
4232 LAS VIRGENES ROAD, CALABASAS, CA 91302
(818) 251-2200



May 11, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Re: Support for STREAM Act, Support To Rehydrate the Environment, Agriculture, and Municipalities Act

Dear Senator Feinstein:

On behalf of Las Virgenes–Triunfo Joint Powers Authority (JPA), I write to demonstrate the JPA’s support for your legislation, Support To Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act). The legislation will increase federal funding opportunities for water and wastewater infrastructure projects through increased authorizations across various highly utilized programs. The legislation would also help address drought conditions and water supply in the West, which is increasingly concerning to the JPA.

For context, in 1964, Las Virgenes–Triunfo Joint Powers Authority was established by Las Virgenes Municipal Water District and Triunfo Water and Sanitation District in order to collaboratively collect and treat wastewater for the two expansive service areas in southern California. Las Virgenes Municipal Water District serves approximately 74,000 people within its service area. Las Virgenes Municipal Water District provides drinking water, recycled water, wastewater services, and biosolids composting. Triunfo Water and Sanitation District serves approximately 30,000 people in east Ventura County. Triunfo Water and Sanitation District provides sewage collection services and wastewater treatment, supplies potable water, and treats and sells recycled water.

As you are aware, California has experienced water supply shortages for years, and this past January, February and March were the driest in its history. In order to mitigate critical water supply shortages in our service areas, the JPA created the Pure Water Project, which includes building a new advanced treatment facility that will treat recycled water to drinking water standards, store it at the Las Virgenes Reservoir, and then treat the water again to ultimately be served to the community. The JPA will seek out funding opportunities authorized in the legislation, including: \$750 million for storage and conveyance projects, \$300 million for water recycling, and increased authorizations for environmental restoration, desalination, and disadvantaged communities. The JPA hopes Congress will support those efforts and appropriate funds accordingly. However, the JPA will need additional resources to address drought conditions that are now severely impacting our service area.

Jay Lewitt
Chair, Las Virgenes-Triunfo
Joint Powers Authority
President, Las Virgenes Municipal Water District
Board of Directors

Leon Shapiro
Vice-Chair, Las Virgenes-Triunfo
Joint Powers Authority
Chair, Triunfo Water & Sanitation District
Board of Directors

May 11, 2022
The Honorable Dianne Feinstein
P. 2 of 2

The STREAM Act also timely addresses the policy pitfalls related to drought relief. The legislation will change the current policy and permit the Department of Interior to implement emergency drought relief projects that are permanent facilities rather than temporary ones. Water supply levels are important to the JPA as the Las Virgenes Municipal Water District is currently 100 percent reliant on imported water supplies from the Metropolitan Water District of Southern California. The District is also subject to the State Water Project's allocated supplies, which is now only 5 percent after two previous dry years. The federal government needs to implement long-term drought relief policies and the necessary infrastructure in order to help aid water servicers that are struggling to meet short-term and long-term water supply needs.

The JPA is thankful for your leadership and dedication on water supply, conservation, and infrastructure. The JPA will support this legislation once its introduced and urge members of its delegation to join as sponsors.

Sincerely,



Joe McDermott, P.E.
Director of Engineering and External Affairs

Jay Lewitt
Chair, Las Virgenes-Triunfo
Joint Powers Authority
President, Las Virgenes Municipal Water District
Board of Directors

Leon Shapiro
Vice-Chair, Las Virgenes-Triunfo
Joint Powers Authority
Chair, Triunfo Water & Sanitation District
Board of Directors



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

March 16, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

**Re: The Support To Rehydrate the Environment, Agriculture, and Municipalities Act or
STREAM Act - SUPPORT**

Dear Senator Feinstein:

Metropolitan is pleased to support the "Support to Rehydrate the Environment, Agriculture, and Municipalities Act," or STREAM Act. Your leadership and continued work to help alleviate California's numerous water challenges is greatly appreciated.

Some benefits the bill would provide include:

- Increasing federal funding for water recycling, desalination, surface and groundwater storage projects, and ecosystem restoration projects;
- Assistance to help disadvantaged communities gain access to clean reliable drinking water; and
- Establishing the "Reclamation Infrastructure Finance Innovation Act" (RIFIA), an innovative low-cost financing tool for western infrastructure projects.

Please let us know if there is additional assistance your office needs. We look forward to working with you and your staff to advance this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Adel Hagekhalil".

Adel Hagekhalil
General Manager



CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT

March 31, 2022

The Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Washington, D.C. 20510

Subject: FY2023 Interior Appropriations Request for “Valley Center Municipal Water District Lilac Road Pipeline Replacement Project”

Dear Senator Feinstein,

Mission Resource Conservation District (“MRCD”) has supported the retail water agencies of North San Diego County and their agricultural customer base with Irrigation Water Management Services since 1983. Through these and other water conservation efforts, we understand the importance of water infrastructure to the San Diego agricultural community; and we urge you to support the Valley Center Municipal Water District (“VCMWD” or “District”) request to help fund its Lilac Road Pipeline Replacement Project. ***VCMWD plays a critical role in contributing to California’s agriculture, which supplies food not only to California, but also to the nation.*** VCMWD supports nearly 1/5th of San Diego County’s 5,700 farms—more than *any* other U.S. County—and the nation’s 19th largest Agricultural Economy.

We have worked closely with VCMWD over the past eight years in facilitating and seeking USDA Natural Resources Conservation Service (“NRCS”) funding for District farmers for conservation to sustain this vital economy to the region, the State and the nation as a whole. As a result, VCMWD farmers have directly received hundreds of thousands of federal funding to streamline their farms and enable them to remain viable as these farmers pay nearly \$2,000/AF of water. In 2016, VCMWD and MRCD built a coalition of regional water districts: MRCD, the Farm Bureau, etc., to apply for an FY17 USDA NRCS Resource Conservation Partnership Program (“RCPP”) Grant and were successful in receiving \$800,000 for the region’s farmers with a \$750,000 local match. We then put together another coalition in 2020 and applied for the FY21 RCPP and were successful in receiving that grant. If VCMWD is successful in receiving federal assistance for its Lilac Road Pipeline Replacement Project, that will take some pressure off the District and in-turn, rate pressure off of our growers, who already pay close to \$2,000/AF for water—the most expensive agricultural water in California.

Federal Nexus/Need for the Project: Valley Center Municipal Water District plays a critical role in contributing to California’s agricultural economy, which supplies not only California, ***but also the nation.*** As only one of San Diego County Water Authority’s 24 Member Agencies, VCMWD supports 1/5th of the County’s 5,700 farms—more than *any* other County in the nation—and the 19th largest Agricultural Economy in the U.S. The District also is a major



CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT

contributor to the County's \$1.8 billion annual farm-gate value, which yields over \$3.6 billion in economic value and supports 20,000 on and off-farm jobs (nearly 35% of the County's farms are operated by women, and many farms employ disadvantaged minority populations). San Diego County also is one of the top five California Counties for producing avocado, flower, citrus, and nursery products.

VCMWD has critically aging pipeline, pump station and reservoir infrastructure—some over 60 years old, with its accompanying risk of water loss and its threat to water reliability. The Valley Center MWD Lilac Road Pipeline Replacement Project—for which the District is seeking funding—will replace pipeline at the end of its useful life, will reduce water loss, increase flows and pressures, and will increase water reliability for the District's critical distribution system. The project also will create several new jobs.

Replacing infrastructure that is over 60 years old—in addition to supporting local agriculture, which provides numerous environmental and economic benefits—will avoid dangerous leaks and other potential damage to the environment and our water sources in Southern California and will allow the San Diego region to continue to contribute exponentially to supply California and the nation with agricultural products.

We recognize that you likely have received several requests from the State and respectfully request that you include the **"Valley Center Municipal Water District Lilac Road Pipeline Replacement Project"** in your formal submittal of requests to the Subcommittee on Interior, Environment, and Related Agencies. As outlined, this project is critical helping preserve the nation's 19th largest Agricultural Economy (San Diego County) and VCMWD's mission to continue to support its nearly 1/5th of the region's 5,700 farms—more than any other U.S. County—in their role in supplying California and the nation with agricultural products.

Thank you for your consideration.

Sincerely,

Darcy Cook
District Manager
darcy@missionrcd.org



ADMINISTRATIVE OFFICE: 5 Harris Court, Bldg D, Monterey, CA 93940-5756
MAIN: (831) 372-3367 or (831) 422-1001 FAX: (831) 372-6178 WEBSITE: www.montereyonewater.org

March 18, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

RE: Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act)

Dear Senator Feinstein,

Thank you for putting forward much needed legislation to support essential water projects. As drought continues to impact California, our community understands firsthand the importance of investing in water security and supply reliance. On behalf of Monterey One Water (M1W), I **strongly endorse** the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act).

The STREAM Act will help entities implement efforts like our Pure Water Monterey Project. Pure Water Monterey was the first potable reuse facility in northern California, and since it began operation in 2020, we've produced almost 2 billion gallons of recycled water to support groundwater replenishment of a critical drinking water basin. To help construct the Project, M1W was awarded a grant through the Bureau of Reclamation's Title XVI Program. We now look to expand the Pure Water Monterey Project and for additional opportunities for federal funding that will continue to make this Project a feasible and resilient solution for coastal cities along central California's Monterey Peninsula.

In addition to investing in water infrastructure, this legislation will help expedite the project approval process and get funding to communities more quickly. Opportunities to avoid frequent, lengthy delays from a Congressional approval process will support both water infrastructure and the economy.

Reauthorizing and funding the Title XVI Program is critical to helping create sustainable water portfolios. Monterey One Water recognizes your contributions to helping solve today's water challenges and we welcome the opportunity to work with you to promote the STREAM Act. If Monterey One Water can assist or provide additional information, please feel free to contact me at rachel@my1water.org. Thank you for your leadership on this important issue.

Sincerely,

Rachel Gaudoin
Federal Advocacy Lead, Monterey One Water

Joint Powers Authority Member Entities: Boronda County Sanitation District, Castroville Community Services District, County of Monterey, Del Rey Oaks, Marina Coast Water District, Monterey, Pacific Grove, Salinas, Sand City, and Seaside



President – Kevin Ward
Vice President – Craig Simpson
Treasurer – Paul Arrington
Executive Vice President – Ian Lyle

May 16, 2022

The Honorable Dianne Feinstein
United States Senator
331 Hart Senate Office Building
Washington, DC 20510

Senator Feinstein,

Thank you for your continued work to address our nation's water infrastructure needs. I write today on behalf of the members of the National Water Resources Association (NWRA) in support of the "Support to Rehydrate the Environment, Agriculture and Municipalities Act" (STREAM Act).

The NWRA is a non-partisan, non-profit association that represents state water associations, and both agricultural and municipal water providers. Collectively NWRA members help provide water to more than 50 million people throughout the Western and Southeastern United States. Our members work to deliver water and power resources that help our nation flourish. Access to a safe, reliable, and affordable supply of water is of critical importance to the health and wellbeing of our nation's citizens and is also vital to the health of our nation's economy.

Water infrastructure is perhaps the most important, yet overlooked, form of infrastructure in our nation. An investment in water infrastructure is an investment in our nation's economy, health, and future. The STREAM Act would build on the important work done in the American Infrastructure and Jobs Act by investing additional critical resources in water infrastructure. It would expand opportunities to recycle water, develop storage infrastructure to respond to climate variability, establish a new revolving loan fund for the Bureau of Reclamation, invest in environmental restoration, and help supply water to disadvantaged communities.

We appreciate the leadership you have taken in creating solutions to investing in our nation's crumbling water infrastructure and we look forward to working with you on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "I Lyle", is written over a light blue horizontal line.

Ian Lyle
Executive Vice President
National Water Resources Association



*To advance the economic, social and environmental sustainability of Northern California
by enhancing and preserving the water rights, supplies and water quality.*

May 20, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Northern California Water Association (NCWA), I am writing to express support for your bill, S. 4231, the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act). The bill includes many provisions that will help improve water security and drought resilience in California by providing key federal support for much-needed investments in water supply infrastructure and ecosystem restoration projects.

As you know, NCWA and many of its members are part of a broad group of agricultural, water, and conservation interests in the Sacramento Valley that have come together to advance projects that will reactivate historic floodplains to benefit birds and fish species, food production and water security. The ecosystem restoration and environmental compliance title of the STREAM Act would provide much-needed assistance by providing the Bureau of Reclamation (Reclamation) the resources to be a fundamental partner in our efforts. Restoring the health of fish and wildlife in the Sacramento River is integral to the reliable operation of our water supply and flood control systems. We appreciate your inclusion of the ecosystem provisions in this bill, which recognizes this important linkage.

We also appreciate the provisions supporting new water storage projects, including those that continue the Water Infrastructure Improvements for the Nation Act (WIIN Act) storage program in a revised form and establish a Reclamation Infrastructure Finance and Innovation (RIFIA) Pilot Program. RIFIA will help keep investments in critically needed water infrastructure projects more affordable, and thereby help accelerate needed water infrastructure investments. When combined with previously enacted provisions of the Infrastructure Investment and Jobs Act, which you helped secure, the STREAM Act will make it easier for Reclamation to partner in critically needed non-Federal water supply projects, including Sites Reservoir, which will be an essential water supply and drought-resilience feature for farms and communities in the Sacramento Valley and the entire state.

Thank you again for your decades of leadership on California water. We look forward to working with you and your staff on this bill as it moves through the legislative process.

Sincerely yours,

David J. Guy
President



March 16, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Support for *STREAM* Act

Dear Senator Feinstein:

On behalf of the Orland Unit Water Users' Association (Association), thank you for your continued work to improve water security and drought resilience in California and the Western United States. Your "*Support to Rehydrate the Environment, Agriculture, and Municipalities Act*" (*STREAM Act*) contains several provisions that will be helpful to the Association and its members.

The Orland Project, one of the oldest federal reclamation projects in the country and one of the first undertaken in California, delivers water to approximately 16,000 acres in northern Glenn County. The Orland Project comprises two main dams to store water, East Park and Stony Gorge, two diversion dams, almost 17 miles of canals, and 139 miles of laterals. Orland has some of the best conditions for agriculture; the project's soil is considered some of the richest and most productive in the nation.

The Association particularly appreciates the inclusion of section 109 of the *STREAM Act* relating to the use of revenue from water transfers to help cover the cost of drought resiliency and safety-of-dams improvements. The Orland project has dam safety work that needs to be carried out, but the cost of needed improvements exceeds the ability of the Association's members to repay without the opportunity to generate additional revenues through water transfers. Your provision will allow the Association to retain revenues from eligible temporary transfers and reinvest those funds in required dam safety improvements. It will also create the opportunity for the Association to make facility improvements that will allow the Orland Project to increase its contribution to regional water supply reliability.

Again, thank you for your decades of leadership on Western water and advocacy on behalf of the many diverse water-related interests of our State. We look forward to working with you and your staff on the *STREAM Act* as it moves through the legislative process.

Sincerely,

A handwritten signature in blue ink that reads "Rick Massa". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rick Massa
General Manager



PLACER COUNTY WATER AGENCY
SINCE 1957

BOARD OF DIRECTORS	BUSINESS CENTER
Gray Allen, District 1	144 Ferguson Road
Primo Santini, District 2	MAIL:
Mike Lee, District 3	P.O. Box 6570
Robert Dugan, District 4	Auburn, CA 95604
Joshua Alpine, District 5	PHONE:
	(530) 823-4850
	(800) 464-0030
Andrew Fecko, General Manager	WWW.PCWA.NET

March 18, 2022

The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

The Placer County Water Agency (PCWA) writes to support your effort to address the persistent challenges to our region's ability to deliver safe and reliable water supplies while restoring our natural resources. We appreciate the opportunity to review and comment on your draft STREAM Act legislation. The unrelenting drought conditions and ever-increasing impacts attributable to changing climate conditions makes legislation, like STREAM, imperative since the Water Infrastructure Improvements for the Nation Act provisions supporting the development of alternative water supply projects expired last year. We believe that a long-term authorization must be enacted to provide communities like ours with the tools and support to promote the development of climate resilient water supply solutions.

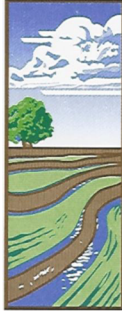
Of special interest to PCWA and our region are provisions that would support construction of groundwater storage projects and related conveyance infrastructure. PCWA has supported with other regional partners funding assistance for the Sacramento Regional Water Bank and today is eligible for continued assistance under the Western Water title of IJA. As part of this overall project, we are undertaking an innovative conveyance project with the City of Roseville that can support the Water Bank's surface water needs and STREAM's proposed authority that could support this element will allow us to advance a sustainable water supply. We also support the expedited project funding authority and grandfathering IJA storage projects for authorization purposes. These commonsense provisions would allow communities to construct projects without needless delays while protecting our natural resources.

There are several other provisions in STREAM that we look forward to working with you as the legislation advances in the coming months. Specifically, we are interested in provisions that affect long-term water contracts. Again, we are pleased to support you in the priority to help water agencies like PCWA develop and operate climate resilient water supply projects that can deliver an improved quality of life and a sustainable economy.

Sincerely,

PLACER COUNTY WATER AGENCY

Andrew Fecko
General Manager



RECLAMATION
DISTRICT
108

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Meegan Nagy
William Vanderwaal

May 23, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of Reclamation District 108 (RD 108), I am writing to express support for your bill, S. 4231, the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act). The bill includes many provisions that will help improve water security and drought resilience in California by providing greatly needed federal support for critically important investments in water supply infrastructure and ecosystem restoration projects.

As you know, RD 108 is part of a broad group of agricultural, water, and conservation interests in the Sacramento Valley that have come together to advance projects that will reactivate historic floodplains to benefit birds and fish species, food production, and water security. The ecosystem restoration and protection title of the STREAM Act would provide much-needed assistance by providing the Bureau of Reclamation (Reclamation) the resources to be a fundamental partner in our efforts. Restoring the health of fish and wildlife in the Sacramento River is integral to the reliable operation of our water supply and flood control systems. We appreciate your inclusion of the ecosystem restoration provisions in this bill, which recognize this important linkage.

We also appreciate your support for additional direct support for water storage projects and your efforts to establish a Reclamation Infrastructure Finance and Innovation (RIFIA) Pilot Program. RIFIA will help keep investments in critically needed water infrastructure projects more affordable, and thereby help accelerate needed water infrastructure investments. When combined with previously enacted provisions of the Infrastructure Investment and Jobs Act, which you helped secure, the STREAM Act will make it easier for Reclamation to partner in critically needed non-federal water supply projects, including Sites Reservoir, which will be an essential water supply and drought-reliance feature for farms and communities in the Sacramento Valley and the entire state.

Thank you again for your decades of leadership on California water. We look forward to working with you and your staff on this bill as it moves through the legislative process.

Sincerely,

Lewis Bair
Manager

Regional Water Authority
Building Alliances in Northern California

5620 Birdcage Street
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Citrus Heights, CA 95610

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Fax: (916) 967-7322
www.rwah2o.org

March 18, 2022



Dan York, Chair
Tony Firenzi, Vice
Chair

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

RE: Support for the STREAM Act

Members

- California American Water
- Carmichael Water District
- Citrus Heights Water District
- Del Paso Manor Water District
- El Dorado Irrigation District
- Elk Grove Water District
- Fair Oaks Water District
- Folsom, City of
- Golden State Water Company
- Lincoln, City of
- Orange Vale Water Company
- Placer County Water Agency
- Rancho Murieta Community Services District
- Roseville, City of
- Sacramento, City of
- Sacramento County Water Agency
- Sacramento Suburban Water District
- San Juan Water District
- West Sacramento, City of
- Yuba City, City of

Dear Senator Feinstein,

On behalf of the Regional Water Authority (RWA), I am writing to express our support of your draft legislative proposal, the STREAM Act (Support To Rehydrate the Environment, Agriculture, and Municipalities Act) and look forward to working with you on this important legislation.

RWA represents 20 water purveyors within the greater Sacramento, California region. Our mission is to serve, represent and align the interests of regional water providers and stakeholders for the purpose of improving water supply reliability, availability, quality and affordability.

The STREAM Act would allow RWA members to pursue grants to assist in funding the construction of the infrastructure needed for the Sacramento Regional Water Bank (Water Bank.) The Water Bank is an innovative groundwater storage program that will allow the region to sustainably increase its use of groundwater as a local water source during dry periods, allowing reduced surface water diversions to help meet local environmental needs. The Water Bank has been identified as a primary resiliency investment through many years of inclusive regional planning by local stakeholders and continues the region's commitment to the principles of the Sacramento Water Forum, a diverse, multi-stakeholder regional organization established more than two decades ago to promote and implement sustainable water management practices such as conjunctive use that balance water supply needs and the environmental health of the lower American River.

Associates

- County of Placer
- El Dorado County Water Agency
- Sacramento Area Flood Control Agency
- Sacramento Municipal Utility District
- Sacramento Regional County Sanitation District

As always, we thank you for your leadership in Congress on western water issues. Please let me know if you have any questions.

Sincerely,

James Peifer
Executive Director



City Council
311 Vernon Street
Roseville, California 95678

March 29, 2022

The Honorable Dianne Feinstein
U.S. Senate
Washington, D.C. 20510

Dear Senator Feinstein:

On behalf of the City of Roseville (Roseville), I write in support of your effort to address the persistent challenges to our region's ability to deliver safe and reliable water supplies while restoring our natural resources. We appreciate the opportunity to review and comment on your draft STREAM Act legislation. The unrelenting drought conditions and ever-increasing impacts attributable to changing climate conditions makes legislation, like STREAM, imperative.

Your leadership to secure a Western Water title as part of the Infrastructure Investment and Jobs Act (IIJA) provides an important bridge to support the construction of projects over the next few years. This response is important given the expiration of many of the Water Infrastructure Investments for the Nation Act's western water provisions designed to enhance water supply. We support the overall draft. At the same time, we look forward to working with you on provisions related extraordinary costs associated with a project's operations and maintenance. Specifically, we believe it is important to clarify that such authority should not lead to project activities that would impose additional or inequitable costs on our operations simply because additional activities, beyond the identified immediate need, might be initiated through such a provision.

Of special interest to Roseville and our region are provisions that would support construction of groundwater storage projects and related conveyance infrastructure. Roseville has supported with other regional partners funding assistance for the Sacramento Groundwater Bank and today is eligible for continued assistance under the Western Water title of the IIJA. As part of this overall project, Roseville is undertaking an innovative conveyance project with Placer County Water Agency that can support the Bank's needs and STREAM's proposed authority that could support this element and will allow us to advance a sustainable water supply. Roseville also supports the expedited project funding authority and grandfathering IIJA storage projects for authorization purposes. These commonsense provisions would allow communities to construct projects without needless delays while protecting our natural resources.

There are several other provisions in STREAM that Roseville looks forward to working with you on as the legislation advances in the coming months. Again, the City of Roseville is pleased to support you in the priority to help communities develop and operate climate resilient water supply projects that can deliver an improved quality of life and a sustainable economy. Please contact Noelle Mattock, Utility Government Relations Manager at (916) 774-5504 with any questions you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "KB", written over a horizontal line.

Krista Bernasconi,
Mayor

Cc: Eric Saperstein, ENS Resources, Inc.

**BOARD OF DIRECTORS**

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 Sean Doherty, Vice-Chairman
 Logan Dennis, Secretary-Treasurer
 Steve Butler
 Brett Scheidel
 Ed Hulbert
 Andy Duffey

May 19, 2022

The Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Sacramento River Settlement Contractors (SRSC), I am writing to express support for your bill, S. 4231, the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act). Representing more than 140 senior water right holders and approximately 450,000 acres of irrigated agriculture in the western Sacramento Valley, the SRSC support your legislation, which includes many provisions that will help improve water security and drought resilience in the Sacramento Valley and throughout California. Your legislation will provide much-needed federal support for essential water supply infrastructure and ecosystem restoration projects.

We appreciate the provisions supporting new water storage projects and establishing a Reclamation Infrastructure Finance and Innovation Pilot Program. When combined with previously enacted provisions of the Infrastructure Investment and Jobs Act, which you helped secure, the STREAM Act will make it easier for Reclamation to partner in critically needed non-federal water supply projects, including Sites Reservoir, which will be an essential water supply and drought-reliance feature for farms and communities in the Sacramento Valley and the entire state.

The SRSCs also appreciate your efforts to expand assistance under the Reclamation States Emergency Drought Relief Act to include federal support for more permanent facilities. As you know, the Sacramento Valley is experiencing an unprecedented drought. These provisions will provide Reclamation with greater flexibility in the use of these limited federal dollars, authorizing Reclamation to make investments that will generate longer-term water supply benefits, rather than primarily provide short-term drought relief.

We also appreciate your support of additional federal investments in ecosystem restoration and protection. As you know, the SRSCs work with a broad group of agricultural, water, and conservation interests in the Sacramento Valley to advance projects that will reactivate historic floodplains to benefit birds and fish species, food production, and water security. We are also working to advance projects that enhance, restore and create in-river function and

habitat, generate fish food, and improve the knowledge base through research, experimentation, data collection, and advanced analytics. The STREAM Act will help accelerate and expand efforts in the Sacramento Valley to ensure a more reliable water supply that benefits the environment and people.

And, finally, the SRSCs appreciate your inclusion of language authorizing the Secretary of the Interior to establish an Integrated Water Management Federal Leadership Committee at the request of the sponsor of a project receiving habitat restoration funding under the bill. We believe the establishment of such a committee will help strengthen and improve the coordination and effectiveness of federal investments in ecosystem restoration and protection.

Thank you again for your decades of leadership on California water. We look forward to working with you and your staff on this bill as it moves through the legislative process.

Sincerely,

A handwritten signature in blue ink that reads "Roger Cornwell". The signature is written in a cursive, flowing style.

Roger Cornwell
Chairman



Consisting of 240,000 acres on the Westside of the San Joaquin Valley

March 17, 2022

CHRIS CARDELLA
Chair

MIKE STEARNS
Vice-Chair

CHRIS WHITE
Executive Director

**MINASIAN, MEITH,
SOARES, SEXTON
& COOPER LLP**
Legal Counsel

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

RE: *STREAM Act*

Dear Senator Feinstein:

**CENTRAL CALIFORNIA
IRRIGATION DISTRICT**

Eric Fontana
President

Jarrett Martin
General Manager

**SAN LUIS CANAL
COMPANY**

James L. Nickel
President

John Wiersma
General Manager

**FIREBAUGH CANAL
WATER DISTRICT**

Mike Stearns
President

Jeff Bryant
General Manager

**COLUMBIA CANAL
COMPANY**

Chris Cardella
President

Randy Houk
General Manager

On behalf of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors), I thank you for your continued leadership on California water issues. Your STREAM Act contains numerous provisions that could be helpful to our member districts if enacted.

The Exchange Contractors service approximately 240,000 acres of prime agricultural land east of I-5 and primarily west of the San Joaquin River. These lands span the counties of Fresno, Madera, Merced, and Stanislaus, from the town of Patterson in the north to Mendota in the south, all of which include disadvantaged communities that we closely work with on water related issues. The Exchange Contractors mission is to monitor and advocate on environmental, legislative, and legal issues which impact the Exchange Contractors members.

The STREAM Act would grandfather storage and conveyance infrastructure projects that receive construction funding in the bipartisan infrastructure bill enacted earlier this Congress to receive new funding authorized by the STREAM Act for construction. Del Puerto Canyon Reservoir Project is one of those projects and assists our ability to deliver water to our farmers and help recharge important groundwater resources in support of our rural disadvantaged communities in the San Joaquin Valley. The bill would also provide some non-reimbursable funding for modifications to extraordinary maintenance on aging Bureau of Reclamation (Reclamation) projects that would provide additional public benefits.

The STREAM Act would establish a program to provide grants to eligible entities on a competitive basis for the planning, design, and construction of non-Federal storage projects including: surface or groundwater storage, conveyance facilities or a natural water retention and release project project that is not federally

P.O. Box 2115
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Fax (209) 827-9703
e-mail: jwhite@sjrecwa.net
Website: www.sjrecwa.net

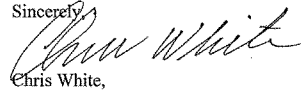
The Honorable Dianne Feinstein
RE: *STREAM ACT*
Page 2
March 17, 2022

owned facility.

The STREAM Act would also allow the Department of the Interior to provide emergency drought relief assistance for permanent infrastructure projects, amending the current requirement under the Reclamation States Emergency Drought Relief Act that such assistance (other than groundwater wells) must be for projects that are temporary in nature.

Thank you for your continued support of the Exchange Contractors, our farmers and communities and the water infrastructure they rely upon. Again, we appreciate your continued leadership on important water issues in California and the West.

Sincerely,



Chris White,
Executive Director

San Luis & Delta-Mendota Water Authority

P.O. Box 2157
 Los Banos, CA 93635
 Phone: (209) 826-9696
 Fax: (209) 826-9698

March 28, 2022

The Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Washington, DC 20510

Dear Senator Feinstein:

The San Luis & Delta-Mendota Water Authority (“Water Authority”) appreciates your continued commitment to improving water security and drought resilience in the western United States, and in particular, for your focus on California. Your *“Support to Rehydrate the Environment, Agriculture, and Municipalities Act”* (STREAM Act) contains a number of provisions that could be beneficial to our members if enacted.

The Water Authority is a public agency with its principal office located in Los Banos, California. It was formed in 1992 as a joint powers authority, to serve two important roles: 1) to provide representation on common interests of the Water Authority’s member agencies; and 2) to operate and maintain the Delta Division and south of Delta Central Valley Project (“CVP”) facilities, including the Jones Pumping Plant, the Delta-Mendota Canal (“DMC”) and the O’Neill Pumping Plant, that the Water Authority’s member agencies depend on for delivery of CVP water. Most of the Water Authority’s member agencies depend upon the CVP as the principal source of water they provide to users within their service areas. That water supply serves approximately 1.2 million acres of agricultural lands within the San Joaquin, Santa Clara, and San Benito Valleys, a portion of the water supply for nearly 2 million people in the Silicon Valley, and millions of waterfowl that depend upon nearly 200,000 acres of managed wetlands and other critical habitat within the largest contiguous wetland in the western United States.

The socioeconomic and environmental conditions in the San Joaquin Valley are among the most precarious in California, with more than 55 percent of its population living in disadvantaged communities. The effects of a changing climate are increasing the underlying trends that lead to these issues, and the lack of investment in fundamental infrastructure, particularly water infrastructure, make the rural communities of the San Joaquin Valley some of the most vulnerable to a changing climate in the United States. Many families in the Water Authority’s member agency service area rely on agriculture as their main source of income. Livelihood insecurity is increasing since agricultural productivity is threatened by more frequent extreme events like drought, floods, and more favorable conditions for some pests. Snowpack is projected to decrease, diminishing natural water storage necessary for the function of the CVP.

Given these challenges, the Water Authority believes the federal government must be a partner with the state of California and local water agencies to make investments in new surface and groundwater storage infrastructure and improved conveyance. With the ongoing impacts of climate change and drought over the past decade, California must increase water storage to replace lost snowpack and increase opportunities to capture water in the years in which it is available.

We appreciate the provisions of the STREAM Act supporting new water storage and conveyance projects, including those that continue the *“Water Infrastructure Improvements for the Nation Act”* (WIIN

Act) storage program in a revised form. Importantly, the STREAM Act would grandfather storage and conveyance infrastructure projects that receive construction funding in the WIIN Act or the bipartisan infrastructure bill enacted earlier this Congress to receive new funding authorized by the STREAM Act to complete construction. This could provide tangible benefits in California through the completion of the expansion of the San Luis and Los Vaqueros Reservoirs, the construction of Sites Reservoir, and other important projects. The bill would also provide an opportunity to expand project benefits on aging Bureau of Reclamation (Reclamation) projects, with important safeguards to ensure that current beneficiaries are supportive of the added benefits.

The STREAM Act would also allow the Department of the Interior to provide emergency drought relief assistance for permanent infrastructure projects, amending the current requirement under the Reclamation States Emergency Drought Relief Act that such assistance (other than groundwater wells) must be for projects that are temporary in nature. Given the expected increase in frequency and duration of drought in California, drought relief facilities will likely be needed more often in the future.

We also appreciate that the STREAM Act includes provisions to support ecosystem restoration funding. Water infrastructure improvements are critical to build resilience, however, equally important to California's future is the preservation and recovery of California's threatened ecosystems, particularly the Sacramento San Joaquin Bay-Delta. Federal funding for these restoration projects will be crucial to help to accelerate efforts to protect and recover ESA listed species while supporting our members' ability to receive contracted water supplies.

Reliable water supplies are essential to the public health, ecosystems, and regional economic viability of the San Joaquin, San Benito and Santa Clara Valleys. Prior generations recognized this by constructing the State Water Project and Central Valley Project, however, much of California's major water infrastructure is nearing the end of its design life and is in great need of repair and modernization. California, indeed, much of the western United States, is on the brink of a water crisis given the state of aging, impacted, or inadequate infrastructure, particularly in light of the hydrologic impacts of a changing climate.

Thank you again for your decades of leadership on Western water. We look forward to continuing to work with you and your staff on the STREAM Act as it moves through the legislative process.

Sincerely,



J. Scott Petersen, P.E.
Director of Water Policy
San Luis & Delta-Mendota Water Authority



525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
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F 415.554.3161
TTY 415.554.3488

March 18, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

RE: STREAM Act – SUPPORT

Dear Senator Feinstein:

On behalf of the San Francisco Public Utilities Commission (SFPUC) and the 2.7 million customers we serve each day, I am writing to express support and appreciation for your sponsorship of the Support To Rehydrate the Environment, Agriculture and Municipalities (STREAM) Act.

The SFPUC provides water, wastewater, and power services within the City and County of San Francisco and wholesale water to three Bay Area counties through the Hetch Hetchy Regional Water System. We are the third largest public utility in California, with infrastructure in seven counties and a combined annual operating and capital budget of nearly \$2 billion.

As drought becomes increasingly common, the SFPUC is actively working to implement strategies to diversify our water supply. We are working with the Modesto Irrigation District and the Turlock Irrigation District to develop projects on the Tuolumne River to improve environmental stewardship and water supply reliability. We are also working closely with San Francisco Bay Area partners including Contra Costa Water District, East Bay Municipal Utility District, Valley Water, and Zone 7 Water Agency to develop projects to meet the needs of California’s communities, economy, and the environment. This bill would enhance those discussions and provide funding to support critical water supply projects and environmental restoration efforts.

We strongly support provisions in the STREAM Act to create a new loan program known as the Reclamation Infrastructure Finance and Innovation Act (RIFIA) with initial funding authorized at \$150 million. This would build off the successful Water Infrastructure Finance and Innovation Act (WIFIA) program and provide much-needed low-interest loans for water supply projects. WIFIA is an important tool for supporting

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

London N. Breed
Mayor

Anson Moran
President

Newsha Ajami
Vice President

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Dennis J. Herrera
General Manager



local efforts to reinvest in the nation's water infrastructure, particularly when paired with State Revolving Fund loan programs. These low-cost financing mechanisms help reduce the financial burden to ratepayers for infrastructure repairs.

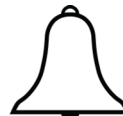
Thank you for your consideration and for your leadership on these vital water infrastructure issues. If we can be of any assistance, please do not hesitate to contact Megan Scott, Acting Director for Policy and Government Affairs, at (415) 852-0845 or mescott@sfwater.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis J. Herrera". The signature is fluid and cursive, with the first name "Dennis" and last name "Herrera" being the most prominent parts.

Dennis J. Herrera
General Manager, SFPUC

BOARD OF DIRECTORS
 JUSTIN McCUSKER FRANK URY
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 CHARLES GIBSON
 DANIEL R. FERONIS
 GENERAL MANAGER



Santa Margarita Water District

May 12, 2022

The Honorable Dianne Feinstein
 United States Senate
 311 Hart Senate Office Building
 Washington, D.C. 20510

RE: Support for “Support To Rehydrate the Environment, Agriculture, and Municipalities Act”

Dear Senator Feinstein:

On behalf of Santa Margarita Water District (the District), I write to express support for your water infrastructure legislation, “Support To Rehydrate the Environment, Agriculture, and Municipalities Act” (STREAM Act). This legislation will support water and wastewater systems achieve their water quality and water conservation goals. Additionally, the STREAM Act implements policy changes that will remove the dated bureaucratic limitations that prevent the full potential of federal aid and support for infrastructure.

Santa Margarita Water District provides drinking water, recycled water and wastewater services to over 200,000 residents in nine unique communities: the cities of Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano, and the communities of Coto de Caza, Las Flores, Ladera Ranch, Villages of Sendero and Esencia, and Talega in San Clemente. The District is the second largest retail water agency in Orange County, by area, and third largest by customers served.

Currently, the District entirely relies on imported water from the Colorado River and northern California for potable supplies. The District has several projects in the development and construction stages that aim to provide a sustainable, local water supply. The STREAM Act will authorize a potential infusion of federal funds with \$300 million authorized for water recycling projects and \$750 million for water storage and conveyance projects. Water and wastewater systems are trying to solve a variety of convoluted water challenges; it is important for the federal government to provide various funding opportunities unique to each of those challenges. The increased authorizations across various water and wastewater issues will meet these difficult funding needs.

Additionally, the STREAM Act would change the Congressional authorization requirement for water recycling, desalination and storage projects that would receive less than \$250 million in federal funds. Currently, the Congressional authorization requirement costs time and financial resources; burdening water and wastewater systems that are attempting to expedite water projects to solve immediate water needs. Restrictive and costly bureaucratic steps are removed by allowing the Department of Interior to

approve eligible projects. In turn, this streamlines the process to make it more efficient for all involved parties and agencies.

Santa Margarita Water District is grateful for your leadership on water policy that supports projects that will help mitigate our water crisis. The District will request members of its delegation to support this legislation. The District will continue to offer its support for forward-thinking water and wastewater policy initiatives.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel R. Ferons".

Daniel R. Ferons
General Manager



A Nonprofit Housing and Community Development Organization

May 5, 2022

The Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Washington, D.C. 20510

Dear Senator Feinstein:

On behalf of Self-Help Enterprises, a nationally recognized community development organization based here in California, I am writing to request that your office support funding for the **Support To Rehydrate the Environment, Agriculture and Municipalities (STREAM) Act** which would secure:

- **\$750 million in funding for storage and conveyance projects, including \$50 million for natural water retention and release projects,**
- **\$300 million in funding for water recycling projects,**
- **\$250 million in environmental restoration funding,**
- **\$150 million in desalination funding,**
- **\$100 million in funding for drinking water assistance to disadvantaged communities; and**
- **\$150 million for loans at 30-year Treasury rate for water supply projects.**

Our mission at Self-Help Enterprises (SHE) is to work together with low-income families to build and sustain healthy homes and communities. SHE is committed to supporting community participation in regional water management, groundwater sustainability planning, and building long-term water management capacity and expertise in rural communities.

Additionally, we are actively involved in Sustainable Groundwater Management Act (SGMA) implementation, serving in both advisory and technical roles throughout the San Joaquin Valley. SHE is currently working with over one hundred small, disadvantaged communities to develop water projects that address community-specific water challenges. The disadvantaged communities in which we work have historically experienced critically high rates of poverty and unemployment, with many having an urgent need for investment in water infrastructure.



8445 W. Elowin Court • P.O. Box 6520 • Visalia, CA 93290

Phone (559) 651-1000 • Fax (559) 651-3634 • info@selfhelpenterprises.org • www.selfhelpenterprises.org

We recognize the critical status of water resources as the negative effects of prolonged drought conditions continue to prevail for most of our state. We believe the STREAM Act will support our statewide mitigating efforts in addressing an unprecedented drought that continues to strain our state's limited, strained, and in some cases, scarce water resources. SHE acknowledges and appreciates the state's efforts in supporting funding opportunities that preserve preventative and prescriptive opportunities, like the STREAM Act, in addressing current drought conditions as well as the overall state of climate crisis impact on our communities.

We look forward to your support for this piece of legislation, as we believe that the STREAM Act addresses the economic, social, and environmental impacts needed to support our joint efforts to continue our state's transition toward sustainable groundwater management. Thank you for your time and consideration.

Respectfully,



Thomas J. Collishaw
President/CEO
Self-Help Enterprises

cc: John Watts, Senior Counselor, Office of U.S. Senator Dianne Feinstein



March 16, 2022

The Honorable Dianne Feinstein
United State Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Sites Project Authority (Authority), thank you for your continued work to improve water security and drought resilience in California and the Western United States. Your "Support to Rehydrate the Environment, Agriculture, and Municipalities Act" (STREAM Act) contains several provisions that will be helpful to the Authority and its member agencies.

The Authority is working in collaboration with a broad coalition of project participants throughout California to advance the Sites Reservoir Project. Sites Reservoir would be a 1.5 million acre-foot off-stream storage facility located in Northern California that will capture and store stormwater flows from the Sacramento River for release in dry and critical years, like 2021 and 2022, when water is so desperately needed.

The STREAM Act includes many provisions that will help to accelerate vitally important multi-benefit water supply projects like Sites Reservoir for the benefit of our environment and California's communities, farms, and businesses. When combined with previously enacted provisions of the Infrastructure Investment and Jobs Act, which you helped secure, provisions of the STREAM Act will make it easier for Reclamation to participate up to the full authorized 25% cost share in critically needed non-Federal water supply projects like Sites.

The STREAM Act also allows federal and non-federal storage projects to use a portion of storage funding to cover the operations, maintenance, and replacement costs associated with public benefits that have been funded by a Reclamation state. This is a critically important provision for projects like Sites Reservoir that have received state funding from the California Water Commission (CWC) pursuant to Proposition 1. The State of California has made clear that funds from Proposition 1 cannot be used for operations, maintenance, and replacement costs associated with public benefits that have been funded by the CWC.

Another critical provision in the legislation provides that the federal investment in non-federal storage projects would be considered "non-reimbursable". This provision will ensure that the cost of public benefits from water storage projects are shared by the public and will help keep projects like Sites Reservoir that follow the "beneficiary pays" principle affordable for those investing in the project.



P.O. Box 517
Maxwell, CA 95955
530.438.2309



We also support provisions in the STREAM Act that would create a new pilot loan program for water supply projects based on 30-year Treasury rates, known as the *Reclamation Infrastructure Finance and Innovation Act* (RIFIA). While Sites is working to gain access to low-cost, long-term financing through the Environmental Protection Agency's Water Infrastructure Finance and Innovation Act, more financing tools like this are needed. They reduce the cost of repayment and help keep investments in critically needed water infrastructure projects more affordable.

Sites Reservoir is a 21st-century solution that can meet the needs of today and tomorrow. While many traditional water storage projects were designed and built to capture snowmelt, the realities of climate change mean less snow and more rain for California. To capture the excess water from faster moving and often more intense storms that come more frequently, we need a new model for water storage in California.

Our current infrastructure was not designed with our future climate in mind, but Sites Reservoir is. The 2021 and 2022 water years are examples of how beneficial Sites Reservoir could be to California in future years. Had Sites been in operation in 2021 and 2022, it would have provided an additional 1 million acre-feet of stored water to help our state in this very difficult time. It is time to build Sites Reservoir now.

We thank you for your many years of leadership and working to address California's difficult water management challenges. We believe the STREAM Act represents a significant step forward to address our State's environmental and water supply challenges and look forward to working with you to get this much-needed legislation signed into law.

Sincerely,

Fritz Dust
Chair, Sites Project Authority
Reclamation District 108

Thad Bettner
Chair, Sites Reservoir Committee
Glenn Colusa Irrigation District



P.O. Box 517
Maxwell, CA 95955
530.438.2309

South Valley Water Association



President
Joe Ferrara

Vice President
Kelley Hampton

Executive Director
Daniel G. Vink

General Counsel
Alex Peltzer

Member Districts
Delano-Earlimart I.D.
Exeter I.D.
Ivanhoe I.D.
Pixley I.D.
Shafter-Wasco I.D.
Stone Corral I.D.
SSJMUD

3746 W. Mineral King Ave.
Visalia, CA 93291
Tel: (559) 372-2400
Fax: (559) 553-6221

March 15, 2021

The Honorable Dianne Feinstein
United States Senator
331 Hart Senate Office Building
Washington, DC 20515

Dear Senator Feinstein,

On behalf of the South Valley Water Association (SVWA), which consists of seven irrigation districts within the Central Valley Project's (CVP) Friant Division that provide water to more than 400,000 acres of farmland, I write in support of the "Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act).

Water supply reliability in the San Joaquin Valley will require robust state, federal and local investment in infrastructure. To that end, SVWA member districts are coordinating with local landowners and NGOs to design and implement wildlife friendly groundwater recharge projects. These projects align well with the criteria outlined in Section 103 of the STREAM Act and will provide a much-needed source of additional federal funds.

SVWA also appreciates the inclusion of language in Section 104 of the legislation that would grandfather certain water storage projects, including all reaches the Friant-Kern Canal Capacity Correction Project, into the water storage program authorized in Section 103. Projects like the Friant-Kern Canal Capacity Correction Project that have received extensive review through the process defined in Section 4007 of the WIIN Act should not be subject to additional review or requirements in order to be eligible for funding authorized in this bill.

The Honorable Dianne Feinstein
March 15, 2022
Page 2

SVWA appreciates all that you are doing to ensure one of the world's most productive agricultural regions can continue to provide good jobs and safe, affordable food to all of the United States. Please do not hesitate to reach out with any questions.

Sincerely,



Dan Vink
Executive Director
South Valley Water Association



March 18, 2022

Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Constitution Avenue and 2nd Street, NE
 Washington, DC 20510

Re: STREAM Act "Support to Rehydrate the Environment, Agriculture and Municipalities Act" – **SUPPORT**

Dear Senator Feinstein:

On behalf of the State Water Contractors (SWC)¹, I am pleased to express **support** for your STREAM Act – "Support to Rehydrate the Environment, Agriculture, and Municipalities Act" – a measure which would authorize funding and expedite the delivery of critical water infrastructure projects that are necessary to speed California's recovery, position California for the future, and help mitigate and prepare for the effects of climate change and risks from drought, fire, extreme heat, and sea level rise.

The SWC is an organization representing 27 of the 29 public water entities that hold contracts with the California Department of Water Resources for the delivery of State Water Project water. Collectively, the SWC members provide a portion of the water supply delivered to approximately 27 million Californians, roughly two-thirds of the state's population, and to more than 750,000 acres of irrigated agriculture. Water supply delivered to the Bay Area, San Joaquin Valley, Central Coast, and Southern California from the State Water Project is diverted from the Sacramento-San Joaquin River Delta.

DIRECTORS

Ray Stokes
 President
 Central Coast Water
 Authority

Craig Wallace
 Vice President
 Kern County Water Agency

Kathy Cortner
 Secretary-Treasurer
 Mojave Water Agency

Stephen Arakawa
 Metropolitan Water District
 of Southern California

Robert Cheng
 Coachella Valley Water
 District

Laura Hidas
 Alameda County Water
 District

Thomas Pate
 Solano County Water
 Agency

Matthew Stone
 Santa Clarita Valley Water
 Agency

Jacob Westra
 Tulare Lake Basin Water
 Storage District

General Manager
 Jennifer Pierre

¹ The SWC members are: Alameda County Flood Control & Water Conservation District, Zone 7; Alameda County Water District; Antelope Valley East Kern Water Agency; Central Coast Water Authority; City of Yuba City; Coachella Valley Water District; County of Kings; Crestline-Lake Arrowhead Water Agency; Desert Water Agency; Dudley Ridge Water District; Empire-West Side Irrigation District; Kern County Water Agency; Littlerock Creek Irrigation District; Metropolitan Water District of Southern California; Mojave Water Agency; Napa County Flood Control & Water Conservation District; Oak Flat Water District; Palmdale Water District; San Bernardino Valley Municipal Water District; San Gabriel Valley Municipal Water District; San Geronimo Pass Water Agency; San Luis Obispo County Flood Control & Water Conservation District; Santa Clara Valley Water District; Santa Clarita Valley Water Agency; Solano County Water Agency; Tulare Lake Basin Water Storage District.

Honorable Dianne Feinstein
March 18, 2022
Page 2

Over recent years, California's hydrologic conditions have been notable in terms of both the lack of precipitation and high temperatures. In particular, 2021 was the third driest year on record in terms of precipitation, and had the second-lowest measured annual runoff. Additionally, average summer temperatures in California were the hottest on record in 2021. These factors, combined with the preceding dry and warm year, led to very severe drought conditions through 2021 are now continuing into 2022. Already, water supply allocations for the State Water Project and Central Valley Project contractors are projected at 5% and 0%, respectively, placing tremendous stress on urban, agricultural, and environmental water uses.

Our state's water supply continues to be threatened by climate change and the realities of more intense, frequent, and prolonged cycles of droughts and floods. Federal funding is critical to ensure more water is available for those regions that need it most during dry years. The STREAM Act is critical to maximizing opportunities to replenish and recharge groundwater basins and filling reservoirs to help get through extended periods of drought. The infusion of essential federal funding and expedited project approvals will bring important water infrastructure projects to reality.

The SWC appreciates and applauds your continued leadership on California water policy and federal funding assistance. Your engagement on water-related interests on behalf of California continues to provide much-needed assistance to help our water system sustain in the face of emerging and ongoing climate resilience challenges.

For all of the above reasons, we support the STREAM Act and will encourage the California Congressional delegation to support its passage. If you have any questions or wish for additional information, please do not hesitate to contact me at (916) 447-7357 or email at jpierre@swc.org.

Sincerely,



Jennifer Pierre
General Manager

cc: U.S. Senator Alex Padilla
John Watts, Senior Counselor, Office of US Senator Dianne Feinstein
Kacie Rettig, Office of US Senator Dianne Feinstein



May 19, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of Sutter Mutual Water Company (Sutter Mutual), I am writing to express support for your bill, S. 4231, the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act). The bill includes many provisions that will help improve water security and drought resilience in California by providing greatly needed federal support for critically important investments in water supply infrastructure and ecosystem restoration projects.

As you know, Sutter Mutual is part of a broad group of agricultural, water, and conservation interests in the Sacramento Valley that have come together to advance projects that will reactivate historic floodplains to benefit birds and fish species, food production, and water security. The ecosystem restoration and protection title of the STREAM Act would provide much-needed assistance by providing the Bureau of Reclamation (Reclamation) the resources to be a fundamental partner in our efforts. Restoring the health of fish and wildlife in the Sacramento River is integral to the reliable operation of our water supply and flood control systems. We appreciate your inclusion of the ecosystem provisions in this bill, which recognize this important linkage.

We also appreciate your support for additional direct support for new water storage projects and your efforts to establish a Reclamation Infrastructure Finance and Innovation (RIFIA) Pilot Program. RIFIA will help keep investments in critically needed water infrastructure projects more affordable, and thereby help accelerate needed water infrastructure investments. When combined with previously enacted provisions of the Infrastructure Investment and Jobs Act, which you helped secure, the STREAM Act will make it easier for Reclamation to partner in critically needed non-Federal water supply projects, including Sites Reservoir, which will be an essential water supply and drought-reliance feature for farms and communities in the Sacramento Valley and the entire state.

Thank you again for your decades of leadership on California water. We look forward to working with you and your staff on this bill as it moves through the legislative process.

Sincerely,


Roger Cornwell
General Manager

Tehama-Colusa Canal Authority

P.O. BOX 1025 • 5513 HWY 162, WILLOWS, CA 95988 • Phone: (530) 934-2125 • Fax: (530) 934-2355

March 17, 2022

The Honorable Dianne Feinstein
United State Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein,

On behalf of the Tehama-Colusa Canal Authority (TCCA) and the eighteen water districts served by TCCA, I write to express TCCA's strong support for your discussion draft of the Support to Rehydrate the Environment, Agriculture and Municipalities Act (STREAM Act).

The STREAM Act includes funding for desperately needed new water infrastructure projects in California as we continue to endure more frequent and prolonged droughts. As such, TCCA member agencies continue to support and invest in the Sites Reservoir Project. The STREAM Act includes provisions that will help to advance vital projects like Sites Reservoir and get much needed water management infrastructure online as quickly as possible to support California's communities, farms, and environment.

Sites Reservoir is a 21st century solution that can meet the needs of today and tomorrow. While many traditional water storage projects were designed and built to capture snowmelt, the realities of climate change mean less snow and more rain for California. To capture the excess water from faster moving and often more intense storms that come more frequently, we need a new model for water storage in California. Sites is designed for this new reality.

TCCA looks forward to working with you and your staff as the bill is introduced and moves through the legislative process. I would be happy to help in any way and again congratulate you and your staff on a very promising draft bill.

Sincerely,



Jeffrey P. Sutton
Tehama-Colusa Canal Authority
General Manager



700 SW Taylor Street
Suite 200
Portland, OR 97205
www.thefreshwatertrust.org

March 28, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Support for STREAM Act

Dear Senator Feinstein:

On behalf of The Freshwater Trust (TFT), thank you for your continued work to improve water security and drought resilience in the Western United States. Your "Support to Rehydrate the Environment, Agriculture, and Municipalities Act" (STREAM Act) contains several provisions that could be helpful to our work if enacted. We look forward to working with you as the bill progresses through the legislative process.

TFT is a nonprofit that develops and uses advanced watershed analytics to chop thorny water challenges down to a solvable size. With almost 40 years of technology-driven, watershed-scale restoration expertise, TFT has a proven record of working collaboratively with the Bureau of Reclamation, other federal agencies, landowners, regulated entities, state and local governments, and private businesses to build, optimize, quantify, and track distributed restoration solutions that can help solve complicated water problems.

TFT's growing portfolio of work spans the states of Oregon, Idaho, California, Washington, and Colorado, and ranges from on-the-ground natural infrastructure projects (such as planting streamside vegetation to protect water quality, upgrading irrigation systems for farmers, and replenishing groundwater), to developing "precision watershed analytics" to guide watershed investments, to deploying innovative outcomes-based contracts to enable bigger and better results. TFT has already used these analytics to unlock over \$1 billion in outcomes-based conservation, including the Idaho Power Company's \$350M restoration compliance program (known as the [Snake River Stewardship Program](#)) and a \$600-700M [groundwater replenishment and habitat restoration plan](#) for Sacramento Regional Sanitation.

Building resilient water systems will require a combination of centralized and distributed watershed projects. TFT was happy to see that the STREAM Act includes "natural water retention and release projects," and believe the use of precision watershed analytics now can make it possible to quantify the benefits and costs of these projects, including several distributed project types that have, until recently, been hard to model and compare (e.g., temporary or permanent demand reduction/strategic land repurposing, irrigation upgrades, and winter-time aquifer recharge projects), but that will be critical for dynamic and responsive watershed resilience efforts moving into our more arid future.

Moving forward, the federal government should harness the power of precision watershed analytics to plan and guide cost-effective investments in watershed solutions that address intertwined water quantity and quality challenges, especially in the Western U.S. Specifically, precision watershed analytics should be used in every basin to prioritize infrastructure investments, coordinate and expedite deployment of limited funds to on-the-ground work, and measure progress by quantifying outcomes. These analytics are particularly valuable for identifying, costing out, and prioritizing distributed watershed projects (see quick [explanatory video](#) on how).

These analytics can also improve results from federal investment. Federal agencies should be incentivized to procure outcomes in a way that rewards results instead of reimbursing for effort. Using performance contracts based on robust watershed analytics, federal funders can knowledgeably set a price that they will pay for an achieved environmental benefit—signaling to local, regional, and national groups that top-priority projects will generate a return on investment and stimulating the deployment of private labor and capital in a cohesive and impactful manner.

We are therefore heartened that Section 302 would authorize the Secretary of the Interior to enter into performance-based financial arrangements for the delivery of ecological outcomes by experienced non-federal entities. When paired with analytics and streamlined to reward results produced, we believe this section could both expedite completion of many restoration projects and demonstrate that performance-based financial mechanisms can help drive at better, faster, cheaper results. Senator Wyden’s recently introduced Watershed Results Act provides a succinct and compelling definition of watershed outcomes that could be included in the STREAM Act.¹ The Social Impact Partnerships to Pay for Results Act also focused on uniform metrics—cost savings, value measurement, and other evidence-based research methodologies—to assess performance.²

TFT is supportive of the STREAM Act and thanks you again for your decades of leadership on Western water. We have additional ideas for improving sections of the STREAM Act and look forward to working with you and your staff in the legislative process.

Sincerely,



Tim Wigington
VP Finance & Policy
The Freshwater Trust
tim@thefreshwatertrust.org

¹ See Watershed Results Act, S. 2807, 117th Cong., <https://www.congress.gov/bills/117th-congress/senate-bill/2807/text>. Section 2(1) defines “watershed analytics” and Section 2(5) defines “outcomes.” Section 2(6) defines “pay for performance contract.” Senator Wyden recently reintroduced a slimmed down version of the WRA to clarify Senate committee jurisdiction (S. 3539), but intends to restore the Act to its original version after Senate ENR hearings.

² Social Impact Partnerships to Pay for Results Act (SIPRA), 42 U.S.C. § 1397n–1397n–13, <https://home.treasury.gov/services/social-impact-partnerships/sippra-pay-for-results/sippra-legislation>.



March 16, 2022

The Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Washington, D.C. 20510

RE: STREAM Act

Dear Senator Feinstein:

On behalf of the Upper Kings River Irrigation Districts (Fresno, Consolidated and Alta Irrigation Districts), we thank you for your continued leadership on California water issues. Your STREAM Act contains numerous provisions that could be helpful to our Districts and Groundwater Sustainable Agencies (GSA) if enacted.

The three Upper Kings River irrigation districts (Upper Kings Districts) are the primary surface water suppliers within Central Kings, Kings River East and North Kings Groundwater Sustainability Agencies (GSAs), covering 650,000 acres. The GSAs are part of the Kings Subbasin which has been designated by the California Department of Water Resources (DWR) as a critically overdrafted basin per Bulletin 118. Surface water provided by the Upper Kings Districts is the primary source sustaining the aquifer, with 79 disadvantaged communities and more than 733,000 people dependent on this water supply.

The Upper Kings Districts planned Community and Climate Water Resiliency Program will provide needed community water supply and climate resiliency through the construction of 3,300 acres of groundwater recharge basins. A project summary is attached to this letter.

Senator Feinstein – STREAM Act
Page 2
March 16, 2022



The Upper Kings Districts believe the federal government must be a critical partner on projects like the Upper Kings Community and Climate Resiliency Program and with local water purveyors in the West in creating opportunities for investment in new groundwater storage and infrastructure. With the ongoing impacts of climate change and drought over the past decade, the West must increase water storage to replace lost snowpack and help deal with the increasing demand for water for growing community and environmental needs, it remains even more important than ever in the delivery of water supplies for multiple uses.

Thank you for your continued support of the San Joaquin Valley, our communities, and our economy. Again, we appreciate your continued leadership on important water issues in California and the West.

Please do not hesitate to contact any of the following signatories to this letter should you have any questions.

Sincerely,

 <hr/> Kassy Chauhan, Executive Officer North Kings GSA	 <hr/> Bill Stretch, General Manager Fresno Irrigation District
---	--

 <hr/> Phil Desatoff, General Manager Consolidated Irrigation District and Central Kings GSA	 <hr/> Chad Wegley, General Manager Alta Irrigation District
--	--

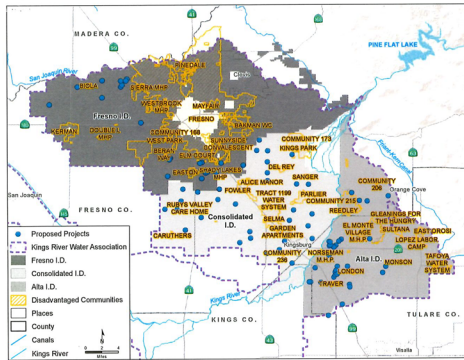
- cc: Mr. Bill Stretch, e-copy only
Fresno Irrigation District
- Mr. Philip Desatoff, e-copy only
Consolidated Irrigation District
- Mr. Chad Wegley, e-copy only
Alta Irrigation District

Enclosure



The Alta Irrigation District (AID), Consolidated Irrigation District (CID) and Fresno Irrigation District (FID) are initiating the Upper Kings River Community and Climate Water Resiliency Program. The three Upper Kings River irrigation districts are the primary surface water suppliers within the Central Kings, Kings River East and North Kings Groundwater Sustainability Agencies (GSAs), covering over 650,000 acres. Surface water provided by the Upper Kings River districts is the primary source sustaining the aquifer, with 79 disadvantaged communities and more than 733,000 people dependent upon this resource for their water supply. Drought conditions and significant groundwater pumping in neighboring areas have caused significant groundwater level declines impacting local communities.

The Upper Kings River Community and Climate Water Resiliency Program will provide needed community water supply and climate resiliency through the construction of 3,300 acres of basins. These newly-constructed basins will capture and recharge surface water supply in wet years to allow for groundwater pumping dry years. The three districts' have been working over the past several years to ensure Kings River surface water is not lost to the region and is beneficially used within the county of origin, and this program is a continuation of those efforts. Phase 1 consists of 1,800 acres at a cost of \$180 million that will provide 250,000 acre-feet of recharge in wet years. Phase 2 will consist of 1,500 acres at a cost of \$150 million, providing over 200,000 acre-feet of recharge in wet years.



Project Overview

This project will provide needed community water supply and climate resiliency through the construction of 3,300 acres of basins.

Project Highlights

- ✓ Improves water supply reliability to 79 DACs and the area
- ✓ Provides 450,000 AF/year of needed groundwater recharge
- ✓ Includes environmental enhancement for wildlife habitat and waterfowl
- ✓ Land acquisition and CEQA underway



COST:
Phase 1 = \$180,000,000
Phase 2 = \$150,000,000



JOBS: 330



ECONOMIC IMPACT:
\$800,000,000

For more information, contact:

Alta Irrigation District:
Chad Wegley, General Manager
Email: cw@altaid.org
Tel: (559) 591-0800

Consolidated Irrigation District:
Phil Desatoff, General Manager
Email: pdesatoff@cidwater.com
Tel: (559) 896-1660

Fresno Irrigation District:
Bill Stretch, General Manager
Email: bstretch@fresnoirrigation.com
Tel: (559) 233-7161



April 6, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Board of Directors:

Anthony R. Fellow, Ph.D.,
Division 1

Charles M. Treviño,
Division 2

EJ Chavez,
Division 3

Katarina Garcia,
Division 4

Jennifer Santana,
Division 5

RE: "Support To Rehydrate the Environment, Agriculture, and Municipalities Act"

Dear Senator Feinstein:

On behalf of the Upper San Gabriel Valley Municipal Water District (Upper District), I write to demonstrate Upper District's support of your legislation, "Support To Rehydrate the Environment, Agriculture, and Municipalities Act," (STREAM Act). The legislation modernizes federal water infrastructure funding by authorizing increased funding and advancing policies that address present infrastructure and environmental challenges. These funding opportunities and policy changes will greatly benefit our water system and help Upper District advance its water supply and quality goals.

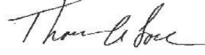
By way of background, the Upper San Gabriel Valley Municipal Water District is a wholesale water agency, serving over 950,000 residents. Upper District expands over nearly 144 square miles, servicing 26 water producers and 18 cities in the San Gabriel Valley, including portions of unincorporated Los Angeles County. Upper District practices efficient water use by its varied water resources, including local water, imported water, and recycled water. Upper District prides itself in being a community leader in water stewardship and conservation.

The STREAM Act will provide ample funding opportunities across the water sector, comprehensively addressing water supply, water quality, water storage, and water conservation across the country. The legislation authorizes \$750 million for storage and conveyance projects, \$300 million for water recycling, \$250 million in environmental restoration funding, as well as funding for desalination and disadvantaged communities. With increased funding authorizations across several programs, water systems will have more opportunities to compete for project funding while also targeting their water system's specific needs. These increased authorizations demonstrate the prioritization and necessity of increased water infrastructure funding.

Additionally, the STREAM Act adds policy provisions that address current pressing environmental concerns. As you are aware, California and many western states are experiencing unprecedented modern drought conditions. The legislation will aid these states by permitting the Department of Interior to implement emergency drought relief projects through building permanent facilities, rather than the current law which allows Interior to install temporary facilities. Drought issues are expected to worsen over the next several years, and the federal government should be forward-thinking in long-term drought mitigation.

Upper District is grateful for your tactful leadership on water infrastructure. Upper District will request for its delegation members to support this bill in the Senate and House. Should you have any questions regarding Upper District's position, please contact Patty Cortez, Director of Government and Community Affairs, at patty@usgvmwd.org or (626) 443-2297.

Sincerely,

A handwritten signature in cursive script that reads "Tom A. Love".

Tom A. Love
General Manager



Clean Water • Healthy Environment • Flood Protection

April 14, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Subject: Support for STREAM Act

Dear Senator Feinstein:

Valley Water (Santa Clara Valley Water District) is pleased to support the draft "Support To Rehydrate the Environment, Agriculture, and Municipalities Act" (STREAM Act) prior to introduction. If enacted, your bill would increase the federal support for and investment in water storage and supply projects, including many that serve the people and environment in Santa Clara County. This support is critical to ensuring a reliable, drought resilient supply of water for millions of people living in the arid West.

Valley Water is responsible for providing safe, clean water and healthy waterways throughout Santa Clara County, California, which is home to nearly two million people and is the heart of Silicon Valley. We manage 10 dams and surface reservoirs, 3 water treatment plants, 28 natural flood protection projects, 1 advanced purification center, and 275 miles of creeks. Our programs are as diverse as importing and treating water; managing flood control projects along rivers, creeks, and the South San Francisco Bay shoreline; and improving the health of all our waterways.

As our state continues to grapple with a severe drought, Valley Water appreciates that this bill would take a comprehensive approach to addressing our water supply challenges. Climate change and longer drought cycles require that western water agencies have access to adequate surface and groundwater storage, drinking water and wastewater systems, and funding for water recycling and reuse in order to build a diverse, drought-resistant water supply for the future. Yet, the water infrastructure systems of these states are increasingly unable to keep pace with these demands. Increased funding to repair, rehabilitate, or construct new facilities is needed to meet the growing demands on water infrastructure. We appreciate that your bill tackles these issues, increasing the federal investment in this infrastructure to benefit our future water supply.

Valley Water particularly appreciates that this bill would establish a process to expedite approval of certain new water storage projects, such as the Pacheco Reservoir Expansion Project. These projects are a critical tool in our drought response toolkit, and our constituents and the environment cannot wait for an approval process that can take years. The "Reclamation WRDA" approach to approving projects like Pacheco would be an important means of shortening a process that can take years.

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CHIEF EXECUTIVE OFFICER

Rick L. Callender, Esq.

CLERK OF THE BOARD

Michele L. King, CMC



The Honorable Dianne Feinstein
Page 2
April 14, 2022

Valley Water appreciates your leadership on water resources issues, and we thank you for introducing this important bill. We look forward to working with you on the bill as it moves through the legislative process. Should you have any questions, please do not hesitate to contact me at (408) 630-2338 or drocha@valleywater.org.

Sincerely,

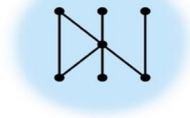


John L. Varela
Chair Pro Tem, Board of Directors

cc: The Honorable Alex Padilla
The Honorable Anna Eshoo
The Honorable Zoe Lofgren
The Honorable Jimmy Panetta
The Honorable Ro Khanna

bz:jh
0413a-l

WATER INFRASTRUCTURE NETWORK



May 12, 2022

Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Re: WIN's Strong Support for the STREAM Act

Dear Senator Feinstein,

The Water Infrastructure Network (WIN), a coalition of the nation's leading construction, engineering, municipal, labor and manufacturing organizations strongly supports the "Support To Rehydrate the Environment, Agriculture and Municipalities Act" – the STREAM Act. This landmark water supply infrastructure funding legislation is both timely and innovative in its approach to addressing the extraordinary drought challenges facing our nation. WIN greatly appreciates the inclusive process you have followed in drafting the STREAM Act and is committed to working with you to secure Senate passage and enactment of this critical water infrastructure funding legislation during the 117th Congress.

The STREAM Act builds on the highly successful WIFIA Program to maximize investment in critical water storage, water recycling, water reuse and groundwater recharge projects. This innovative finance tool has the potential to leverage \$150 M in federal funding into more than \$8 B in low interest loans for critical water supply projects. WIN has been an outspoken advocate for the utilization of WIFIA to meet our nation's most vexing clean water and drinking water finance challenges and believes the "WIFIA" like funding in the STREAM Act will support billions of dollars in new investment in water supply infrastructure.

The STREAM Act also authorizes significant new federal funds for critical water reuse, water storage, environmental restoration, and desalination projects, including:

- \$750 M for Water Storage Projects – including \$50 M for natural water retention and release projects
- \$300 M for Water Recycling and Reuse

- \$250 M for Environmental Restoration
- \$150 M for Desalination
- \$100 M for Drinking Water Assistance to Disadvantaged Communities

These new drought relief funds leverage limited federal funds to dramatically increase overall water infrastructure investment and will support the completion of water supply projects initiated in the WIIN Act of 2016. The authorizations for many of the water supply projects contained in the WIIN Act expired in December of 2021 and the STREAM Act provides an expedited process for these projects to move forward.

The Water Infrastructure Network looks forward to working with you to educate other Members of Congress on the fiscal and drought response merits of the water infrastructure funding provisions in the STREAM Act. Your continued leadership in addressing America's drought and water supply infrastructure challenges is greatly appreciated.

Sincerely,

The Water Infrastructure Network

- **American Council of Engineering Companies – ACEC**
- **Associated General Contractors of America – AGC**
- **Construction Management Association of America - CMAA**
- **Grasslands Water District - GWD**
- **Hydraulic Institute – HI**
- **International Union of Operating Engineers – IUOE**
- **Laborers International Union of North America – LIUNA**
- **Water Systems Council - WSC**
- **United Association of Plumbers and Pipefitters - The United**
- **Vinyl Institute – VI**



President
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Hillsborough County Public
Utilities, FL

Treasurer
[Karen Pallansch](#)
Alexandria Renew
Enterprises, VA

Secretary
[Deven Upadhyay](#)
Metropolitan Water District
of Southern California, CA

Past President
[Gilbert Trejo](#)
El Paso Water, TX

March 21, 2022

The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

We write today to thank you for your tireless support for water recycling and for introducing the Support to Rehydrate the Environment, Agriculture and Municipalities (STREAM) Act. The WateReuse Association is a not-for-profit trade association for water utilities, businesses, industrial and commercial enterprises, non-profit organizations, and research entities that engage in and on water recycling. WateReuse and its state and regional sections represent more than 200 water utilities serving over 60 million customers, and over 300 businesses and organizations across the country. We strongly support policies and programs that advance water recycling as a tool for enhanced water resources management.

As you know, Title XVI is the only active federal program with a focus on water recycling. Water projects funded through the Title XVI program have been used to increase the supply of drinking water, restore sensitive ecosystems, generate sustainable irrigation water, and help industries expand and create jobs, among other regionally important purposes. The program is an integral part of the federal funding partnership with local communities throughout the West to ensure they have safe and sustainable water supplies to meet demand.

Due to the popularity of Title XVI-WIIN, the program now has a large and growing backlog of dozens of eligible projects totaling hundreds of millions of dollars in eligible federal cost-share. The STREAM Act will help build long-term resiliency in the West by reauthorizing and increasing the authorized funding level for Title XVI-WIIN.

We applaud you for your vision and your efforts in addressing critical water resource challenges, and we look forward to working with you to reauthorize the Title XVI-WIIN program as soon as possible.

Sincerely,

Patricia Sinicropi
Executive Director



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

March 18, 2022

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

RE: Support to Rehydrate the Environment Agriculture and Municipalities Act

Dear Senator Feinstein-

On behalf of Westlands Water District, thank you for your dedicated and persistent effort to improve water resilience in California. The Support to Rehydrate the Environment Agriculture and Municipalities Act (STREAM Act) contains needed provisions to restore critical water infrastructure while improving the watershed's drought resiliency.

As you know, Westlands encompasses some 600,000 acres in western Fresno and Kings counties. The lands within Westlands are some of the most highly productive agricultural lands in the world, supporting over 35,000 jobs and producing, on average, more than \$2 billion worth of food and fiber annually, which generates approximately \$4.7 billion in farm-related economic activities in local communities. A recent study highlighted the correlation between water supply and poverty levels in Fresno and Kings County. When water was scarce, poverty rates climbed. Further, the Covid 19 pandemic and recent world events have spotlighted the importance of the food grown in and economic activity generated through the farming activities in the District. However, an adequate, reliable, and affordable water supply is critical for farmers in Westlands to continue to produce food for the country.

The STREAM Act contains necessary provisions to continue ongoing and investigate new storage and conveyance infrastructure projects. California, and many western states, has a propensity to 'forget about the drought' in wet years. This fluttering focus has stranded many critical projects by only providing half of the necessary funding. By continuing the "*Water Infrastructure Improvements for the Nation Act*" storage program, in a revised form, the STREAM Act ensures the projects that received initial funding in the bipartisan infrastructure bill will receive additional funding to safeguard completion of those projects.

Additionally, the bill provides some non-reimbursable funding for modifications to extraordinary maintenance on aging Bureau of Reclamation (Reclamation) projects that would provide additional public benefits. The STREAM Act recognizes the need to for the federal government to support the restoration of critical aging water infrastructure. This section of the Act provides appropriate funding to support the repair and restoration of these projects while also providing the opportunity to provide additional public benefits when needed.

Westlands also appreciates that the Act provides tools to improve drought resilience for the entire watershed. As we've discussed water infrastructure improvements are critical, however, habitat restoration and other ecosystem improvements are also essential in ensuring water resilience. By providing ecosystem restoration funding and improvements to the Reclamation States Emergency Drought Relief Act, this bill understands the need for improvements across the watershed and provides the necessary tools to improve the watershed from the ecosystem up.

Thank you for your leadership in efforts to provide the growers and communities in and around our District with the tools they need to create a sustainable water future. Westlands looks forward to working with you and your staff on the STREAM Act as it moves through the legislative process. Please do not hesitate to contact me if you have any questions.

Sincerely,



Shelley Cartwright
Deputy General Manager- External Affairs
Westlands Water District



March 17, 2022

The Honorable Dianne Feinstein
U.S. Senate
331 Hart Senate Office Building
Washington D.C. 20510

Subject: STREAM Act – Support

Dear Senator Feinstein:

Contra Costa Water District (District) has adopted a position of Support on the proposed Support To Rehydrate the Environment, Agriculture and Municipalities (STREAM) Act.

The District is encouraged to see legislation with funding going to ground and surface water storage, water recycling, desalination, and environmental projects. Key provisions supported by the District include: 1) expediting approvals for water recycling, desalination, and non-federal storage projects with under \$250 million in federal funding by allowing the Department of the Interior to approve rather than Congress; 2) requiring Congressional approval of future federal storage projects over \$250 million in an expedited process; and 3) providing legacy status for storage projects receiving funding from the bipartisan infrastructure legislation to allow projects to receive funding without further authorization to complete construction.

The District and the Bureau of Reclamation have been working closely over many years to advance the Los Vaqueros Reservoir Expansion Project. This legislation will provide the funding and support needed to complete this important off-stream storage expansion that provides significant federal benefits. The District encourages legislators to move forward on legislation supporting water infrastructure investments.

If you have any additional questions, please contact General Manager Steve Welch at (925) 688-8060.

Sincerely,

Lisa M. Borba
President

LMB/JA:nm

cc: Senator Alex Padilla
Representative Mark DeSaulnier
Representative Jerry McNerney
Representative Eric Swalwell
Representative Mike Thompson
CCWD Board of Directors

BOARD OF DIRECTORS

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Stephen J. Welch, P.E., S.E.

Senator FEINSTEIN. Also before us today is the Canal Conveyance Capacity Restoration Act. As the climate changes, California is projected to get a few intense rainstorms and long dry periods in between. We already saw that happen this winter with record rain storms and the fall followed by record drought. The Canal bill would allow California to capture water during these big rain storms and move it through restored canals to groundwater basins where it would be stored. Again, this is an investment that we absolutely must make, one way or another.

So please help us, and thank you very much.

Senator WYDEN. Thank you, Senator Feinstein, and it is so good to have my friend, we work together often on these water and forestry issues, and we are always glad to have you.

Senator Padilla, welcome. One hundred percent of California Senators here.

Senator PADILLA. It tells you how important this is.

Senator WYDEN. It does.

**OPENING STATEMENT OF HON. ALEX PADILLA,
U.S. SENATOR FROM CALIFORNIA**

Senator PADILLA. Thank you, Chair Wyden and Ranking Member Hyde-Smith, for inviting me to testify today on the importance of the Salton Sea Projects Improvements Act, which is before this Committee. Now, this measure would enable the Bureau of Reclamation to better address the ongoing public health and environmental crisis at the Salton Sea. As many of you are familiar with, the Salton Sea is the largest inland body of water in California and has been maintained over the years by irrigation flows, but because of the drought conditions that you have been hearing about so much, along with changing agricultural practices and efforts to stabilize the Colorado River, these flows are decreasing. And as a result of water levels that are dropping, the water's salinity in the Salton Sea, has become 50 percent saltier than the Pacific Ocean. This high salinity has, in turn, devastated the ecosystem of the Salton Sea, which is a critical habitat for migratory birds and several endangered species.

Now, declining water levels also have had deadly consequences for local communities. And when I say deadly consequences, that is no exaggeration. As the water recedes, more and more of the lake bed has become exposed, polluting the air with toxic clouds of dust and pesticides. Now, this poisonous air, in turn, travels for miles, including into a broad area of Imperial County, Riverside County, and the Torres Martinez Reservation. In the Imperial Valley alone, approximately one in five residents have become diagnosed with asthma or another respiratory disorder, three times higher than the state-wide average. The people and the wildlife who call the Salton Sea home desperately need our help to solve these environmental and public health crises.

Now, the Federal Government owns nearly half of the land based beneath the Salton Sea and it is responsible for managing the Colorado River and protecting the health and safety of local communities and ecosystems. And the Federal Government—I want to emphasize this as well—the Federal Government also has a trust responsibility to the Torres Martinez Tribe. So the legislation before

you, which I introduced jointly with Senator Feinstein, would give the Federal Government the tools necessary to do its part. Under current law, the Bureau of Reclamation is only able to engage in Salton Sea projects that have a research focus. That means that while Reclamation can study how to protect habitats or control salinity, it does not have the authority to actually put those solutions into practice—into action—and this effectively prohibits Reclamation from partnering with the State of California in the state Salton Sea management program. Our legislation would expand Reclamation's authority so that the Bureau can participate in large-scale projects, even if those projects do not have a research focus. We know the solutions, we need resources and the ability to put them into action. Then new projects could improve water quality, restore habitats, and benefit public health.

And to enable this critical agenda, our bill would also increase Reclamation's authorization for Salton Sea efforts from a current \$10 million to \$250 million. And I plead with the Committee for your support of this measure.

Thank you, Mr. Chair.

Senator WYDEN. Thank you very much, Senator Padilla.

You and Senator Feinstein both have made very thoughtful presentations. We will excuse both of you at this time and look forward to following up with you.

Senator FEINSTEIN. Thank you.

Senator WYDEN. I am very pleased that we have three colleagues, three Republican Senators have joined us—Senator Hyde-Smith, the Ranking Member, Senator Risch, and Senator Daines.

Senator Hyde-Smith, I think all of you would like to make some remarks and you are welcome to do so.

**OPENING STATEMENT OF HON. CINDY HYDE-SMITH,
U.S. SENATOR FROM MISSISSIPPI**

Senator HYDE-SMITH. Thank you, Mr. Chairman, and I certainly look forward to the hearing today to address the ongoing issues in the West. And Ms. Touton, welcome back. Thank you for being here today, and I look forward to hearing your testimony, your expert knowledge, and the Administration's position toward this legislation.

As I mentioned before, my home State of Mississippi does not have as many drought-related issues as our western states, but I understand the social, the economic, and the environmental impact that drought has on farmers, ranchers, and the rural communities in western states. One phrase I hear over and over again that I have committed to memory is water is the lifeblood of our western states, and it is absolutely true. The importance of our rivers, our streams, and tributaries extends far beyond their place on the map. They affect everyday life as they provide irrigation water for farmers, critical electric power to communities, and sustainable watersheds to help in all of those switches important to our entire nation.

But I look forward to discussing these bills.

Thank you, Mr. Chairman.

Senator WYDEN. I thank my colleague.

Senator Risch.

**OPENING STATEMENT OF HON. JAMES E. RISCH,
U.S. SENATOR FROM IDAHO**

Senator RISCH. Thank you very much, Mr. Chairman, quite ambitious of you to hold 16 bills—

Senator WYDEN. Here we are.

Senator RISCH. Much more productive than we are on the Foreign Relations Committee.

Senator WYDEN. We are busy souls.

Senator RISCH. And I, for one, appreciated Senator Tester's work and humor, particularly his observations regarding the Chairman.

Senator WYDEN. Oh, my goodness. I am going to have to have the record stricken.

[Laughter.]

Senator RISCH. Anyway, thank you very much and thank you for holding this hearing.

Water is at the heart of everything we do in my home State of Idaho, and we are proud to have made important strides in water conservation efficiency. However, there is always more work to be done. I have two bills before the Committee today, Senate bill 4175 and 4176, that make minor changes to existing water infrastructure programs that could greatly improve the ability, efficiency, and safety for use and transport of water in states like Idaho and across the West. I would like to highlight one issue this legislation addresses in particular—safety challenges for water transport presented by urban sprawl. The New York Canal in Idaho conveys water from the Boise River 41 miles westward through what was once all farmland, but now is one of the fastest growing metropolitan areas in the country. This issue of converted agricultural land poses a common problem across the West. Over time, homes and businesses have been built up around canals that were constructed more than a hundred years ago, and their extraordinary maintenance issues now pose a threat to life and property in some of these areas.

My bill would allow operators of these canals to access aging infrastructure funds to help address these issues faster and more affordably than can be done today, all without interrupting what process we have in place for the construction and maintenance of these canals.

Thank you so much for hearing these bills today.

Senator WYDEN. I thank my colleague.

Our friend from Montana, Senator Daines.

**OPENING STATEMENT OF HON. STEVE DAINES,
U.S. SENATOR FROM MONTANA**

Senator DAINES. Chairman Wyden, Ranking Member Hyde-Smith, thank you for this hearing on two bipartisan Montana bills. As the West continues to experience severe drought, this hearing could not be more timely.

The St. Mary Milk River project's infrastructure is not only among the oldest of BOR's projects, but also retains one of the highest cost shares for local irrigators and water users. This unfortunate pairing means that the needs are just as great as they are costly to rural Montanans. The St. Mary's Reinvestment Act adjusts the federal cost share of rehabilitating the site to ensure the

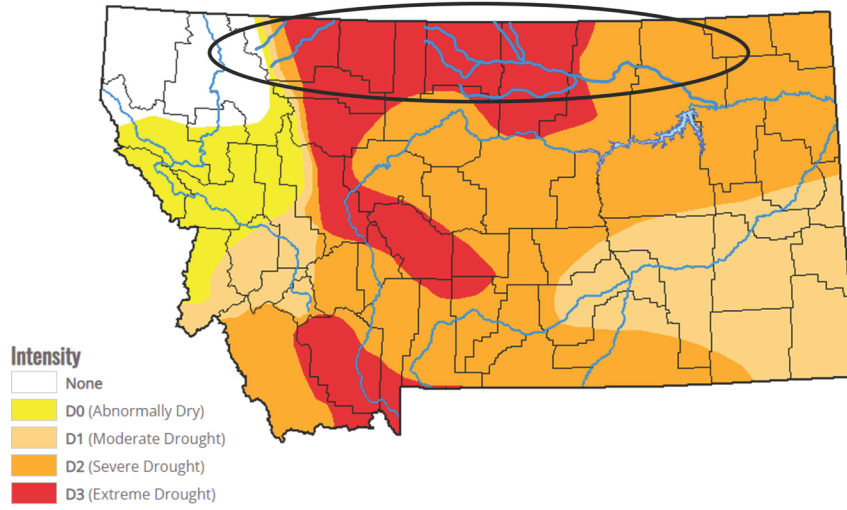
irrigator's share is economically justified, and much-needed repairs can finally move forward. It has been nearly two decades since all five drop structures of the St. Mary Milk River Project were recommended for replacement—nearly two decades. And during that time, the situation on the ground has truly worsened.

In 2019, litigation threatened the continued operation of a critical dam on the project, leading to a diversion of funds and resources, increasing overall cost of repairs. And then, in 2020, Drop 5 of the St. Mary Milk River Project experienced catastrophic failure, stopping the flows from the St. Mary's River entirely and immediately compromising over 121,000 acres of irrigated land, 18,000 water users in municipalities along the Hi-Line, including the Blackfeet Reservation and the Fort Belknap Reservation. While the infrastructure law provided some funding for the project, much more has to be done to prevent another catastrophic failure, and it is just a matter of time.

Inflation has driven up construction costs and the severe drought has made it all the more important we pass my bill this year. As you can see from the map behind me, the Milk River Project is located in the part of Montana experiencing severe drought.

[The map referred to follows:]

MILK RIVER PROJECT



Senator DAINES. During dry years, like the ones we have been experiencing, the project supplies up to 90 percent of the water needed for the Milk River Basin, which is why it is been coined the “lifeline of the Hi-Line.” I am grateful for this hearing today and I want to urge quick passage.

Senate bill 3450, the Sun River Hydropower Authorization Act, is a bipartisan, bicameral, locally supported bill that would bring new jobs, revenue, and baseload power to central Montana. My bipartisan bill authorizes hydropower production on the Bureau of Reclamation Sun River Project in Montana. It does this while also protecting existing authorizations, like irrigation and flood control. This bill is a win-win for the community. Not only will it create new baseload, very important—but it is renewable energy in Montana, and it is going to create new jobs and a stable revenue source for the irrigation district, ensuring the continued operation of the district for years to come. Specifically, this bill will ensure that we can finally bring power to the Gibson Dam, near Augusta, Montana, which our delegation in Montana and the local community has long, long fought for. This bill is supported from all fronts—local elected officials, county commissioners, electric co-ops, power and ag groups, and national groups.

Chairman Wyden, I would also like to ask unanimous consent that the letters of support be entered into the record.

Senator WYDEN. Without objection, so ordered.

[Letters of support for S. 3450 follow:]



MONTANA STATE SENATE

SENATOR STEVE FITZPATRICK

SENATE DISTRICT 10

HELENA ADDRESS:
STATE CAPITOL
PO BOX 200500
HELENA MT 59620-0500
PHONE: (406) 444-4800

HOME ADDRESS:
3203 15TH AVE S
GREAT FALLS MT 59405
PHONE: (406) 750-6764

May 25, 2022

Sen. Steve Daines
United States Senate
320 Hart Senate Office Building
Washington, D.C. 20510

Dear Sen. Daines:

I am writing to express my support for S. 3540, the Sun River Hydropower Authorization Act. I represent Montana Senate District 10. Senate District 10 encompasses a large portion of the rural areas of Cascade County including areas served by the Greenfields Irrigation District and the Fort Shaw Irrigation District.

The Sun River Hydropower Authorization Act will allow the Bureau of Reclamation to manage the Sun River Project for hydroelectric generation. During my career in public service, I have supported legislation in the Montana Legislature to encourage additional hydroelectric generation in Montana. Hydroelectric generation is renewable and provides a consistent source of baseload power for consumers.

It is my understanding the installation of hydroelectric facilities on the Sun River Project will create jobs and provide an additional revenue source for the Greenfields Irrigation District. This activity will benefit my constituents and those who live in the surrounding areas. Thus, I support your efforts to pass this important piece of legislation for northcentral Montana.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Fitzpatrick".

Steve Fitzpatrick

RESOLUTION 2022-1

Fort Shaw Irrigation District – Board of Commissioners

RESOLUTION TO SUPPORT GREENFIELDS IRRIGATION DISTRICT'S AUTHORIZATION FOR THE SUN RIVER PROJECT TO INCLUDE HYDROPOWER GENERATION

WHEREAS under the tenants of the 1902 Reclamation Act, the Secretary of the Interior, Ethan Hitchcock, authorized construction of the Sun River Project on February 26th, 1906, and that this authorization consisted solely for the purpose of irrigation, and

WHEREAS the Greenfields Division, +83,000 acres, is a part of the Sun River Project, and

WHEREAS the Greenfields Irrigation District (GID), +132,750 acres, was formed on May 29th, 1925, to provide local governance in order to facilitate the day-to-day management of the Greenfields Division, and

WHEREAS the GID entered into an agreement with the Bureau of Reclamation on February 16th, 1926 that provided for repayment of the construction costs for all project infrastructure built prior to 1926 and for those future infrastructure projects scheduled to be built including Gibson Dam and Reservoir finished in 1929, and

WHEREAS Gibson Dam was designed and built with hydropower penstocks protruding through the dam to facilitate future hydropower generation and that these power penstocks were incorporated based on recommendations provided by the Montana Power Company for GID, and

WHEREAS the GID paid for the design and construction of Gibson Dam including the hydropower penstocks and the study that provided for their recommendation as part of the original \$9,500,000 repayment obligation as delineated in the 1926 Reclamation Agreement, and

WHEREAS the GID made the final reimbursement payment to Reclamation on July 8th, 1993, for the original \$9,500,000 repayment obligation as delineated in the 1926 agreement, and

WHEREAS in August 1981, the US Bureau of Reclamation completed an Appraisal Level Study to develop hydropower generation on both Gibson Dam and Diversion Dam (also part of the Sun River Project) for GID and determined that such development was feasible and thus further recommended a Feasibility Level evaluation, and

WHEREAS the GID partnered with a private developer in 1983 to develop hydropower on Gibson Dam but the resulting FERC license was surrendered in 1993 due to an inability to sell or wheel the power, and

WHEREAS the GID again partnered with a private developer in 2004 (FERC License 12478) to develop hydropower on Gibson Dam but construction has yet to begin due to the inability to cost-

effectively construct electrical transmission as mandated by the National Forest Service even though the land being crossed by the transmission route was withdrawn by Reclamation under their 1902 Authority for the needs of the Sun River Project, and

WHEREAS the electricity to be generated represents a reliable and dependable source of clean energy from a renewable resource as managed by the GID and that the power generation would be parasitic to irrigation operations and thus not creating any impacts to reservoir operations or downstream flows in the Sun River, and

WHEREAS the net revenue from the sale of electricity is critical to GID and would allow the District to fund its growing list of aging infrastructure replacement projects characteristic of a +100-year-old irrigation district before a mid-season, catastrophic failure occurs, and

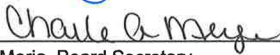
NOW, THEREFORE, upon motion duly made and seconded, at a duly called, convened, and conducted meeting of the Board of Commissioners of the Fort Shaw Irrigation District, at Fort Shaw, Montana on January 20, 2022, it was unanimous, and

BE IT RESOLVED, the Fort Shaw Irrigation District's Board of Commissioners formally supports Montana's Federal Congressional representation crafting the necessary Federal Legislation to amend Project Authorization of Reclamation's Sun River Project to include hydropower generation.

Dated this 20th Day of January, 2022.



President, Lee Signalness

Attest: 

Charla Merja, Board Secretary

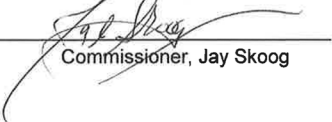


Vice President, Taylor Woods



Commissioner, John Myers

Commissioner, John Stuker



Commissioner, Jay Skoog



August 17, 2021

Honorable Senator Steve Danies
104 4th St. North, Ste 302
Great Falls, MT 59401

SENT VIA EMAIL & REG MAIL

RE: Request to Amend Authorization for the Sun River Project, Central Montana

Dear Senator Daines,

The Greenfield Irrigation District (GID) is seeking to obtain an amendment to the original project authorization for the Sun River Project to include hydropower generation. The Project Authorization should have been amended in 1926 when Gibson Dam and Reservoir was being designed and constructed. This letter presents a justification for that request as well as why that request is critical to GID. Please let me know if additional information is warranted.

BACKGROUND

The following presents the pertinent background facts as it relates to the Sun River and this amendment request.

- 1) The Sun River Project is located in central Montana in the Counties of Teton, Cascade and Lewis & Clark.
- 2) On February 26th, 1906, Under the tenants of the 1902 Reclamation Act, the Secretary of the Interior, Ethan Hitchcock, authorized construction of the Sun River Project and that this initial authorization consisted solely for irrigation.
- 3) The Greenfields Division, +83,000 acres, is a part of the Sun River Project.
- 4) On May 29th, 1925, Greenfields Irrigation District (GID), +132,750 acres, was formed to provide local governance in order to facilitate the day-to-day management of the Greenfields Division of the Sun River Project.
- 5) On February 16th, 1926, GID entered into an agreement with the Bureau of Reclamation that provided for repayment of the construction costs of all project infrastructure built prior to 1926 and for those future infrastructure projects scheduled to be built including Gibson Dam and Reservoir finished in 1929.
- 6) Gibson Dam was designed and built with hydropower penstocks protruding through the concrete dam to facilitate future hydropower generation and that these power penstocks were incorporated based on recommendations provided by the Montana Power Company for GID.
- 7) GID paid for the design and construction of Gibson Dam including the hydropower penstocks and the study that provided for their recommendation as part of the original \$9,500,000 repayment obligation as delineated in the 1926 Reclamation Agreement.
- 8) On July 8th, 1993, GID made the final reimbursement payment to Reclamation for the original \$9,500,000 repayment obligation as delineated in the 1926 agreement.

- 9) In August 1981, the US Bureau of Reclamation completed an Appraisal Level Study to develop hydropower generation on both Gibson Dam and Diversion Dam (also part of the Sun River Project) for GID and determined that such development was feasible and thus further recommended a Feasibility Level evaluation.
- 10) In 1983, GID partnered with a private developer to develop hydropower on Gibson Dam, but the resulting FERC license was surrendered in 1993 due to an inability to sell or wheel the power.
- 11) In 2004, GID again partnered with a private developer (FERC License 12478) to develop hydropower on Gibson Dam, but construction has yet to begin due to the inability to cost-effectively construct electrical transmission as mandated by the National Forest Service even though the land being crossed by the transmission route was withdrawn by Reclamation for the needs of the Sun River Project under their 1902 Authority.

JUSTIFICATION FOR AMENDING PROJECT AUTHORIZATION

The Project Authorization in 1906 only listed irrigation as a project purpose. Twenty years later, in 1926, the construction of Gibson Dam began and was under the administration of the Bureau of Reclamation. As part of the design, the Montana Power Company had prepared recommendations to incorporate features into the construction of Gibson Dam that would facilitate future hydropower production. Under the 1926 repayment obligation agreement with Reclamation, GID was responsible for reimbursing all the costs necessary for studies, engineering, and construction for Gibson Dam as well as all previous construction. These costs also included acquiring (buying) private land within the National Forest Service boundaries that would be impacted by either the dam or the resulting reservoir. GID was 100% responsible for the related costs because Gibson Dam and Reservoir only benefited GID. The Fort Shaw Irrigation District (FSID, the other member of the Sun River Project) does not have any storage rights associated with Gibson Reservoir. Therefore, the FSID had no monetary obligation towards initial construction nor the subsequent and on-going O&M.

The "Final Report on Design and Construction, Gibson Dam" prepared by Reclamation in 1930 references the power outlets as "To provide for future power development in connection with reservoir operation..." The power estimates and preliminary designs for a power plant along the south side of the river had been prepared by the Montana Power Company.

Based on a review of the historical records, it appears that the existing outlet works at the base of Gibson Dam were sized for normal discharges required for District operations, i.e., for the discharge of irrigation water. The capturing of the potential hydropower was always intended at a later date by GID and was to be achieved by simply tapping onto the outlet pipes downstream of the existing valves. The referenced auxiliary power penstocks were designed and installed at an elevation 4650, approximately 90 feet above the bottom outlet works to capture and generate power from flows greater than 3,000 cfs that would be lost down the emergency spillway.

Again, the auxiliary power penstocks allowed for additional releases of water and additional power generation above the capacity of the bottom outlet works which permitted use of excess

Request to Amend Sun River Project Authorization
August 17, 2021
Page 3 of 5

inflows rather than being wasted down the emergency spillway. Not only does this maximize power generation but use of the auxiliary penstocks also enables dam operations to increase discharges thus creating the ability to implement flood control measures. This would be a tremendous benefit to the downstream landowners. This flood control opportunity was investigated and studied jointly by the U.S. Army Corps of Engineers and Reclamation and Reclamation produced an engineering report in December 1962 which demonstrated its feasibility.

Normal reservoir releases and power generation was to be accomplished by the lower outlet works when the reservoir was being drawn down and especially when reservoir levels dropped below 4650. Strategic placement of power outlets at an elevation of 4650 kept the design hydrostatic pressures below 30 psi at the level of the penstock power outlet penetrations. The power penstocks installed during the construction of Gibson Dam are shown below.



Photo showing two, 6-ft diameter, power penstocks constructed at elevation 4660 to facilitate future hydropower development. Note the top of the concrete wall on the dam crest has an elevation of 4729.

It is apparent that considerable thought and engineering was completed in the design and construction of Gibson Dam that would facilitate the future development of hydropower generation. To say power generation is not an authorized use may be technically correct but ignores the effort Reclamation employed to incorporate the potential for future hydropower generation into the construction of the dam. And since GID reimbursed Reclamation for the overall dam construction and to have the penstocks installed during construction, the District has a vested interest in the eventual hydropower development. In hindsight, Reclamation or GID should have initiated a request to amend the Project Authorization to include hydropower generation nearly 100 years ago once the engineering designs and construction were

Request to Amend Sun River Project Authorization
August 17, 2021
Page 4 of 5

completed. Amending the Project Authorization for the Sun River Project acknowledges the existing hydropower penstocks as well as GID's long-standing intent to develop hydropower on Gibson Dam, a major component of the Sun River Project.

REASONS FOR AMENDING PROJECT AUTHORIZATION

Amending the Project Authorization for the Sun River Project will facilitate and expedite GID's long-standing desire and need to complete hydropower development on Gibson Dam. The hydraulic energy of water exiting the dam is incredible (see photo below). The electricity to be generated represents a reliable and dependable source of clean energy from a renewable resource as managed by the GID and that the power generation would be parasitic to current reservoir operations. This means there would be no detrimental impacts to GID's supply of irrigation water, nor would this development create any environmental impacts or alterations to reservoir operations and downstream flows in the Sun River.



Note the magnitude of hydraulic energy available to generate clean, reliable, dependable, renewable electricity on Gibson Dam. During higher flows, the existing power penstocks would allow additional energy production of water normally lost down the emergency spillway and provide for flood control opportunities.

The net revenue from the sale of electricity is critical to GID and would allow the District to fund its growing list of aging infrastructure replacement projects characteristic of a +100-year-old irrigation district before catastrophic failure occurs. The revenue would also allow GID to modernize its infrastructure as well as its current mode of water delivery which was designed and built over 100-years-ago to support flood-style of irrigation. This infrastructure replacement and modernization overhaul effort is expected to cost over \$75,000,000 in the next 50 years.

Request to Amend Sun River Project Authorization
August 17, 2021
Page 5 of 5

This cost cannot be borne on the backs of the GID producers and water users. Once on-line, hydropower production on Gibson Dam would gross well over \$2,000,000 per year. This revenue is critical to GID's future and will help ensure the viability and sustainability of irrigation for the Sun River Project.

The governing Board of the Greenfields Irrigation District, who represent over 750 landowners and water users, would appreciate your congressional assistance to amend Reclamation's Authorization for the Sun River Project to include hydropower development by GID as that is what was intended when Gibson Dam was designed and built.

The staff and management of GID is at your disposal to facilitate and expedite this effort. Please contact us if you required any supporting information or additional clarification.

On behalf of the Greenfields Irrigation District Board of Commissioners
Respectfully,



Erling A. Juel, P.E.
District Manager

C: GID Board
Sen. Testor
Rep. Rosendale

Attach: GID Board Resolution 2021-2



RESOLUTION 2021-2

Greenfields Irrigation District – Board of Commissioners

RESOLUTION TO AMEND AUTHORIZATION FOR THE SUN RIVER PROJECT TO INCLUDE HYDROPOWER GENERATION

WHEREAS under the tenants of the 1902 Reclamation Act, the Secretary of the Interior, Ethan Hitchcock, authorized construction of the Sun River Project on February 26th, 1906, and that this authorization consisted solely for the purpose of irrigation, and

WHEREAS the Greenfields Division, +83,000 acres, is a part of the Sun River Project, and

WHEREAS the Greenfields Irrigation District (GID), +132,750 acres, was formed on May 29th, 1925, to provide local governance in order to facilitate the day-to-day management of the Greenfields Division, and

WHEREAS the GID entered into an agreement with the Bureau of Reclamation on February 16th, 1926 that provided for repayment of the construction costs for all project infrastructure built prior to 1926 and for those future infrastructure projects scheduled to be built including Gibson Dam and Reservoir finished in 1929, and

WHEREAS Gibson Dam was designed and built with hydropower penstocks protruding through the dam to facilitate future hydropower generation and that these power penstocks were incorporated based on recommendations provided by the Montana Power Company for GID, and

WHEREAS the GID paid for the design and construction of Gibson Dam including the hydropower penstocks and the study that provided for their recommendation as part of the original \$9,500,000 repayment obligation as delineated in the 1926 Reclamation Agreement, and

WHEREAS the GID made the final reimbursement payment to Reclamation on July 8th, 1993, for the original \$9,500,000 repayment obligation as delineated in the 1926 agreement, and

WHEREAS in August 1981, the US Bureau of Reclamation completed an Appraisal Level Study to develop hydropower generation on both Gibson Dam and Diversion Dam (also part of the Sun River Project) for GID and determined that such development was feasible and thus further recommended a Feasibility Level evaluation, and

WHEREAS the GID partnered with a private developer in 1983 to develop hydropower on Gibson Dam but the resulting FERC license was surrendered in 1993 due to an inability to sell or wheel the power, and

WHEREAS the GID again partnered with a private developer in 2004 (FERC License 12478) to develop hydropower on Gibson Dam but construction has yet to begin due to the inability to cost-effectively construct electrical transmission as mandated by the National Forest Service even though

the land being crossed by the transmission route was withdrawn by Reclamation under their 1902 Authority for the needs of the Sun River Project, and

WHEREAS the electricity to be generated represents a reliable and dependable source of clean energy from a renewable resource as managed by the GID and that the power generation would be parasitic to irrigation operations and thus not creating any impacts to reservoir operations or downstream flows in the Sun River, and

WHEREAS the net revenue from the sale of electricity is critical to GID and would allow the District to fund its growing list of aging infrastructure replacement projects characteristic of a +100-year-old irrigation district before a mid-season, catastrophic failure occurs, and

NOW, THEREFORE, upon motion duly made and seconded, at a duly called, convened, and conducted meeting of the Board of Commissioners of the Greenfields Irrigation District, at Fairfield, Montana on August 17th, 2021, it was unanimous, and

BE IT RESOLVED, the Greenfields Irrigation District's Board of Commissioners formally requests Montana's Federal Congressional representation craft the necessary Federal Legislation to amend Project Authorization of Reclamation's Sun River Project to include hydropower generation; and also

BE IT FURTHER RESOLVED, the GID Commissioners authorize its District Manager to act as its agent and Point of Contact to gather, summarize, and disseminate all necessary information to facilitate and expedite Montana's Federal Congressional staff to amend Project Authorization to include hydropower generation.

Dated this 17th day of August 2021.



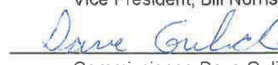
President, Tim Brunner

Attest: 

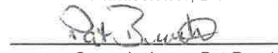
Jenny Gulick, Board Secretary



Vice President, Bill Norris



Commissioner, Dave Gulick



Commissioner, Pat Brosten



Commissioner, Chase Brady



*Montana
Water Resources
Association*

*P.O. Box 4927 • Helena, Montana 59604 • (406) 235-4555
Email: mwra_h2o@msn.com*

January 2022

Senate Committee on Energy and Natural Resources
Honorable Senator Joe Manchin, Chairman
304 Dirksen Senate Building
Washington, D.C. 20510

Re: Support for S. 3450, Sun River Hydropower Authorization Act

Dear Honorable Senator Manchin:

Montana Water Resources Association is writing in support of Greenfields Irrigation District's (GID) request to add hydroelectric power generation to existing Sun River Project authorization. Adding hydroelectric power generation to project authorization will enable GID to partner with the Bureau of Reclamation to provide for efficient and beneficial use of the water right associated with the existing irrigation project without adversely impacting existing use, other existing water rights, or the environment. The additional authorization will allow GID to produce clean renewable energy, generating operating revenue and funding that will provide for necessary infrastructure improvements and replacements.

Greenfields Irrigation District has an enormous economic impact to the region. Additional Sun River Project authorization allowing for completion of hydroelectric power generation will provide tremendous economic benefit and an opportunity to encompass modern technology in order to improve operational and water use efficiency. In addition to irrigated agriculture, the District has substantial impact on the overall Sun River Watershed. Adding hydroelectric power generation authorization will help GID expedite plans to overhaul and modernize long-standing needs of aging infrastructure that will also benefit the watershed. Adding hydroelectric power generation authorization will enhance water management practices and District viability for future generations of agricultural producers.

Thank you for your thoughtful consideration of S. 3450, Sun River Hydropower Authorization Act. Please don't hesitate to call if I can provide additional information regarding MWRA support and related benefits to agriculture, watershed health, and rural Montana communities.

Sincerely,

A handwritten signature in black ink that reads "Michael E. Murphy". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Michael E. Murphy
Executive Director

cc: Senator Steve Daines
Senator Jon Tester
Ryan Newman, BOR

"Montana's Voice for Montana's Water"



Montana Electric Cooperatives' Association

DeeDee Isaacs
President

Larry Trexler
Vice President

Dennis Nelson
Secretary/Treasurer

Gary Wiens
Chief Executive
Officer

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510
by email to: Joshua_Sizemore@daines.senate.gov

Dear Senator Daines:

I am writing on behalf of the Montana Electric Cooperatives' Association (MECA) to express our strong support for passage of the Sun River Hydropower Authorization Act, (S. 3450/H.R. 6369).

MECA represents 25 electric distribution co-ops in Montana, including Sun River Electric Cooperative. Together, these 25 co-ops provide electricity to about 40 percent of the state's population.

The majority of the transmission line to deliver power from the Gibson Dam will follow the current pole line of the Sun River Electric Cooperative distribution system. The co-op refreshed the easements on the route to include transmission as well as the lower-voltage distribution lines. When the project is completed, Sun River Electric will own the line and will collect a power wheeling fee from the project owners.

In addition to the benefit of the wheeling fees, project owner Greenfield Irrigation District is a member of Sun River Electric. So, from that perspective, because the project makes sense for the co-op member, it makes sense for the co-op.

Thank you for your consideration of our support for the Sun River Hydropower Authorization Act.

Sincerely,

Gary Wiens
CEO
Montana Electric Cooperatives' Association

501 Bay Drive P.O. Box 1306 Great Falls, MT 59403
Phone: (406) 761-8333 • Fax: (406) 761-8339 • meca@mtco-ops.com



The Honorable Steve Daines
United States Senate
320 Hart Senate Office Building
Washington, DC 20510

The Honorable Jon Tester
United States Senate
311 Hart Senate Office Building
Washington, DC 20510

The Honorable Matt Rosendale
United States House of Representatives
1037 Longworth House Office Building
Washington, DC 20510

May 19, 2022

Dear Senators and Representative:

On behalf of the National Hydropower Association (NHA) I write to express our strong support for S. 3450, *Sun River Hydropower Authorization Act*, and its companion legislation, H.R. 6369. These bills would allow for hydropower generation at the Bureau of Reclamation's Sun River Project.

The NHA is a nonprofit national association dedicated exclusively to preserving and expanding clean, renewable, affordable hydropower and marine energy. The hydropower industry produces more than 6.6% of electricity in the United States and is responsible for 38% of domestic renewable electricity production. Our membership is comprised of more than 250 organizations, including independent power producers, utilities, hydropower developers, lawyers, engineers, and companies in the hydropower supply chain.

NHA believes retrofitting existing non-powered dams for hydroelectricity generation is an important way to increase our nation's clean energy output and enhance grid reliability. The Department of Energy's Hydropower Vision report notes that retrofitting nonpowered dams with hydroelectricity generation could add an additional 12 gigawatts of capacity to grid.¹ NHA commends the Montana Congressional Delegation for recognizing the power potential at the Gibson Dam and for taking legislative action to facilitate hydropower production at this facility. If this proposal is built, it could produce enough electricity to power more than 10,000 homes² while creating new revenue streams to maintain important infrastructure in the Greenfields Irrigation District.³ NHA fully supports your proposal and looks forward to collaborating to see it enacted.

Sincerely,

Malcolm Woolf
CEO and President
National Hydropower Association

¹ See Hydrovision, p. 57

² See Nuclear Regulatory Commission, What is a Megawatt (noting that a megawatt of capacity will produce electricity to power between 400–900 homes).

³ See Billings Gazette, Bill Would Build Power Plant on Mantar's Gibson Reservoir, T. Lutey. [Available online](#)



9817 N.E. 54th St., Ste. 200, Vancouver, WA, 98662-6064
(360) 254-0109 | www.nwppa.org

January 24, 2022

The Honorable Steven Daines
United States Senate
320 Hart Senate Office Building
Washington, DC 20510

The Honorable Jon Tester
United States Senate
311 Hart Senate Office Building
Washington, DC 20510

Dear Senators:

On behalf of the Northwest Public Power Association (NWPPA) I write to express our strong support for S. 3450, the Sun River Hydropower Authorization Act. This bill would allow for hydropower generation in the Bureau of Reclamation's Sun River Project.

NWPPA is an international trade association comprised of 155 consumer-owned electric utilities in the Western United States and British Columbia. NWPPA's members include rural electric cooperatives, municipal utilities, and people's or public utility districts in Alaska, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and Canada. These utilities employ approximately 20,000 people and serve approximately 5 million customers.

NWPPA members strongly support development of hydropower generation as a carbon-free electricity generation resource. Hydropower also provides the benefits of adding resiliency, flexibility, and reliability to the electric grid. Adding hydropower to the Sun River Project, including at Gibson Dam, would capitalize on an opportunity to add hydropower resources to an existing facility that was intended for this purpose. This will allow the addition of carbon-free power generation while preserving other project purposes.

We appreciate your work in preparing and introducing this legislation. As Congress works to enact legislation to help achieve clean energy goals, S. 3450 deserves prompt consideration and has our strong support.

Sincerely,

A handwritten signature in black ink that reads "Scott Corwin". The signature is written in a cursive style.

Scott Corwin
Executive Director



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE ROSS H. FITZGERALD
HOUSE DISTRICT 17

HELENA ADDRESS:
CAPITOL BUILDING
PO BOX 200400
HELENA MT 59620-0400
PHONE: (406) 444-4800

HOME ADDRESS:
451 1ST ROAD NE
FAIRFIELD MT 59436
PHONE: (406) 467-2032
MOBILE: (406) 788-1443
EMAIL: rep.ross.fitzgerald@mt.gov

07 January, 2022

RE: Daines / Tester – S 3450, Sun River Hydropower Authorization Act

Chairman Manchin & Ranking Member Barrasso
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, DC 20510

Please be advised that hydropower (renewable energy) is in short supply for our growing population and businesses in Montana... therefore be it known that I overwhelmingly support **S.3450 "Sun River Hydropower Authorization Act"**.

A positive decision authorizing of hydropower for the Sun River Project is a high priority of House District 17 and all of Montana... I urge a favorable vote to make permanent this USBR license.

Thanks in advance for your consideration of this very critical request.

A handwritten signature in blue ink that reads "Ross H. Fitzgerald".

Respectfully,

Representative Ross H Fitzgerald

Montana House District 17

Fairfield, Montana

406-788-1443



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE ROSS H. FITZGERALD
HOUSE DISTRICT 17

HELENA ADDRESS:
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PO BOX 200400
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PHONE: (406) 444-4800

HOME ADDRESS:
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FAIRFIELD MT 59436
PHONE: (406) 467-2032
MOBILE: (406) 788-1443
EMAIL: rep.ross.fitzgerald@mt.gov

07 January, 2022

RE: **Rosendale – H.R. 6369, Sun River Hydropower Authorization Act**

Chairman Grijalva
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Ranking Member Westerman
House Committee on Natural Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Representative Matt Rosendale
1037 Longworth HOB
Washington, DC 20515

Please be advised that hydropower (renewable energy) is much in short supply for our growing population and businesses in Montana... therefore be it known that I overwhelmingly support **H.R. 6369 “Sun River Hydropower Authorization Act”**.

A positive decision authorizing of hydropower for the Sun River Project is a high priority of House District 17 and all of Montana...I urge a favorable vote to make permanent this USBR license.

Thanks in advance for your consideration of this very critical request.

Respectfully,

A handwritten signature in blue ink that reads "Ross H. Fitzgerald".

Representative Ross H Fitzgerald
Montana House District 17
Fairfield, Montana
406-788-1443

5-20-2022

U.S. Senator Steve Daines
104 4th Street ~~South~~^{North}, Ste 302
Great Falls, MT 59401

Dear Committee members:

I am urging the committee to support passage of S. 3450 Sun River Hydro power Authorization Act. This project has been on the burner since pre 2015 and could sure use a thorough hearing. The merits are many and will really benefit this part of Montana. In addition to a stable source of renewable energy would be irrigation water for crop production and security of additional jobs for a rural community. Our food source and fuel supply will be enhanced as well as a sustainable energy supply. With our very cold winters and hot summers. These benefits are doubly important to our citizens & the Montana economy. Thank you so much.

Montana State Senator
Bruce "Butch" Gillespie



Sun River
ELECTRIC COOPERATIVE INC.

February 1, 2022

The Honorable Steven Daines
United States Senate
320 Hart Senate Office Building
Washington D.C. 20510

Dear Senator:

On behalf of Sun River Electric Cooperative, I write to express our support for S. 3450, the Sun River Hydropower Authorization Act. This bill would allow for hydropower generation in the Bureau of Reclamation's Sun River Project.

Sun River Electric Cooperative is the local cooperative that serves the area of this proposed project. We encourage the use of hydro generation because of the renewable aspects and consistency of the generation from hydro projects.


This authorization will allow the Greenfields Irrigation District to potentially offset operation and maintenance costs as the generation output is produced and delivered. The additional benefit of using the water runoffs of the Rocky Mountain Front for electric generation as well as irrigation make this project a win for its district members, the environment, and the regional electric generation portfolio.

Sun River Electric strongly supports this hydropower project and thank you for your influence in crafting this legislation to benefit the local, regional, state, and national electric hydro production by supporting projects such as the Sun River Hydropower Authorization Act.

Sincerely,

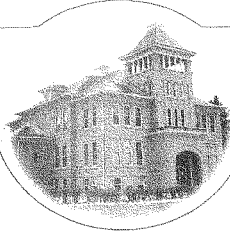

Brad Bauman
GM/CEO


John Burgmaier
Board President

A Touchstone Energy[®] Cooperative 

310 1st Avenue South • P.O. Box 309 • Fairfield, Montana 59436
Phone (406) 467-2526 • 1-800-452-7516 • Fax (406) 467-3108
www.sunriverelectric.coop

TETON COUNTY
MONTANA



BOARD OF COUNTY COMMISSIONERS
P.O. Box 610
Choteau, MT 59422

Office: (406) 466-2151 • Fax: (406) 466-3244

January 20, 2022

Chairman Manchin & Ranking Member Barrasso
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
304 Dirksen Senate Building
Washington, DC 20510

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, DC 20510

Chairman Grijalva
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Ranking Member Westerman
House Committee on Natural Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Representative Matt Rosendale
1037 Longworth HOB
Washington, DC 20515

Greenfield Irrigation District
P.O. Box 157
Fairfield, MT 59436

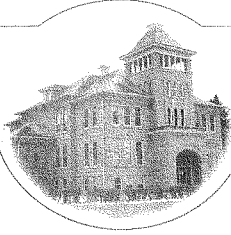
Sun River Electric Cooperative
P.O. Box 309
Fairfield, MT 59436

R.F. "Sam" Carlson
District #1
scarlson@tetoncountymt.gov

Joe Dellwo
District #2
jdellwo@tetoncountymt.gov

Richard "Dick" Snellman
District #3
rsnellman@tetoncountymt.gov

TETON COUNTY
MONTANA



BOARD OF COUNTY COMMISSIONERS
P.O. Box 610
Choteau, MT 59422

Office: (406) 466-2151 • Fax: (406) 466-3244

RE: S.3450/H.R.6369

To Whom It May Concern:

In regards to the new bill introduced to authorize hydropower at the Gibson Dam in the southern portion of Teton County, we would like to offer our support for the project. Teton County recognizes the need for a cleaner energy source, the creation of new jobs, the revenue generated for the Sun River Electric Co-op, the increase to the tax base and the critical investment in the Greenfield Irrigation District's infrastructure as benefits to all residents of Teton County.

In a time when cleaner energy solutions are so vital to the future generations of Montanans, opportunities like this are valuable in so many ways. The reduction of carbon emissions, creation and storage of energy as well as the impact the work will have on the local economies is essential to the growth in rural Montana. Teton County is proud to support this project and wishes to thank our lawmakers for their hard work in these efforts.

Sincerely,

Joe Dellwo, Teton County Commission Chairman

Dick Snellman, Teton County Commissioner

Sam Carlson, Teton County Commissioner

R.E. "Sam" Carlson
District #1
scarlson@tetoncountymt.gov

Joe Dellwo
District #2
jdellwo@tetoncountymt.gov

Richard "Dick" Snellman
District #3
rsnellman@tetoncountymt.gov

Senator DAINES. I hope this bill can pass quickly. Thank you, Mr. Chairman.

Senator WYDEN. I look forward to working with you on it, Senator Daines.

Commissioner, thank you so much for your patience. This has been a little bit unorthodox today. We have had lots of senators. We have lots of votes. We are going to call yet one more audible.

I am going to run and vote. My colleague from Nevada, who just voted, is going to preside as you offer your testimony. She will begin the questioning then. Then we will go to my colleague, the Ranking Minority Member, and I will be back shortly.

So, I thank my colleague. I give her the gavel, and Commissioner, we look forward to working with you and appreciate your patience.

Ms. TOUTON. Thank you, Mr. Chairman.

Senator CORTEZ MASTO [presiding]. Thank you.

Commissioner, welcome and congratulations on being a new mother.

Ms. TOUTON. Thank you very much, Senator. Good to see you.

Senator CORTEZ MASTO. Wonderful. Wonderful to add another person from Nevada.

Ms. TOUTON. Yes.

Senator CORTEZ MASTO. Well, technically from Nevada, and important issues like drought that you and I have talked about. So thank you again for always being here.

Let me start with a subject that you and I have talked about, which is the issue of drought in the West—excuse me?

Oh, I am sorry, have you not given your testimony yet?

Ms. TOUTON. No, ma'am, but I am happy to answer your question.

Senator CORTEZ MASTO. Oh, I am so sorry. So, everybody, I did not realize that. So, Senators, right now, we have just been giving openings and you still have not had a chance?

Ms. TOUTON. Yes, Senator.

Senator CORTEZ MASTO. Well, we have to make sure that you have a chance. Please give you opening statement. We are so pleased to have you here.

OPENING STATEMENT OF HON. CAMILLE C. TOUTON, COMMISSIONER OF RECLAMATION, BUREAU OF RECLAMATION, U.S. DEPARTMENT OF THE INTERIOR

Ms. TOUTON. Thank you. Good afternoon, Senator Cortez Masto. Good afternoon, Ranking Member Hyde-Smith, Chairman Wyden, Ranking Member Barrasso and members of this Committee. My name is Camille Calimlim Touton, and I serve as the Commissioner of the Bureau of Reclamation, and I am thankful for the opportunity to be here today to provide our views, and also the extreme confidence of this Committee in my ability to cover 16 bills, nearly 300 pages of legislative text in five minutes, and I will do my best to do so.

The West is experiencing an unprecedented drought, and in most watersheds, there has been successive and compounding years of dry hydrology coupled with record low reservoir levels. The drought highlights the need for immediate actions as well as for thoughtful

planning and on-the-ground work to make both our infrastructure and our operational decisions more resilient to withstand future water resource scarcity and variability. Fortunately, with resources made available by Congress and this Committee through the Bipartisan Infrastructure Law, Reclamation has been able to prioritize and accelerate projects that will create new water supplies. Earlier this month we celebrated the six-month anniversary of the President's signing the Bipartisan Infrastructure Law, and in the past six months, Reclamation has engaged with numerous stakeholders, with states, with tribes, all across the west, and certainly, with Congress, and through those discretions our allocation of FY22 monies over the last six months includes \$245 million for water recycling, \$210 million for surface water storage, \$420 million for rural water, \$240 million for aging infrastructure, \$100 million for safety of dams, and \$160 million for WaterSMART grants. In addition, Reclamation has integrated bill funding with its Fiscal Year 2023 regular budget for high-priority programs like dam safety and extraordinary maintenance. Included in our 2023 request is \$99.7 million for extraordinary maintenance activities for our infrastructure, part of a strategy to improve asset management and deal with aging infrastructure to ensure continued reliable delivery of water and power, all of which is complemented by our May 9th announcement, an allocation of \$240 million for aging infrastructure.

Like the Bipartisan Infrastructure Law, the legislation being considered today seeks to address the challenges Reclamation faces across the West and into the future. It addresses the issues of infrastructure—weather conveyance systems in California as part of S. 1179. This Department supports the intent of this legislation in repairing conveyance capacity.

Conveyances that include urban canals are addressed in S. 4175. We understand the intent of this legislation. I personally have seen the New York Canal in Boise, and we would like to work with the bill's sponsor to address concerns and provide technical corrections.

Legislation also includes project-specific bills, as we have heard today, including, S. 737, and we appreciate the work to address previous concerns and look forward to working with the Committee and the sponsor on this legislation.

S. 3971 modifies a cost-share for certain Reclamation projects in Oklahoma. Revisions to the bill that are considered, including 4233, as Ranking Member Barrasso mentioned, and Reclamation supports the goal of addressing emergency or structure failures at our facilities, and the Department looks forward to working with the sponsor and the Committee on proposed amendments to the bill, including S. 4176, as mentioned by Senator Risch.

Several pieces of legislation focus on power, whether encouraging new hydropower development as part of S. 3450 in Sun River, making project power available as part of S. 1554, or dealing with the challenges of a declining hydropower resource in the Colorado River Storage Project system as part of S. 4232. As a threshold matter, Reclamation supports the goals of providing clean energy to Americans, and we look forward to working with the sponsors, including on S. 4232, that address the goal of the bill and minimize unintended complexities in their hydropower program.

Several pieces of legislation look to build resiliency through the development of new water supplies, as addressed by S.953, and Reclamation supports the goals of water recycling and drought resiliency through the establishment of large-scale water recycling projects as part of S.2334.

And we understand the intent and look forward to working with the sponsor on S.4231.

S.4236, as Senator Heinrich mentioned, provides a national data framework, looks at an integrated plan at the Rio Grande, and reauthorizes the Pueblo Irrigation Grant Program. Reclamation supports the extension of the Rio Grande Pueblo authorization and looks forward to working with the delegation and the Committee on the other goals of this bill.

Finally, we look at legislation that addresses ecosystem needs, whether the fish recovery programs, as Senator Hickenlooper mentioned in S.3693, work on restoration of the Salton Sea as part of 2693 that Senator Padilla mentioned, and the Watershed Pilot Project as part of the Chairman's bill, S.3539. The Department recognizes the bills before the Committee today and seeks to address impacts from the ongoing drought with more resilient ecosystems as well as repair our aging infrastructure and appreciates the work of all the bill sponsors.

I would also like to take a moment to recognize that earlier this month, we had a public service recognition week. There are 5,400 employees, the public servants that make up the Bureau of Reclamation. We are talking infrastructure here, but our infrastructure is just concrete and rebar without those people doing that work in the unprecedented drought in a global pandemic and certainly with the challenges and the tragedy that we saw in Texas yesterday. I look forward to discussing the legislation in more detail for your questions and to continue to work with the bill's sponsors and the Committee as we move forward.

Happy to answer questions at this time.

[The prepared statement of Ms. Touton follows:]

**Statement of Camille Calimlim Touton,
Commissioner,
Bureau of Reclamation**

U.S. Department of the Interior

**Before the U.S. Senate Committee on Energy and Natural Resources,
Subcommittee on Water and Power**

on

S. 737, St. Mary's Reinvestment Act; S. 953, Water Conservation and Farming Act; S. 1179, Canal Conveyance Capacity Restoration Act; S. 1554, To make certain irrigation districts eligible for Pick-Sloan Missouri Basin Program pumping power, and for other purposes; S. 2334, Large Scale Water Recycling Project and Drought Resiliency Investment Act; S. 2693, Salton Sea Projects Act; S. 3450, Sun River Hydropower Authorization Act; S. 3539, Watershed Results Act; H.R. 5001 and S. 3693, Upper Colorado and San Juan River Basins Act; S. 3971, To amend the America's Water Infrastructure Act of 2018 to modify a provision relating to cost-sharing requirements applicable to certain Bureau of Reclamation dams and dikes, and for other purposes; S. 4175, To amend the Omnibus Public Land Management Act of 2009 to authorize certain extraordinary operation and maintenance work for urban canals of concern; S. 4176, To amend the Infrastructure Investment and Jobs Act to modify the eligibility requirements for certain small water storage and groundwater storage projects and to authorize the use of funds for certain additional Carey Act projects, and for other purposes; S. 4231, Support to Rehydrate the Environment, Agriculture, and Municipalities (STREAM) Act; S. 4232, To address the recovery of certain costs with respect to certain Reclamation facilities in the Colorado River Basin, and for other purposes; S. 4233, Platte River Basin Critical Maintenance and Repair Act; and S. 4236, To provide for a national water data framework, to provide for the water security of the Rio Grande Basin, to reauthorize irrigation infrastructure grants, and for other purposes

May 25, 2022

Chairman Manchin, Ranking Member Barrasso and members of the Committee, I am Camille Calimlim Touton, Commissioner for the Bureau of Reclamation (Reclamation). I am pleased to provide the views of the Department of the Interior (Department) on these pieces of legislation.

The West is experiencing unprecedented drought, and in most Western watersheds there have been successive and compounding years of dry hydrology. Even in basins where precipitation has been close to normal, many Reclamation facilities are experiencing much lower-than-average runoff and inflows in water year 2022 due to extremely dry soil conditions, lower snow water content, and hotter temperatures. Meanwhile, storage in Reclamation's major reservoirs and across the West is also below average at many facilities. Reclamation is working with States, Tribes, agriculture, power customers, municipalities, conservation organizations, and other stakeholders on addressing drought conditions and impacts. Reclamation is working alongside Department of the Interior (DOI) agencies and other federal agencies to ensure drought actions complement the work of these partners.

The drought highlights the need for immediate actions as well as for thoughtful planning and on-the-ground work to make both our infrastructure and operational decisions more resilient to withstand future water resource scarcity and variability.

Fortunately, with resources made available by Congress through the Bipartisan Infrastructure Law (BIL), Reclamation has been able to prioritize and accelerate projects that will create new water supplies. In addition, Reclamation has integrated BIL funding with its fiscal year (FY) 2023 regular budget funding for high-priority programs such as Dam Safety, to address continued critical infrastructure needs and effectively manage risks to the downstream public. The 2023 budget also requests \$99.7 million for extraordinary maintenance activities across Reclamation—part of a strategy to improve asset management and deal with aging infrastructure to ensure continued reliable delivery of water and power, all of which is complemented by the May 9, 2022 allocation of \$240.4 million for aging infrastructure from the BIL.

The Department recognizes the bills before the Committee today seek to address impacts from the ongoing drought, building more resilient ecosystems, as well as our aging infrastructure and appreciates the work of all bill sponsors. We look forward to continuing our work with the bill sponsors and the Committee as they move forward.

S. 737, St. Mary's Reinvestment Act

S. 737 would provide direct authorization to the federal government to rehabilitate the St. Mary Diversion Dam and Canal Headworks, which are part of the Milk River Project in Montana, using appropriated funds. The Department recognizes the importance of this federal project in serving the people of Montana and is aware of the affordability concerns of the project beneficiaries. As part of the Bipartisan Infrastructure Law, the Department announced earlier this month that it has allocated \$85 million of BIL funds for the St. Mary Canal diversion and headworks replacement project in Reclamation's FY 2023 BIL Spend Plan. The project will include a large fish bypass structure to accommodate upstream and downstream movement of the bull trout, listed as federally threatened, as well as prevent fish entrainment into the canal. The \$85 million will be used to award the construction contract and fund staff time in support of this contracting action and project. Staff time will include acquisitions, project management, staff time for submittal review, site prep conducted in-house, and general coordination/collaboration with the Blackfeet Tribe and stakeholders.

S. 737 requires Reclamation to conduct an Ability-to-Pay study on the costs of the St. Mary Canal Rehabilitation Phase 1 Project "[n]ot later than 1 year after the date on which funds are first appropriated for the St. Mary Canal Rehabilitation Phase 1 Project under subsection (f)." Importantly, the bill defines the canal rehabilitation project as inclusive of "any activity associated with the construction of the St. Mary Diversion Dam or St. Mary Canal Headworks within the St. Mary Storage Unit of the Milk River Project." Section 3(e) would then require Reclamation to establish repayment terms for federal funding of the rehabilitation project based on results of the ability to pay study.

At the request of the Joint Board of Control, Reclamation is currently preparing an Ability-to-Pay Study for the Milk River Project. A draft is in process, and once the study is finalized, the results could be used for the purposes identified in the proposed bill. Until the study is finalized,

it is not known whether the results would support a reduction in the percentage of costs for which the JBOC would otherwise be responsible for the St. Mary Canal Rehabilitation Phase 1 Project.

Regardless of the result of the Ability-to-Pay study, Section 3(c) would require the federal government to provide no less than 26.04 percent of the St. Mary Canal Rehabilitation Phase 1 Project total cost, to be non-reimbursable to the United States. Reclamation is not currently authorized to consider ability-to-pay in requiring repayment of less than the beneficiaries' allocated share of rehabilitation and replacement costs, notwithstanding the direction in S. 737. Ability-to-Pay studies typically are completed for new project construction costs allocated to irrigation, absent specific project authority. An Ability-to-Pay study to determine the non-federal cost share as directed in this bill would be completed consistent with Reclamation's current practice where it is currently applicable. Finally, the bill authorizes the appropriation of \$52 million to the Secretary for Phase 1 for the period FY 2022 through FY 2032.

In June 2020, the Department testified on H.R. 2492, the St. Mary's Reinvestment Act in the 116th Congress and subsequently provided additional comments on the bill. The Department testified again in the House in June 2021 on the companion bill to S. 737, H.R. 1851. S. 737 addresses many of the comments raised in the 116th Congress. The Department appreciates the work to address previous concerns regarding cost share and other issues and looks forward to working through any remaining issues with the sponsor and the Committee on the legislation.

S. 953, Water for Conservation and Farming Act

The Water for Conservation and Farming Act, S. 953, seeks to address drought in the west by improving water access and efficiencies for agriculture and conservation. Title I would amend existing authorities and provide a new source of funds for certain water infrastructure investment programs. Title II includes several provisions for ecosystem protections and restoration, including reauthorization and expansion of the Cooperative Watershed Management Program.

Reclamation is concerned by Title I, Section 103, which could have potentially significant and unintended consequences for Reclamation's WaterSMART programs if enacted. Section 9504 of the SECURE Water Act is Reclamation's primary authority to fund water management improvements through financial assistance. Projects are carried out by not only irrigation and water districts but Tribes, municipalities, municipal water agencies, and States. Reclamation is concerned that S. 953 would unnecessarily restrict use of this authority. Reclamation is seriously concerned by 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. Grant recipients are already prohibited from increasing their own consumptive use with water conserved through the program. However, the proposed language could have the effect of forcing recipients to agree that downstream users will commit all saved water solely for instream flows, even though recipients have no control of what happens to water once it goes back into the stream. The Department believes this language in the bill, if enacted as drafted, could be subject to contradictory interpretations and inadvertently prevent

Reclamation from assisting water managers with some water management improvements or discourage potential applicants from even participating in existing programs.

Drought and the impacts of climate change are having a significant effect on the Western United States. These impacts include reductions to the water resource needs of agriculture, cities and the environment. Existing Reclamation programs, such as WaterSMART grant opportunities, help communities throughout the West by increasing water supply sustainability and drought resiliency, and with the influx of new BIL funding beginning this year, these existing programs' effectiveness will get the chance to increase and deliver long-term benefits. This bill would provide new and expanded authorities to further this goal, and so Reclamation supports the intent of the bill, but we would like to work with the bill sponsor and the Committee to address concerns and propose technical corrections.

S. 1179, Canal Conveyance Capacity Restoration Act

For several years, Reclamation and its contractors on the Friant Division of the Central Valley Project (CVP) have been aware that subsidence impacts were such that the Friant-Kern Canal (F-KC) was only able to convey half of its designed and constructed capacity. Reclamation and Friant Water Authority worked to identify and resolve the capacity constraints, and a feasibility report was transmitted to Congress for consideration on July 3, 2020, and a Record of Decision was signed on November 4, 2020. The Department allocated \$206 million in Water Infrastructure Improvements for the Nation (WIIN) Act funding in FY 2021 for construction, and the construction contract was awarded in October 2021 for 10 miles of new canal in the worst subsidence area, and construction is now underway.

Reclamation is also currently working with California Department of Water Resources to develop planning documents and various engineering studies for determination of the work required to correct the subsidence related to San Luis Joint Use facility, across the San Joaquin Valley from the F-KC, and south of the Sacramento-San Joaquin Bay Delta. This facility carries the water pumped from the Bay Delta for delivery into the Central Valley and points as far south as urban Southern California.

The Canal Conveyance Capacity Restoration Act, S. 1179, introduced by Senator Feinstein, contains five distinct dollar-value authorizations for projects that would fund restoration of conveyance capacity of the Delta-Mendota Canal and other San Joaquin Valley canals to original capacity. S. 1179 also authorizes funding to restore salmon runs on San Joaquin River, as required by San Joaquin River Restoration Settlement Act.

Additionally, the Canal Conveyance Capacity Restoration Act authorizes \$833.4 million for four major projects in California, including more than \$653 million to restore the capacity of three San Joaquin Valley canals that have been damaged by subsidence. The \$833.4 million authorized for all four projects breaks down to \$289.5 million for California Aqueduct repairs, \$180 million for the F-KC, \$183.9 million for the Delta-Mendota Canal, and \$180 million for the San Joaquin River Restoration Settlement to help restore salmon populations in the river.

The Department supports the intent of S. 1179 to help restore salmon populations and repair storage and conveyance capacity. The Department has been working to address reductions in

conveyance capacity due to subsidence and other factors which have impacted facilities of the CVP in California. We look forward to continuing to work to restore salmon populations and to address subsidence in the San Joaquin Valley.

S. 1554. To make certain irrigation districts eligible for Pick-Sloan Missouri Basin Program pumping power, and for other purposes

The Pick-Sloan Missouri Basin Program (P-SMBP) was initially authorized by the Flood Control Act of December 22, 1944 (Public Law (P.L.) 78-534). Since 1944, the P-SMBP has been amended by several bills including the Dakota Water Resources Act (DWRA) of 2000, which authorized the Secretary to develop up to 28,000 acres of irrigation in areas of North Dakota not located within the Hudson Bay and James River drainage basins and to provide project use power to districts federally developed under DWRA.

The power systems of the Colorado-Big Thompson, Kendrick, Shoshone, and North Platte Projects have been integrated within the P-SMBP for the purpose of marketing the power produced from these projects through the Western Area Power Administration and the Rural Electric Cooperatives. From the power generated that is surplus to project needs, power revenues cover the annual operating expenses for each project, a reserve for replacement of facilities, and funds to help repay the power and irrigation construction costs based on local irrigation districts' ability to pay.

Project use power is the electrical capacity, energy, and associated ancillary service components required to provide the minimum electrical service needed to operate and maintain Reclamation Project facilities in conformance with project authorization. Various Congressional authorizations give Reclamation the ability to develop, generate, and use electrical power for the benefit of Reclamation project lands and other purposes. The power can be used for various functions, such as pumping water associated with irrigating Reclamation project lands.

Congressional authorizations for project use power vary across Reclamation projects. Within the P-SMBP, Reclamation does not have authority to provide project use power to non-Reclamation Project districts or to acreage that was developed with non-federal funds without specific authorization.

S. 1554 would make certain privately developed, non-Reclamation Project districts in North Dakota eligible to receive project use power from the P-SMBP, subject to the terms and rates established by Reclamation and as documented in a contract that an irrigation district must enter with Reclamation. The legislation does not provide these districts any additional benefits, such as an ability-to-pay relief, and therefore the eligible districts would pay the existing project use rate, which is currently 13.70 mills per kilowatt hour.

Under S. 1554, power generated within the P-SMBP would be allocated to new non-Reclamation Project uses at a project use power rate. This additional requirement will limit the amount of power surplus available to existing power customers who are responsible for covering a share of the operating expenses and, in some cases, construction expenses for the P-SMBP. This could result in a rate increase to power customers to sufficiently meet statutory requirements for cost-recovery. Should Congress determine to extend the benefit of project-use power to the North

Dakota districts by enacting S. 1554, Reclamation will implement its provisions and seek to integrate with existing P-SMBP power demands.

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

The American West faces serious water challenges. Growth in demand among competing uses for water and aging infrastructure, compounded by sustained and recurring periods of drought, place an enormous strain on existing water and hydropower resources. Adequate, resilient, and safe water supplies are fundamental to the health, economy, and security of the country, and investments in water recycling and reuse are a key step to stretching limited water supplies, making systems more resilient, and insulating communities from the effects of drought in the West.

This perspective informs the Department's views on S. 2334. Reclamation's existing water recycling and reuse program was authorized 30 years ago by Title XVI of P.L. 102-575 to reclaim and reuse municipal, irrigation, domestic, and agricultural wastewater. For almost two decades, congressionally authorized projects were identified for funding through the budgeting process and through earmarks. Reclamation established a competitive process for allocating funding to congressionally authorized Title XVI projects in 2011 and has continued to allocate funding through that process each year.

The 2016 Water Infrastructure Improvements for the Nation (WIIN) Act included amendments to P.L. 102-575, which provided a path for new water reclamation and reuse projects to become eligible to compete for Title XVI funding without a project-specific congressional authorization. The WIIN Act also directed Reclamation to establish a competitive grant program to allocate available funding among newly eligible projects and then to transmit WIIN Act funding recommendations to Congress. Accordingly, over the last few years Reclamation has used separate funding opportunities – one open to congressionally authorized projects and another open to projects eligible under the WIIN Act – to allocate program funding with Congressional agreement. Final appropriations for the Title XVI Program were \$63 million in FY 2020 and \$63 million in FY 2021. However, over the past few years, Reclamation has seen demand for funding under the Title XVI Program shift to the WIIN Act Title XVI projects, with only \$16.6 million in FY 2020 and \$9.5 million in FY 2021 requested by sponsors of congressionally authorized projects, much smaller than the WIIN Act amounts.

Since 1992, Reclamation has allocated more than \$760 million in Title XVI Program funding. This funding, along with non-federal cost-shares, has resulted in more than \$3 billion in total investments in reuse projects, when factoring in non-federal project sponsors' share. Projects funded through the Title XVI Program delivered over 420,000 acre-feet of recycled water in 2020, helping to provide flexibility to water managers and diversifying the water supply.

The Large Scale Water Recycling Project and Drought Resiliency Investment Act, S. 2334, directs the Secretary of the Interior to establish a new competitive grant program for the planning, design, and construction of large-scale recycling projects. We understand that S. 2334 was introduced before the November 2021 enactment of the Bipartisan Infrastructure Law. Reclamation is currently working on developing criteria and standing up the Large Scale Water Recycling Program, as authorized by the Bipartisan Infrastructure Law and expects to put out a

funding opportunity for projects sometime late in 2022 into early 2023. The Department has allocated \$50 million of the \$450 million total for the program for FY 2023 under the Bipartisan Infrastructure Law in anticipation of this funding opportunity.

Through Section 3, Drought Resiliency, S. 2334 expands the Cooperative Watershed Management Program to allow for emergency drought planning; authorizes financial assistance of \$50 million through 2026 under Title I of the Reclamation States Emergency Drought Relief Act of 1991 for the benefit of fish and wildlife; and amends Section 104 of the Drought Relief Act and authorizes it through 2031.

The Department supports the goals of water recycling and drought resiliency. We look forward to working with the bill sponsors and the Committee on improvements to the bill, particularly in Section 3 to clarify and improve implementation.

S. 2693, Salton Sea Projects Improvements Act

The Salton Sea Projects Improvement Act, S. 2693, amends the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize additional projects to improve wildlife habitat, recreation, and air and water quality at the Salton Sea. S. 2693 specifically authorizes dust suppression projects, a crucial component to improving local air quality conditions and allows the federal government to be proactive in reducing emissions.

The Department, through Reclamation, using multiple authorities, has provided more than \$16 million since 2016 for dust suppression, wetland restoration, water quality improvements, environmental compliance and land use authorizations at the Salton Sea. On August 31, 2016, the Department signed a Memorandum of Understanding (MOU) with the California Natural Resources Agency (CNRA) for purposes of coordinating efforts at the Salton Sea. The MOU recognizes the State of California (State) will have the lead role in the cooperative effort to restore the Salton Sea, and commits the Department to pursue \$30 million in funding to help support State-initiated efforts.

Federal partners, including Reclamation, Bureau of Land Management, U.S. Fish and Wildlife Service, United States Geological Survey, U.S. Army Corps of Engineers, and U.S. Department of Agricultural Natural Resources Conservation Service meet regularly to coordinate activities and secure funding that supports State-led activities.

Section 2 of the Salton Sea Projects Improvement Act amends Section 1101 of the Reclamation Projects Authorization and Adjustment Act of 1992 (P.L. 102-575) to specifically allow the Secretary of the Interior to enter into grants, agreements, and contracts in partnership with State, Tribal, and local governments; water districts; joint powers authorities; nonprofit organizations; and institutions of higher education to carry out projects at the Sea. The ability to work with multiple types of partners, including universities and non-governmental organizations will provide for opportunities to take advantage of non-governmental funding. For example, Reclamation is working with the National Audubon Society in FY 2020 to enhance habitat and mitigate dust on approximately 900 acres near the community of Bombay Beach.

Reclamation provided \$1,000,000 to plan, design and permit the project, which was an important but unfunded step in getting to a project design that would allow Audubon to receive

approximately \$6 million in matching funds. Reclamation funding bridged this gap, providing Audubon the opportunity to access additional, non-federal funds. Reclamation has also collaborated with California Natural Resources Agency, Imperial County, Imperial County Air Pollution Control District, and provided \$1.2 million to the Salton Sea Authority to advance the Desert Shores Channel Restoration Project. The project would create habitat and suppress dust by refilling currently dewatered channels with water at a salinity level that provides habitat for fish and supports piscivorous birds. The proposed legislation would streamline these processes and increase opportunities in the future.

Finally, S. 2693 amends P.L. 102-575 to include activities such as construction, operation, and maintenance costs which will increase Reclamation's flexibility and opportunity to work with partners at the Sea to implement projects that create habitat and improve water and air quality. The proposed language increases the authorized appropriations ceiling from \$13 million to \$250 million, which will allow Reclamation to continue to implement projects that improve conditions at the Salton Sea, particularly as Reclamation is near the \$13 million ceiling under the existing authority. An increase in the ceiling to \$250 million, when followed by Congressional appropriations, would provide flexibility for the federal government to match existing appropriated State funding (\$402.6 million) to implement, monitor, operate, and maintain the California Natural Resources Agency Salton Sea Management Program Phase 1: 10-Year Plan.

The Department appreciates the work of the sponsors on the Salton Sea Projects Improvement Act and supports S. 2693. The Department looks forward to working with the bill sponsor and the Committee as the bill moves forward.

S. 3450, Sun River Hydropower Authorization Act

Reclamation is the second largest producer of hydropower in the country. Reclamation owns and operates 53 hydroelectric plants, comprising over 14.7 million kilowatts of installed capacity. Each year on average, Reclamation plants generate 40 billion kilowatt hours of electricity (the equivalent demand of 3.7 million homes), yield nearly one billion dollars in power revenues, and displace approximately 17 million tons of carbon dioxide. Reclamation's hydropower program supports Administration and Department clean energy and climate change initiatives by increasing hydropower capabilities and value, and facilitating incremental, carbon-neutral energy generation.

The Sun River Hydropower Authorization Act encourages and authorizes the Secretary, through Reclamation, to construct, operate, and maintain hydroelectric power generation facilities in the Sun River project in Montana. S. 3450 creates additional opportunities to work with our federal and non-federal partners and provide them with an additional revenue source to address aging infrastructure and potentially achieve greater financial independence, for a self-sustaining system. Hydropower development on the Sun River Project would create additional clean renewable energy in the region, consistent with Reclamation's mission to manage, develop, and protect water and related resources in an environmentally and economically sound manner, in the interest of the American public.

As I testified in January, Reclamation will continue to review and assess potential new hydropower projects that provide a high economic return for the nation, are energy efficient, and

can be accomplished in accordance with protections for fish and wildlife, the environment, or recreation. Reclamation supports the goal of providing clean energy to Americans.

S. 3539, Watershed Results Act

Reclamation's WaterSMART Program is part of the Department's strategy to tackle the short- and long-term challenge of climate change by improving water use and supply efficiency, sustainability, and reliability. Under WaterSMART, the Cooperative Watershed Management Program provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their water management needs.

If enacted, S. 3539 would establish a new Reclamation watershed pilot program to meet specific watershed goals, such as realizing increases in water quantity or improvements to the quality of aquatic habitats. The program would support 2 – 5 pilot projects through \$15,000,000 in mandatory annual appropriations over 6 years. The pilot projects would follow a 5-year plan that must incorporate watershed analytics and follow a multi-agency funding strategy that utilizes a pay-for-performance contract to incentivize results.

Reclamation supports the intent of the bill, and we would like to work with the bill sponsor and the Committee on technical assistance to identify any opportunities to support collaborative and science-based efforts and to otherwise meet the goals of the bill through revisions to existing authorities and programs.

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

S. 3693 extends authority for the Upper Colorado River and San Juan River Basin endangered fish recovery implementation programs from 2023 to 2024. The Administration supports the reauthorization of these important, and demonstrably successful, fish recovery programs.

The Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program (the Programs) were established in 1988 and 1992, respectively. The goals of the Programs are to recover four endangered fish species in a manner consistent with state and Tribal laws, interstate compacts, the Endangered Species Act (ESA), other federal laws, and Indian trust responsibilities while water development proceeds.

Participants in these two Programs include the States of Colorado, New Mexico, Utah, and Wyoming; federal agencies, including Reclamation, Fish and Wildlife Service, Western Area Power Administration, National Park Service, Bureau of Land Management, and Bureau of Indian Affairs; American Indian Tribes including the Navajo Nation, Jicarilla Apache Nation, Southern Ute Tribe, and Ute Mountain Ute Tribe; water users; power users; and environmental organizations.

Actions taken by the Programs to recover the Colorado pikeminnow, humpback chub, razorback sucker, and bonytail meet ESA requirements for operation of federal multi-purpose projects, water projects benefiting the Tribes, and non-federal water projects. Activities and accomplishments of these Programs provide ESA compliance for more than 2,500 federal and

non-federal water projects depleting approximately 3.7 million acre-feet per year in the Upper Colorado River and San Juan River Basins.

These two important recovery programs are intended to recover four species of endangered fish while allowing the states and Tribes to develop their full water entitlement and maintain compliance with interstate compacts and associated laws. Work focuses on four major areas:

1. Habitat management including providing and protecting instream flows;
2. Habitat development and maintenance, including fish ladders, fish screens, levee removal, and flooded bottomland restoration;
3. Augmentation and conservation of genetic integrity, development and operation of propagation facilities, and fish stocking; and
4. Management of non-native fish;

As evidence of the success of these Programs, the Fish and Wildlife Service recently reclassified the humpback chub from endangered to threatened on October 15, 2021 and proposed a similar reclassification for razorback sucker in July of 2021.

The Upper Colorado and San Juan River Basins Recovery Act would authorize continued implementation of endangered fish recovery programs for the Upper Colorado and San Juan River Basins through 2024 to protect and recover endangered fishes while water development proceeds in compliance with all applicable federal and state laws. The Upper Colorado and San Juan River Basins Recovery Act would also extend the deadline for the Report to Congress. The new legislation extends this reporting deadline to September 30, 2022. The report will detail, among other things, activities to be carried out after FY 2023 and the cost of such activities.

We look forward to working with the Committee to further these important recovery programs.

S. 3971, To amend the America's Water Infrastructure Act of 2018 to modify a provision relating to cost-sharing requirements applicable to certain Bureau of Reclamation dams and dikes, and for other purposes

S. 3971 amends Section 4309 of P.L. 115-270, America's Water Infrastructure Act of 2018, to increase Reclamation's cost share for the ongoing Safety of Dams (SOD) related modification costs from 85% to 100%. While neither S. 3971 nor the P.L. 115-270 language it amends name any particular facility, Reclamation has determined that both are applicable to the W.C. Austin Project (Project) located on the North Fork of the Red River in southwest Oklahoma.

The Project consists of Altus Dam, five earth-fill dikes, and approximately 270 miles of canals and laterals. Project benefits include irrigation of approximately 48,000 acres of privately owned land; augmentation of the municipal and industrial (M&I) water supply for the City of Altus; flood control benefits on the North Fork of the Red River; and recreation and fish and wildlife conservation benefits.

The Project is a "Transferred Works" operated and maintained by the Lugert-Altus Irrigation District (District) in accordance with the provisions of Contract No. Ilr-1375, as amended. Reclamation implemented SOD modifications at the Project from 2015-2018 to reduce the

potential for overtopping one or more dikes, and to improve seepage conditions at Lugert and East Main Dikes. After completing the initial SOD modifications, new seepage areas developed at the downstream toe of Lugert and East Main Dikes, and in agricultural fields further downstream of both dikes. The risks associated with these new seepage areas exceeded Reclamation's Public Protection Guidelines and construction of cement-bentonite cutoff walls at both dikes was required.

Construction of the cutoff walls is underway and will be substantially complete by the end of FY 2022. A temporary reservoir operating restriction has been implemented reducing the conservation storage pool elevation by 5-feet from elevation 1559' to elevation 1554'. This reduces conservation storage by 28,000 acre-feet (about a 20% reduction) until construction of the cutoff walls is complete. The total cost for the dam safety modifications at the Project including Reclamation's non-contract costs is currently estimated to be approximately \$44 million. In accordance with the Reclamation Safety of Dams Act of 1978 (as amended) and Reclamation Policy, 15% of the total SOD related modification costs are reimbursable by the Project beneficiaries. In this case the 15% would be allocated as 14.9% (\$6.6 million) to the Lugert-Altus Irrigation District for irrigation and 0.1% (\$44,000) to the City of Altus for M&I water supply.

The SOD modification costs have been up-front funded and the 15% non-federal cost share was to be repaid to the United States over time (up to 50 years) following completion of the SOD modifications.

S. 3971 would increase Reclamation's share of the OM&R costs for gates and ancillary equipment from 22% (\$3.3 million) to 100% (\$15 million). Reclamation has budgeted for the 22% (\$3.3 million) cost share but has not identified a funding source for the remaining 78% (\$11.7 million) should S. 3971 become law. This work may be eligible for Bipartisan Infrastructure Law funding; however, additional research will be required before a determination can be made. Should Congress determine to change the federal cost share through enactment of S. 3971, Reclamation will implement its provisions.

S. 4175. To amend the Omnibus Public Land Management Act of 2009 to authorize certain extraordinary operation and maintenance work for urban canals of concern

Reclamation's canals were originally constructed through relatively unpopulated areas in the Western United States. Today, some of Reclamation's canals are subject to the spread of urban development and could pose a potential risk to populated areas in the event of a failure. Reclamation currently classifies and monitors approximately 880 miles of canals in its Urban Canal Hazard Program.

If enacted, S. 4175 would recategorize any extraordinary maintenance work on an urban canal of concern as emergency extraordinary maintenance work, thereby allowing the Secretary to provide non-reimbursable funds to cover 35% of project costs. This would reduce operating partners maintenance costs for these urban canals, passing on costs to Reclamation for XM work that would have otherwise been funded by Reclamation transferred work partners.

It may be challenging to implement section 1(e), which would allow any reimbursable funds provided under this bill to be a non-federal source of funds for the purposes of any cost-sharing

requirement for a federal grant. Reclamation also believes that this language would be unlikely to lead to a result useful to water managers. Funding made available under Section 9603 of P.L. 111-11 is intended to carry out extraordinary operations and maintenance work to ensure the structural safety of facilities. Reclamation's grant programs typically have their own specific statutory requirements that may be inconsistent with the requirements and goals of funding made available under Section 9603.

As an agency, Reclamation works collaboratively with our partners to ensure the safe and exceptional stewardship of our aging and urban infrastructure. We understand the intent of the bill, and we would like to work with the bill sponsor and the Committee to address concerns and technical corrections.

S. 4176. To amend the Infrastructure Investment and Jobs Act to modify the eligibility requirements for certain small water storage and groundwater storage projects and to authorize the use of funds for certain additional Carey Act projects, and for other purposes

The Carey Act authorized land grants to states, on which states could have irrigation dams and other water management facilities constructed. The BIL's original section 40904(b) authorizes up to \$100 million in funding for Carey Act dams meeting stated criteria, upon a Governor's request. The language of S. 4176 authorizes funding for additional Carey Act dams from this \$100 million, provided the funds have not been exhausted by this initial request. Financial assistance agreements would be developed to provide the funding.

Reclamation takes no issue with the amendment to section 40904(b), as provided, since it alerts those who might request funding that requests under the original authority take priority and funding may therefore be unavailable.

The amendments also include a provision lowering the threshold on the new Small Water Storage Program enacted last November in BIL from a 2,000 acre-foot minimum, to a two (2) acre-foot minimum. Reclamation's Small Storage Program is a newly established grant program authorized by sections 40901(1) and 40903 of BIL to promote federal assistance to enhance small scale water storage opportunities for future generations.

The reduction in project minimums, from 2,000 acre-feet down to 2 acre-feet would significantly alter the types of applications submitted for this specifically tailored program. It would also be challenging to apply the feasibility standards set forth for that program, for which Reclamation issued guidance in January, to such small projects. In August 2022, Reclamation plans to publish the first funding opportunity for the Small Storage Program with the planned distribution of \$20,000,000 in FY 2023.

Reclamation has existing programs under its WaterSMART grant opportunities that address these much smaller types of storage activities and would continue to encourage entities with needs for projects of that scale to apply to those programs, most of which have a lower non-federal cost share than the Small Storage Program. The Department looks forward to working with the sponsor and committee to address specific needs associated with the proposed amendments.

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

The Support to Rehydrate the Environment, Agriculture, and Municipalities (STREAM) Act is an ambitious bill that establishes new and expanded Reclamation authorities that range from water storage to aging infrastructure investment, to ecosystem health to address drought in the West. It touches on many of the authorities in recently enacted laws such as the BIL (P.L. 117-58, enacted in 2021), the 2021 Consolidated Appropriations Act (P.L. 116-260, enacted in 2020), the Dingell Act (P.L. 116-9, enacted in 2019), and the WIIN Act (P.L. 114-322, enacted in 2016).

If enacted, Title I of the STREAM Act would amend and provide additional authorization for appropriations for the water recycling grant program, it would establish a new water storage grant program, it would expand and authorize funds for new desalination projects, it would establish a new infrastructure loan program, it would establish a drinking water grant program, it would expand the applicability of the extraordinary maintenance extended repayment program, and it would create a new authority to use revenues from water transfers and payments to address drought and dam safety activities. Title II of the bill would reauthorize and expand eligibility under the Transboundary Aquifer Assessment Program, and Title III is dedicated to ecosystem restoration and introduces a new performance-based funding program for ecosystem restoration, mitigation, or enhancement activities.

The STREAM Act seeks to accelerate the approval process for water recycling and desalination projects, and smaller non-federal storage projects with less than \$250 million in federal funding, by allowing the Department to approve the projects. Currently, Reclamation is required to seek congressional approval to authorize all water recycling, desalination, and storage projects, except for projects that receive construction funding under the Bipartisan Infrastructure Law.

Reclamation appreciates the work of the sponsor to address the worsening drought in the West. Western water issues are complex and multifaceted, and diversity of creative programs will be necessary to meet current water needs within a changing climate.

The STREAM Act creates some new implementation obligations, since several of the authorities it amends are for programs still being stood up and implemented for the first time. Examples include the storage program and the extraordinary maintenance programs funded in BIL. Section 106 of the STREAM Act would also authorize a new Reclamation Infrastructure Finance and Innovation Pilot Program and require that its implementation be integrated with existing Water Resources Development Act of 2014 program commonly referred to as "WIFIA".

For these and other reasons, the Department would like to continue working with the sponsor and the Committee on technical assistance to ensure that authorities within this bill are implementable, effective, can be integrated with existing laws recently passed, and would achieve intended goals.

S. 4232, To address the recovery of certain costs with respect to certain Reclamation facilities in the Colorado River Basin, and for other purposes

S. 4232, introduced by Sen. Kelly, amends cost allocation and recovery processes for Reclamation hydropower production sited within the Colorado River Basin, as administered by Reclamation and the Western Area Power Administration.

The Colorado River Basin is in the 22nd consecutive year of drought and the driest period in over 1200 years. Declining hydrology caused by low inflows, warmer temperatures, decreased soil moisture, and precipitation are reducing flows in the Colorado River system, directly affecting the ability for Reclamation to produce hydropower.

As the second largest producer of hydropower in the country, Reclamation owns and operates 53 hydroelectric plants, comprising over 14.7 million kilowatts of installed capacity. Each year on average, Reclamation plants generate 40 billion kilowatt hours of electricity (the equivalent demand of 3.7 million homes), yield nearly one billion dollars in power revenues, and displace approximately 17 million tons of carbon dioxide. Reclamation's hydropower program supports Administration and Department clean energy and climate change initiatives by increasing hydropower capabilities and value, and facilitating incremental, carbon-neutral energy generation.

Glen Canyon Dam is Reclamation's largest hydropower generating station in the Upper Basin that provides electrical grid stability and support for other renewable energy generation. During the ten (10) years prior to the beginning of the current drought in 2000, an average of 4,600 gigawatt-hours (GWh) annually were generated at Glen Canyon. This declined by 17% to an average of 3,800 GWh from 2000-2020 and declined further to 3,350 GWh in 2021. This decline has impacted power rates with a recent 11% increase to rates for power marketed from Glen Canyon. The impact for customers is compounded by the need to replace energy requirements previously met by hydropower from Glen Canyon with more expensive alternatives.

Just this Spring, the Department took the unprecedented step of reducing the 2022 annual release volume from Lake Powell from 7.48 to 7.0 million acre-feet to protect hydropower generation and infrastructure at Colorado River hydropower facilities. Despite this action among others to protect Lake Powell's elevation, it faces the risk of dropping below the minimum power pool elevation of 3,490 feet in the next several years.

We recognize that the loss of hydropower generation at Glen Canyon would result in impacts to revenue to fund various costs including operation and maintenance, the repayment of the federal investment, salinity, aid to irrigation and environmental compliance and customers would be forced to replace power needs with more expensive alternatives.

Reclamation is currently working with the Western Area Power Administration on near-term solutions for loss of power generation.

The Department supports the goal of this bill. However, as drafted, several provisions of the bill could introduce unintended complexities into the hydropower program. Considerations for delineation between Reclamation and WAPA responsibilities and costs should be provided for in the bill. The Department looks forward to working with the sponsors of the bills as well as the

Subcommittee and WAPA on any necessary modifications that can address the goal of the bill and minimize effects on other aspects of hydropower programs.

S. 4233, Platte River Basin Critical Maintenance and Repair Act

The Platte River Basin Critical Maintenance and Repair Act would amend the Infrastructure Investment and Jobs Act (43 U.S.C. 3204) to provide \$100,000,000 in additional authorization of appropriations for any Reclamation Project facilities located within the Platte River Basin that had a structural failure resulting in a declaration of emergency in the three years leading up to the enactment of 43 U.S.C. 3204.

Under the proposed language, work performed by Reclamation transferred work partners to address the collapse of tunnel 2 on the Fort Laramie Canal in both Wyoming and Nebraska would likely be eligible for funding. This tunnel collapsed in July 2019, backing up water in the tunnel and canal which then resulted in overtopping of the canal upstream of the tunnel.

Reclamation supports the goal of addressing emergencies and structural failures at project facilities. If enacted, and if funds are appropriated to fund this authority, Reclamation would work swiftly to allocate any funds appropriated under this authority.

S. 4236, To provide for a national water data framework, to provide for the water security of the Rio Grande Basin, to reauthorize irrigation infrastructure grants, and for other purposes

Title I of S. 4236 establishes a federal working group to develop and implement an integrated water resources management plan for the Rio Grande Basin.

Reclamation has seen success with a similar program in the Yakima River Basin in Washington. The Yakima Integrated Plan identifies a comprehensive and balanced approach to water resources and ecosystem restoration improvements in the Yakima River Basin. Reclamation along with stakeholders in the Yakima River Basin, analyzed the Integrated Plan as part of the Yakima River Basin Study conducted in 2011.

Reclamation is preparing to initiate a Rio Grande Basin Study under the WaterSMART program. The Basin Study will evaluate water supply and demand in the Rio Grande Basin from the Colorado New Mexico border downstream to Elephant Butte Dam. The study will also identify strategies to address imbalances. This study will be important for the Rio Grande basin because the water supply within the Basin Study Area is limited, highly variable, and fully allocated. Commitments in the form of treaties, compacts, water rights, permits, and legal statutes are numerous, complex, and constrain water management flexibility.

Reclamation supports the intent of Title I but has concerns with the duration of this proposed legislation. Reclamation feels that completing the Basin Study which will be a 3-year process will be an important step prior to developing and implementing an integrated plan. Implementation of an Integrated Plan would also be contingent on resolution of ongoing litigation in the *Texas vs. New Mexico* Supreme Court case.

Under Section 9106 of P.L. 111-11, the Omnibus Public Land Management Act of 2009, Congress authorized \$4 million to conduct a study of the irrigation infrastructure within the 18 Rio Grande pueblos, and \$6 million in each of ten subsequent years to address identified infrastructure improvements. Detailed physical surveys of the existing irrigation infrastructure at each pueblo were completed in the past ten years as program funding became available. The study has preliminarily identified that there are numerous irrigation improvements needed on pueblo lands.

Title III, Sections 301-306 of the draft legislation, seeks to formalize and fund an approach to accelerate the modernization of federal and non-federal water data infrastructure for the broad integration across data streams to encourage synthesis of multiple observations to detect and predict trends, patterns, and changes in water availability. The U.S. Geological Survey's (USGS) mission is guided by many drivers for more discoverable, accessible, and interoperable water data such as 1) providing the framework for data and information sharing, particularly new geospatially enabled data; 2) providing the science for decision making associated with climate resilience, in particular drought and wildfire; 3) advancing water and natural resource conservation, considering climate change impact on the water system, landscape, aquatic habitats and protected species; and 4) promoting advanced water modeling, mapping and analysis, to improve understanding of current and futures states of water availability and water risks. As drafted, the bill is broadly aligned with the current and future goals of the USGS Water Mission Area (WMA). However, the 2018 National Academies of Science (NAS) report - Future Water Priorities for the Nation: Directions for the U.S. Geological Survey Water Mission Area, challenged the USGS WMA to collaborate with federal and non-federal partners to strategically enhance collection of water-quantity, -quality, and -use data leveraging innovative technologies to provide readily accessible "fit-for-purpose" information. Guided by specific 2018 NAS Report recommendations, the Groundwater and Streamflow Information Program (GWSIP) of the USGS WMA has made it a priority to coordinate with other agencies and relevant organizations to co-develop accessible, open and codified data formats, protocols, interoperability and software tools. The USGS has concerns with these provisions being aligned with the FACA process and being held to the associated requirements. The USGS would like to work with the Committee to address them.

Reclamation supports an extension of the Rio Grande Pueblo authorization and looks forward to working with the sponsor and the Committee on this goal.

Senator CORTEZ MASTO. Commissioner, thank you.

So let's start the questioning from the Senators, and Senator Hyde-Smith, if you want to go first, please go right ahead.

Senator HYDE-SMITH. Thank you very much, and I see there are a lot of bipartisan bills on today's agenda regarding hydroelectricity power generation, and I just think it is imperative to produce more reliable baseload electricity like hydropower to ensure grid stability and to meet the peak demands. But Ms. Touton, how would the bipartisan bills before us help the Bureau of Reclamation continue its support in the construction, the maintenance, and the advancement of hydroelectric power generation?

Ms. TOUTON. Thank you for that question, Senator Hyde-Smith. Reclamation is extremely proud that we are the second largest producer of hydropower in the nation, providing three and a half million homes across the American West with clean power. There are three specific bills in front of us today—one that would authorize new power at Sun River, as Senator Daines mentioned, so we look forward to working with him in developing that hydropower. The other piece of legislation deals with project-use power in the Pick-Sloan Basin, again, an ability to provide cost-effective power to irrigators in that region. And finally, Senator Kelly's bill dealing with the Colorado River storage project system—the challenges we are having there with hydropower, but also ensuring that we are providing the American taxpayer with appropriate power, but also protection as we go through the drought.

Senator HYDE-SMITH. Thank you very much. And I would just like to understand the mandatory spending portion of Senate bill 953, and 3539, if this bill will look better, Ms. Touton, because this bill would establish the program at mandatory spending levels for the next 40 years. Would we be looking at some offset programs for this or not?

Ms. TOUTON. Senator Hyde-Smith, should those be enacted we will work with Congress.

Senator HYDE-SMITH. If we did find the offsetting programs because, you know, we are just trying to get what that would look like and just wanted your commitment there because it is so, so expensive, and I think my time—I will yield.

Senator CORTEZ MASTO. Thank you.

Senator Heinrich.

Senator HEINRICH. I would be happy to yield to my colleague, if he needs to be someplace else.

Senator CORTEZ MASTO. Sure. Senator Kelly.

Senator KELLY. Thank you, Madam Chair.

Commissioner Touton, very good to see you again. As we discussed a number of times, and as you know, the West is facing the worst drought in 1,200 years and Arizona is on the front lines of this megadrought. It has been going on for over 20 years now. Low precipitation and dry soil are causing water levels in Lake Mead and Lake Powell to reach their lowest levels on record since they were first filled up. And the lakes are the nation's two largest man-made reservoirs, and store water for more than 40 million people in seven different states. The Bureau of Reclamation predicts a one in four chance that Glen Canyon Dam at Lake Powell will hit minimum power pool next year. That is at 3,490 feet above sea level

and that is the elevation where the dam cannot generate electricity anymore.

Glen Canyon Dam provides power to five million people in six states—Arizona, Colorado, Nevada, Utah, New Mexico, and Wyoming. We were about 30 feet from minimum power pool this year, but the lower basin agreed to forgo some water deliveries from Powell, and Reclamation agreed to release water from the Flaming Gorge Dam in Utah. And Commissioner, thank you for your leadership there. And it has bought us some time, but we will likely be in this same exact situation next year. And many of Reclamation's dams in the Colorado River Basin generate hydropower that is purchased by public entities. These are irrigation districts, and tribes and local governments depend on affordable, carbon-free, renewable energy. But under Reclamation law, these customers are still on the hook for paying capital and operations and maintenance costs even when the dam cannot generate electricity. Today's hearing includes a bill that I introduced, Senate bill 4232, that would direct the Federal Government to waive these obligations.

Madam Chair, I would like to add to the record comments from federal hydropower customers and environmental stakeholders regarding this bill.

Senator CORTEZ MASTO. Without objection.
[Comments on Senate bill 4232 follow:]

Colorado River Energy Distributors Association (CREDA)
Testimony for the Hearing Record
United States Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power

Legislative Hearing to receive testimony on S. 4232, a bill to address the recovery of certain costs with respect to certain Reclamation facilities in the Colorado River Basin and

S. 3693, the Upper Colorado and San Juan River Basins Recovery Act

May 25, 2022

Chairman Wyden, Ranking Member Hyde-Smith, Senator Kelly, and Members of the Subcommittee:

Thank you for the opportunity to submit testimony for today's hearing in support of S. 4232 and S. 3693 and to offer CREDA's views on impacts of the extreme drought to hydropower customers of the federal Colorado River Storage Project (CRSP).

CREDA is a non-profit, regional organization representing 155 consumer-owned, non-profit municipal and rural electric cooperatives, political subdivisions, irrigation and electrical districts and tribal utility authorities that purchase hydropower resources from the CRSP. CRSP is a multi-purpose federal project that provides flood control, water storage for irrigation, municipal and industrial purposes; recreation and environmental mitigation, in addition to the generation of electricity. CREDA was established in 1978 and serves as the "voice" of CRSP contractor members in dealing with resource availability and affordability issues. CREDA represents its members in dealing with Bureau of Reclamation - as the owner and operator of the CRSP - and with the Western Area Power Administration (WAPA) - as the marketing agency for CRSP hydropower.

CREDA members serve over four million electric consumers in seven western states: Arizona, Colorado, Nebraska, New Mexico, Utah and Wyoming. CREDA's member utilities purchase more than 85 percent of the power produced by the CRSP.

I. THE CRSP FACILITIES

CRSP was authorized in the Colorado River Storage Project Act of 1956 (P.L. 485, 84th Cong., 70 Stat. 50), as a multi-purpose federal project to provide flood control; water storage for irrigation, municipal and industrial purposes, in addition to the generation of electricity. This testimony will focus on the major generation features of the CRSP, although there are several irrigation projects authorized as part of the Project. The CRSP power features include five dams and associated generators, substations, and transmission lines.

GLEN CANYON DAM

Glen Canyon Dam is located near Page, Arizona and is by far the largest of the CRSP projects. Glen Canyon Dam began operation in 1964. The water stored behind the dam is the key to full development by the Upper Colorado River Basin states of their Colorado River Compact share of Colorado River water. The Glen Canyon power plant consists of eight generators for a total of about 1300 MW, which is more than 76% of total CRSP generation.

The ability of the Bureau to generate, and WAPA to market, the total generating capability of Glen Canyon Dam has been impacted over a period of many years, by various processes and laws, as well as by worsening drought conditions. In 1996 and again in 2016, Records of Decision were implemented to improve resources downstream from Glen Canyon Dam, which also reduced the ability of the Dam to maximize the operation and value of the hydropower resource. In addition, CRSP contractors have paid, and continue to pay, the majority of costs at Glen Canyon, even while the dam's generating capacity has been depleted by hydrologic and administrative processes, to nearly a level at which power can no longer be produced ("minimum power pool").

The Upper Colorado River Basin Fund ("Basin Fund") was authorized by the Colorado River Storage Project Act of 1956 and is the source of funding annual obligations of the CRSP. These obligations include repayment of principal (plus interest), operation and maintenance, irrigation assistance, among others. The Basin Fund is replenished by revenues from CRSP power customers through their long-term contracts, all of whom are not-for-profit entities, and many of whom are tribal and rural entities residing in some of the most underserved areas of the United States. Since 1983, these customers have funded over \$577 million of environmental program costs of the CRSP, which includes over \$168 million for the Upper Colorado River Endangered Fish Recovery Program ("UCRRIP"). In 2021, WAPA instituted a new rate case (WAPA-199) for CRSP customers, which was necessitated by drought impacts and instability of the Upper Colorado River Basin Fund ("Basin Fund"). The rate case increased power rates by a minimum of 11%, but also placed the risk and responsibility for replacing power not available from the federal CRSP generators on the customers. Many CRSP customers are located in some of most under-served communities in the United States (map courtesy of WAPA, attached).

ASPINALL UNIT

The Aspinall Unit includes three dams and generating plants along the Gunnison River near Gunnison, Colorado. Blue Mesa is the first dam on the river and has two units producing about 97 MW. Morrow Point is the second dam in the series and consists of two generators producing a total of 146 MW. Crystal is the final dam and has one 32 MW generator. Morrow Point and Crystal Reservoirs allow some regulation of the river flow so that releases from Crystal can be used to regulate downstream flows as necessary.

Since the early 1990's as part of the UCRRIP or RIP, studies have been undertaken to determine endangered fish needs in this region. In 2012, a Record of Decision on the operation of the Aspinall Unit to benefit endangered fish species was implemented. Studies and experiments

recommended by the RIP implement in part the requirements of the ROD. CREDA testified on the original authorizing language of the UCRRIP and supports S.3693 in its narrow scope to extend by a year the requisite report to Congress.

FLAMING GORGE DAM

Flaming Gorge Dam is on the Green River, a major tributary of the Colorado River, and is located near Vernal, Utah. Flaming Gorge has three units producing about 152 MW of generation. In 1992, the USFWS issued a Biological Opinion on the operation of Flaming Gorge Dam. In February 2006, as Record of Decision was issued on the operation of Flaming Gorge Dam, which ROD reduced the generation flexibility of the Dam. In addition, ongoing experiments and operations proposed by the UCRRIP have had significant impacts on the hydropower production at Flaming Gorge Dam.

II. DROUGHT IN THE WEST

Reclamation and the stakeholders in the Colorado River Basin rely on modeling and forecasting tools to project the probability of lake levels falling below minimum power pool. On March 15, 2022, Lake Powell's level dropped below elevation 3525', the level at which the Colorado River States and Reclamation considered additional drought response operations (DROA). In mid-May, the Secretary of the Interior determined that additional water releases would be made from Flaming Gorge Dam, as well as reducing the annual volume of releases from Glen Canyon Dam. These actions are anticipated to somewhat delay the likelihood of Glen Canyon Dam reaching minimum power pool (elevation 3490'). When federal hydropower generation is reduced or eliminated, there are numerous impacts to CRSP customers, as well as to the western interconnection (the "grid"):

- Customers are responsible for repaying all capital (with interest) and operational costs associated with generation and transmission of energy at these facilities, along with environmental and non-power expenses. Decreased power generation means those costs are spread over fewer megawatt hours and results in higher rates per megawatt hour.
- Additionally, replacement power must be secured to make up for unavailable hydropower generation, an impact compounded by the current high price and reduced availability of electricity on the open market. In essence, customers are paying twice: once for the federal generation and transmission facility costs and again for the cost of acquiring power that is not being generated by those facilities.
- Utilities are scrambling to replace that hydropower with more expensive renewables to meet state RPS mandates and clean energy objectives.
- Glen Canyon Dam provides to the western grid ancillary services which maintain the proper flow of electricity and reliable electricity system. This includes black start,

which allows the plant to restart its own power without support from the electric grid in the event the entire grid has lost power.

- As Colorado River reservoir levels continue to drop, customers will be paying twice: once for the ongoing operation and maintenance of a federal project without receiving the full benefit of its hydropower, and again for the costs of replacement power, which in most cases is not carbon-free.

III. S. 4232

CREDA supports the concept and intent embodied in S. 4232. The bill would prohibit the federal government from charging hydropower customers for operation and maintenance (O&M) costs if a dam is unable to produce hydropower due to drought, thus avoiding a “double dip”, or customers having to bear ongoing costs with no resulting product. We ask that it be expanded to not only address Reclamation O&M, but WAPA O&M as well, and to help mitigate the impacts from the significant reductions in generation that customers are currently experiencing, even in advance of the Dam being unable to generate hydropower. Even without a total loss of power production at some facilities, the reduced generation is resulting in massive and unsustainable rate increases to many customers as they are forced to cover typical power and non-power costs while replacing electricity on the open market. Steps to mitigate drought impacts on power users can be done in a number of ways, including graduating the cost recovery reductions proposed in S.4232 based on the reduction in deliveries, and including reductions in WAPA costs (as well as Reclamation costs).

The Congress and the federal government cannot change hydrology in the West; however, electricity is an essential service, all CRSP customers are not-for-profit entities, who ultimately ensure that electric customers in the West have a reliable and cost-effective source of electricity. These customers, many of whom reside in under-served and rural communities, have ensured repayment of the federal investment, with interest, along with non-power costs, for decades. But throughout those decades, the customers were receiving hydropower generation from those projects. As hydropower generation diminishes due to drought or operational constraints, those customers must now replace that resource (or product) on the volatile and often constrained open market. It is imperative that the Congress help ensure that the federal power program remains viable, and that grid reliability is ensured during extreme drought conditions. S. 4232 can be one of the “tools in the toolbox” to assist power customers, Reclamation and WAPA in meeting these obligations. We look forward to working with Senator Kelly and the Committee on this important legislation.

**A Letter to Secretary of Interior Deb Haaland
Regarding Drought and Adaptive Management of
The Colorado River Ecosystem Downstream from Glen Canyon Dam
in Glen and Grand Canyons, Arizona**

Submitted on Behalf of the Undersigned by Dr. Larry Stevens and Ms. Kelly Burke,
Grand Canyon Wildlands Council

19 May 2022

Introduction

We the undersigned are stakeholders in the Federal Advisory Committee on the Glen Canyon Dam Adaptive Management Program (AMP), and we work through our organizations and governances to ensure the ecological and cultural sustainability, and recreational integrity of the Colorado River ecosystem (CRE) downstream from Glen Canyon Dam in Glen and Grand Canyons. The AMP is one of the premier adaptive ecosystem management programs in the world, doing so through the Long Term Experimental and Management Plan (LTEMP) Record of Decision (ROD) and various agency management actions and experiments. The AMP provides a framework for adaptive management of the operations of Glen Canyon Dam towards improved balance between economic and environmental values in the world's most famous national park and river ecosystems. We deeply appreciate the AMP's efforts to promote collaborative, science-based ecosystem advisement to assist the Secretary of the Interior's decision-making.

Our commitment within the AMP has been to achieve the vision of the Grand Canyon Protection Act (1992, GCPA) to manage the dam *"...under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use."* The AMP often has worked towards consensus among its stakeholders to support the use of credible science for best management of the CRE. However, we are deeply concerned that 1) despite its vision and mission, the AMP has not seriously acknowledged nor successfully integrated tribal perspectives and concerns over the CRE as an ancestral homeland; 2) although the AMP has a strong record of successfully implementing high flow experiments (HFEs) to restore CRE shoreline habitats and rejuvenate recreational camping beaches, the need for HFEs, and particularly springtime HFEs, has been downplayed; 3) drought-related climate change has not been sufficiently incorporated into planning and implementation, at a time when administrative flexibility is most needed; and 4) the AMP's ability to advise your office on CRE management has been compromised by the Colorado River Basin Drought Contingency Plans, and specifically the Drought Response Operations Agreement (DROA). Below, we elaborate on these concerns in relation to our advisory capacity on tribal trust and dam operations under accelerating climate changes.

Tribal Trust and the AMP

The AMP's coordination with collaborating Tribes has failed to incorporate the broad range of tribal values and perspectives in CRE management (note that these are informed by First, or Natural, Law, and all together are thus issues of social, environmental, and legal justice). For example, the AMP has consistently confused and conflated protection of the relatively few archeological sites in the river corridor, protection of their continuing material and scientific importance, with what the AMP continues to ignore: that is, the role these ancestral places play in the individual and collective identities of tribal communities and the associated spiritual well-being of the overall CRE. The AMP, with its insular focus on Western science, has engaged in obligatory archeological compliance and used standard federal "consultation" approach in tribal communications, rather than engaging the Tribes in sincere nation-to-nation dialogue about holistic tribal values, with their proper commensurate consideration. Such consideration would result in integration of tribal values into future management options and decisions. In fact, funding to support tribal participation in the program has remained at the same level as that established in 1999. Truly collaborative tribal participation and meaningful inclusion of traditional ecological knowledge is vital for improving the cultural integrity and credibility of the AMP's stewardship of the CRE. In accord with its stated mission, the AMP should acknowledge, respect and protect the CRE as the living home and sanctuary of the ancestors of the Hopi, Havasupai, Hualapai, Navajo, North Kaibab Paiute, and Zuni cultures, and for other Tribes with affiliation to Grand Canyon. Additionally, the AMP should meet Departmental obligations under the [Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters](#) and "work to develop appropriate institutional structures to implement agreements related to co-stewardship."

High Flow Experiments

AMP decision-making on HFEs is wrongly framed, inequitable and nontransparent, overriding the intent of the GCPA: Abundant scientific evidence supports the use of HFE's as the primary tool for sustaining shoreline habitats for native CRE fish and wildlife, and for rejuvenating recreational sandbars. Natural historical floods occurred during June, and CRE species and processes are adapted to a springtime flood cycle. CRE shoreline habitats and sandbars benefit most from springtime high flows when native fish spawning begins, and as the river running season begins. We consider it imperative that over the 20-year course of the LTEMP we test and learn the relevance of naturally timed high flows to the health of the CRE. In fact, the LTEMP explicitly calls for springtime HFE implementation early in the life of the plan. Although there is an urgent need for a high flow to rejuvenate Grand Canyon beaches, we refrain from advocating for such an event until sufficient water becomes available, or is set aside in terms of timing, to be released under this important management action.

Triggering criteria have been used since 2011 to decide whether, when, and what duration of HFEs can be conducted; however, those early decisions about HFE triggers did not consider the importance of naturally timed springtime floods to the health of the CRE. The present

sediment accounting periods defined in the springtime HFE triggering criteria render the implementation of springtime HFE's highly unlikely, thereby constraining achievement of LTEMP, AMP and GCPA goals. Meeting those goals requires conducting one or more springtime HFEs, likely as an untriggered experiment. The sooner such an experiment is conducted the more time there will be to analyze the trade-offs and integrate those results into management planning.

With considerable effort, the AMP was able to develop consensus and advised your office to permit a modest within-powerplant-capacity high flow in March 2021. The results of that flow event, as reported by the US Geological Survey's Grand Canyon Monitoring and Research Center, indicate slight positive effects on some resources and neutral effects on others, but no negative impacts. The flow magnitude of that event was insufficient to mobilize sufficient sediment for full-system sandbar rejuvenation; however, the results from that test flow set the stage for planning future HFEs, including effective springtime HFEs.

Despite near record inputs of fine sediment from tributaries in the late summer of 2021 (conditions that normally trigger an autumn HFE), the AMP's solely governmental Planning and Implementation (PI) Team, which currently excludes tribal, recreational, and environmental stakeholder voices, decided to not conduct an HFE. The PI Team decision, as it was conveyed to its non-governmental stakeholders, was based on anticipating limited water availability, but also on the fiscal condition of the Basin Fund. The solvency of the Basin Fund was used as a primary reason to decide against the conduct of the HFE, a rationale that we dispute. HFEs will always have trade-off costs to power generation, at least until hydropower production capacity is added to the dam's hollow jet tubes. Such an installation project has been recommended by Reclamation and, through our recommendation, unanimously approved by the AMP. Nonetheless, Basin Fund financial considerations should not override the intent of the GCPA. We urge you to not allow the 2021 "no HFE" decision to become a precedent, while we strongly advocate for allowing a springtime HFE at the earliest possible opportunity.

Climate Crisis

The AMP and Colorado River managers have insufficiently addressed long-term impacts of climate change: Climate-change reduction of Rocky Mountains snowpack has resulted in exceptionally low water storage in both Upper Basin and Lower Basin reservoirs, Lakes Powell and Mead. Considered to be the worst drought in 1200 years, the present 20-year megadrought crisis in the Southwest has seriously compromised Colorado River surface water availability, placed increasing demands on shrinking groundwater supplies, and affected resources downstream of Glen Canyon Dam. This constitutes a basic failure of public trust, and is a necessary consequence of the long-ignored over-allocation of the Colorado River. The magnitude of this oversight cannot be overstated. Nonetheless, creative options exist at least for replacement of some hydropower and improving environmental conditions in the CRE (e.g., through investment in renewable energy sources, riparian restoration of lower Glen Canyon, etc.).

However, the AMP is insufficiently flexible in its adaptive management capacity. Climate-based hydrologic conditions are changing rapidly, and may worsen significantly, with unexpectedly rapid degradation of some resources. The AMP needs to be sufficiently nimble to quickly evaluate and advise your office as changes arise. While there is an understandably

strong impulse to conduct bureaucratic “business as usual”, clear and transparent contingency planning, increased awareness, and a proactive approach also are needed. The issue of administrative flexibility is critical in adaptive management, requiring consideration of both flow and non-flow management options and rapid responses in the AMP toolbox of recommendations.

DROA and AMP Interactions

The DROA circumvents established AMP advisement and violates the spirit of the GCPA and adaptive ecosystem management: We are uncertain as to how or whether the AMP will continue to provide your office with drought-based decisions on Glen Canyon Dam releases during 2022 and beyond because the AMP cannot presently review or respond as a body to DROA recommendations. The DROA and the Annual Operating Plan, but not the AMP, now appear to advise your office on allocation of Colorado River water during drought to meet hydropower and downstream flow obligations. This appears to be a significant deviation from past practices and appears to violate federal NEPA requirements: the decisions being made clearly affect a wide spectrum of the public, business, tribal, and other communities. We recommend that your office establish a clear connection among these advisory bodies, and particularly by authorizing the AMP to review and advise regarding DROA decisions.

Conclusions

Our comments here are presented to inform you about distinct challenges within the AMP regarding tribal trust, the need and urgency for conducting a well-framed springtime high flow event, as well as problems related to climate change adaptation, and competing policies between the DROA and the AMP. We present these alternative stakeholder views, which apparently differ from those of the AMP leadership. We take considerable exception to the manner in which DROA decisions are being made without AMP or NEPA consultation and review. It is our considered opinion that your office should at least direct the AMP to review and advise you on DROA decisions. After all, the spirit of adaptive ecosystem management is to respect, incorporate, and benefit from scientific information and the views of all program stakeholders.

Please rest assured that we intend to continue to work together through the AMP and under your guidance towards consensus on adaptive management advisement, wherever possible, and to continue to make the best science-based and culturally informed recommendations to your office.

Respectfully, the Signatories on this Letter include:

Kelly Burke, Executive Director of Grand Canyon Wildlands Council
 David Brown, Grand Canyon River Guides
 Rod Buchanan, Trout Unlimited/Fly Fishers International
 Martina Dawley, Hualapai Tribe
 Kurt Dongoske, Pueblo of Zuni
 Sinjin Eberle, American Rivers

Lynn Hamilton, Executive Director of Grand Canyon River Guides
William Persons, Trout Unlimited/Fly Fishers International
Richard Powskey, Hualapai Tribe
Ben Reeder, Grand Canyon River Guides
Matthew Rice, American Rivers
Erik Stanfield, Navajo Nation
Larry Stevens, Grand Canyon Wildlands Council
Jim Stroger, Trout Unlimited/Fly Fishers international

Yuma County Agricultural Water Coalition**Testimony for the Hearing Record
United States Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power****Legislative Hearing to receive testimony on S. 4232, a bill to address the recovery of certain costs
with respect to certain Reclamation facilities in the Colorado River Basin****May 24, 2022**

Chairman Wyden, Ranking Member Hyde-Smith, Senator Kelly, and Members of the Subcommittee:

Thank you for the opportunity to submit testimony for today's hearing in support of S. 4232 and offer some input to address additional pressing hydropower impacts resulting from the drought in the Colorado River Basin. As you know, Colorado River supplies water and power to over 40 million people and 5.5 million acres of agricultural lands. In Arizona and other Colorado River Basin (Basin) states, farms and communities that rely on hydropower generated at federal Bureau of Reclamation (Reclamation) facilities on the Colorado River (River) are experiencing significant impacts from the extremely dry conditions last year, which came on the heels of over two decades of below average hydrology. We greatly appreciate Senator Mark Kelly's attention to these significant impacts and efforts to help prevent Arizona power users from facing major rate increases on top of reductions in available water supply.

Yuma County Agriculture

The Yuma County Agricultural Water Coalition (Coalition) represents irrigated agriculture in the County on policy and budget issues related to the Colorado River Basin and the impacts of those issues on County agriculture. Yuma Irrigation District, Yuma County Water Users Association, Yuma Mesa Irrigation and Drainage District, North Gila Irrigation and Drainage District, Unit B Irrigation and Drainage District, and Wellton-Mohawk Irrigation and Drainage District make up the members of the Coalition.

Yuma County agriculture, made possible by irrigation water from the Colorado River, is important to Arizona's economy and the food supply of the United States. Agriculture contributes nearly \$3.4 billion in annual economic activity to Yuma County, which is the third largest vegetable producing county in the nation.¹ During the winter months – from November through March – 90% of the leafy vegetables produced in the United States is grown in the Yuma area. Nine processing facilities prepare two million pounds of lettuce per day for market during these peak seasons. In addition to lettuce and other leafy vegetables, the Yuma area produces over 175 different crops, and is blessed with the favorable conditions that make it a world class location for seed production and other specialty crops. The members of the Coalition rely on affordable and reliable hydropower to deliver water and perform other essential operations essential to agricultural production in the County.

Status and Impacts of Ongoing Drought to Hydropower Generation

After 21 years of drought, including three of the driest years on record, nearly every storage reservoir in the Colorado River system is experiencing historically low water levels, and Reclamation modeling from January shows an increasing likelihood that Lakes Powell and Mead will continue to drop, elevating the

¹ <https://www.yumacountyaz.gov/government/county-administrator/economic-development-plans>

potential that they could reach critical levels within the next five years, including a 34% chance of Lake Powell falling to minimum power pool, the level where hydropower can no longer be generated, by 2023.

In addition to significant water supply concerns, including the first ever shortage declaration in the Lower Colorado River Basin that will trigger reduced water deliveries to Central Arizona farmers, depleted storage and reduced water releases continue to reduce the amount of hydropower produced at the Hoover Dam, Colorado River Storage Project (CRSP), and Parker-Davis projects, along with the revenue available to support significant non-power costs assigned to power users. The impact of this reduced generation to our members is two-fold and will translate into sudden, double-digit percentage electricity rate increases.

First, because federal hydropower customers are responsible for paying all capital and operational costs associated with generation and transmission of energy at these facilities, along with environmental and non-power expenses that have been assigned by statute, decreased generation means those costs are spread over fewer megawatt hours resulting in higher rates per kilowatt hour. Second, replacement power must be secured to make up for reduced hydropower generation, an impact compounded by the current high price of electricity on the open market driven by persistent heat waves, the loss of generation facilities in the region, and other factors.

The Western Area Power Administration (WAPA) has communicated that Hoover, CRSP and Parker-Davis customers should expect the cost of replacement power alone to exceed over \$130 million in 2022. Without federal drought assistance, Colorado River project customers will face unprecedented volatility and uncertainty that erodes the benefits of recently signed long-term power contracts (40-50 year) and threatens the economic viability of these projects.

S. 4232

S. 4232, a bill to address the recovery of certain costs with respect to certain Reclamation facilities in the Colorado River Basin, is critical to mitigate significant drought impacts for federal hydropower customers in Arizona and across the Colorado River Basin. This bill would ensure that Hoover, Parker-Davis, and CRSP hydropower ratepayers are not responsible for covering certain costs associated with these federal facilities if they are not producing and delivering power. Without this legislation, hydropower customers will essentially be forced to pay for power they are not receiving, along with a significant portion of costs that benefits other stakeholders, while also confronting the massive additional costs to replace lost federal hydropower deliveries in a very difficult and expensive power market. Simply put, this would be backbreaking to many homes and farms across the Basin.

It is important to also note that power revenues are used to pay for many non-power benefits in the Basin. Importantly, S. 4233 ensures that these important Reclamation programs and costs typically covered by power revenues do not suffer by directing appropriated dollars to fund environmental and species recovery programs, the Colorado River Salinity Control Program, and others activities.

While the Coalition fully supports S. 4232, we would ask that it be expanded to not only address impacts to power customers if generation is fully lost, but also help mitigate the impacts from the significant reductions in generation that we are experiencing currently. Even without a total loss of power production at some facilities, the reduced generation is resulting in massive and unsustainable rate increases to many customers as they are forced to cover typical power and non-power costs while replacing electricity on the open market. Measures to reduce releases in order to protect key levels in Lakes Powell and Mead, while important, will further reduce generation this year. Steps to mitigate drought impacts on power users can be done in a number of ways, including graduating the cost recovery reductions proposed in S.4232 based

on the reduction in deliveries, and we look forward to working with Senator Kelly and the Subcommittee on this issue.

As federal hydropower customers, we understood when we entered long-term contracts that some level of variability, along with associated cost increases, could be expected due to periodic drought. However, no one ever contemplated many of the scenarios we are currently facing. Asking our rate payers to cover operations and maintenance costs when receiving no or severely reduced benefits not only makes electricity unaffordable in extreme drought years like this one, but also threatens the federal hydropower system in the West by placing a level of financial risk on federal hydropower customers that begins to outweigh the benefits of long-term contracts.

Conclusion

The Coalition greatly appreciates Senator Kelly for introducing S. 4232 and the Subcommittee for holding a hearing on this important measure. The impacts of the historic drought are hitting the Basin extremely hard, and Congressional action is urgently needed to stabilize and moderate federal power costs and prevent significant drought impacts on communities already hard hit by the pandemic and farms struggling to survive in the face of water curtailments and COVID related disruptions. We look forward to working with you as this bill moves through the legislative process.

Senator KELLY. This bill does not amend any existing Reclamation statutes and it ensures that conservation programs are funded regardless of a waiver. Admittedly, not all dams have the same challenge as Glen Canyon Dam, although that could eventually change as the environment continues to warm. We will be gathering some stakeholder input to fine-tune this bill because it does cover a very large area, and ultimately, my hope is that this bill sparks a discussion here in Washington and across the Basin on how to solve this problem. I look forward to working with my colleagues on this bill.

So, Commissioner Touton, in the case of Glen Canyon Dam, these public entities, they still need to buy power if we reach minimum power pool and cannot get any power from the dam. Will that replacement power be more expensive and less likely to be carbon free?

Ms. TOUTON. So, one of the benefits of our system—our hydropower system—is the ability to produce power at low cost. And so, should we not produce hydropower and they go into the market, those entities will have to pay more for that.

Senator KELLY. Do you know what multiple more?

Ms. TOUTON. I do not want to quote that for you. It certainly is significant multiple. I can get that for the record, Senator.

Senator KELLY. And it does change?

Ms. TOUTON. Yes.

Senator KELLY. You know, some of the operations and maintenance fees are set by the Department of Energy's Western Area Power Administration. Can you work with them and my office to make improvements to the bill to make sure we get this right?

Ms. TOUTON. Absolutely, we have a great working relationship with Administrator LeBeau and look forward to working with you on this legislation.

Senator KELLY. Well, thank you.

And what kind of challenges between states should we expect in the Colorado River Basin as we have declining hydropower generation? Is this something that Reclamation has considered?

Ms. TOUTON. Absolutely. Lake Powell, that facility, is 80 percent of the Colorado River Storage Project. So it is a significant part of the CRSP system along with Flaming Gorge, Aspinall, and the Navajo Unit. So this is something that we take seriously because, as you mentioned, the hydropower produced there goes to rural communities, goes to tribal entities, and it is a part of our mission—to deal with hydropower. We took those actions, working with the states and our stakeholders and the tribes, with 500,000 acre-feet, as well as the 480,000 that we are holding back from Powell to send to Mead. But as you said, Senator, those are short-term fixes. We could be in the same spot nine months from now.

What I am hopeful about is in this Basin, which separates every other Basin in the West, is that they come together, ground-up, and with us, to come up with solutions, but we have to do it now.

Senator KELLY. Yes, We have to work on it. You know, fortunately, thanks to this Committee and other committees, there was additional funding in the Bipartisan Infrastructure bill to deal with this problem. You mentioned hope, and not with regards to the cli-

mate, I mean, we cannot hope that this drought ends. We would all like it to end.

Ms. TOUTON. Right.

Senator KELLY. But it is impossible to anticipate when that would happen, if ever.

Now, I would say the good news is, we are, as a country, we are pretty good at engineering our way out of some problems. We just have to focus on it and not get behind the curve. So thank you, Commissioner.

Ms. TOUTON. Thank you, Senator.

Senator WYDEN [presiding]. Thank you, Senator Kelly.

Senator Heinrich, our colleague from Nevada is being constructive once more, and she said why don't you go next, and then she will follow.

Senator HEINRICH. Thank you, I appreciate it.

Commissioner, aridification, whether this, I mean, obviously, this is the driest it has been in 1,200 years in our basins. And it is very unclear whether or not we are going to experience the kinds of periods like we did in the early 80s, when we filled up these reservoirs over the top. This trend is threatening the lifespan of the Rio Grande and many other rivers, as we have heard about in the Colorado Basin as well. The Bureau predicts that Elephant Butte Reservoir alone could drop about 60 feet by mid-September of this year. What tools do we have at our disposal right now for water resource management in the Rio Grande Basin, and how can we do a better job of keeping the river wet more of the year?

Ms. TOUTON. First, I was in your home state last week, and as beautiful as it is, it is extremely dry in New Mexico and certainly across the West at this point. When you mentioned Elephant Butte, one of the immediate actions we did was, they applied for a WaterSMART grant. A lot of efficiencies can be gained in some of this older infrastructure, and we use that to work with them in some of their canals and canal linings. Our Deputy Commissioner was actually out there with the General Manager at Elephant Butte to look at the WaterSMART project that we have there. Long-term, I think, your legislation that we are considering today, to look at it across the board, utilizing data, best available science to look at what the future looks like. Certainly, it does not—it will not look like what we expected in the past. So moving forward using that, as well as the funding that is provided in your bill, is all the tools that we are going to be using, not just in the Rio Grande, but across the 17 western states.

Senator HEINRICH. So river basin authorities have been codified in law to create a more coordinated effort of long-term resilience in water security. Can you describe how federal water basin plans and authorities have contributed to long-term river resilience—how that has been used in the past to create a more resilient system?

Ms. TOUTON. When I read your legislation, it immediately reminded me of that which Senator Cantwell helped to move on the Yakima Basin—similar fact pattern there as in the Rio Grande, endangered species, limited water irrigation, and tribal components. And so, bringing all of those parties together to have a cohesive look at the basin and how we look at the river benefits everybody

when everyone is at the table, and certainly with a framework to do so.

Senator HEINRICH. Talk a little bit about those tribal components. Obviously, back in 2009, when I first got to Congress, we authorized the 18 Rio Grande Pueblo Infrastructure project. The study identified nearly—you know, it included \$4 million to conduct a study, \$6 million in each of the ten subsequent years identified infrastructure improvements, but it also identified \$280 million in needs. Talk a little bit about that program, where it is now, and where we need to go into the future, especially with regard to long-term reauthorization.

Ms. TOUTON. The Administration supports the reauthorization of this program because of the success that we have seen in partnering with the Pueblos in the Rio Grande. And so, certainly the activities and efforts that we have undertaken are ones that we look forward to continuing into the future, and it matters now, especially in light of aridification, as you mentioned, and a variable climate.

Senator HEINRICH. How much low-hanging fruit is left? Like, you know, decades ago, we would flood-irrigate, oftentimes in fields that were not particularly level. Every year we learn to squeeze more and more of a limited resource from the system. How much conservation room do we have left, and obviously, given the fact that we are, having these seasons where, you know, the season ends early, begins, changes when it begins, like how much more can we pull from this system, if you did not have to worry about how much you were spending? Put it that way because I want to get a sense for what is still out there.

Ms. TOUTON. Yes, I will tell you, we have \$160 million that we have allocated to WaterSMART as part of the Bipartisan Infrastructure Law, and there is several hundred million more left under that. I will use every dollar of that to make sure that we can get as much conservation as we can.

Senator HEINRICH. When we get further down that line, it would be really interesting to see how many acre-feet we were able to gain through the implementation of the Bipartisan Infrastructure Act.

Ms. TOUTON. We can do that for you, Senator.

Senator HEINRICH. Thank you.

Senator WYDEN. I thank my colleague.

The Senator from Nevada.

Senator CORTEZ MASTO. Thank you.

Let me follow up on that because Commissioner, we are going to talk about water recycling to help us figure out how we augment water on the Colorado, but conservation is key.

Ms. TOUTON. Yes.

Senator CORTEZ MASTO. We know it in Nevada. We have seen the benefits in Southern Nevada, what impact that conservation has. I guess my question to you is, how do we encourage all of the water users, and let's just take the Colorado River—along the Colorado River—to focus on conservation?

Ms. TOUTON. Conservation is, frankly, low-hanging fruit, as Senator Heinrich mentioned. It is one of the easiest things you can do—finding efficiencies in our systems, also within the urban and

municipal communities, really encouraging efficiency within the home, within uses outside. So that is key. And it may seem like a little amount of water if it is just one house or one irrigation district, but the cumulative impacts are significant. I do not have it with me, but I am happy to provide for you, Senator—we call it the Rainbow Chart. It essentially outlines all of the activities that we have taken in the Colorado River, including conservation, and stacking those together that if we had not done it, we would have been in a Tier 1 shortage far sooner than where we are before. So, collectively, it makes a significant difference, even if people think that their small efforts don't matter, it absolutely does.

Senator CORTEZ MASTO. Yes, thank you. I agree. And we have examples of that right in my own home state. So thank you.

We have talked about this as well—the Bipartisan Infrastructure Law has included portions of my legislation, S.2334, to create a grant program facilitating the creation of large-scale water recycling projects in the West, and specifically it dedicated \$450 million for a competitive grant program to help fund regional water recycling projects, including a proposed project between the Metropolitan Water District of Southern California and Southern Nevada. And we know that by doing just that one project that would be enough water to serve more than 500,000 households in Southern California and Nevada, for example.

So, can you please provide the Committee with a status update on how BOR is implementing this water recycling program, and what can we expect to see, or when can we expect to see this grant program put into action?

Ms. TOUTON. Thank you, Senator. I knew you were going to ask me that. I hoped to have a better answer, but we are working on it and hoping we will have something by this summer to be able to stand up that program and move it forward. As you said, this is—there is a lot of water recycling that we are doing and it is significant, but this is large-scale water recycling—half a million homes. It is a tremendous difference.

Senator CORTEZ MASTO. Yes, thank you. So I do look forward to standing up that program.

You have talked a little bit about this, but we are now in a Tier 1 shortage condition for Lake Mead. Under these conditions, associated water allocations include cuts for the Lower Basin that began implementation at the beginning of this year. You very well know that water levels at both Lake Powell and Lake Mead continue to decline. I just heard my colleagues talking about this. What is the status of the shortage declaration? And how are you working with the Colorado River Basin states to mitigate against drought and adapt to further water reductions?

Ms. TOUTON. I think we talked a little bit about the efforts we have in Lake Powell with the DROA releases as well as withholding water in Powell to shore a power pool there and not sending it to Mead, but specifically in Lake Mead, one of the things that the Bipartisan Infrastructure Law allowed us to do was, when the states came and said we have a plan, the 500+ Plan, which means conserving 500,000 acre-feet over the next two years, and we want you to be a cost-share partner, Reclamation was able to say yes, we are in there 100 percent, and we are in for half of the cost. And

so, that is an immediate action that we are taking along with conversations with the states. Certainly, the actions we took earlier this month are reflective of that. But it is a conversation for the entire Basin states. It is the tribes. It is really to move forward, and not being year-by-year, it is a collective conversation.

Senator CORTEZ MASTO. Right and I agree.

So thank you for your good work. I always appreciate you and the conversations we have because I know you are committed to addressing some many of the issues that we care about. So thank you.

Ms. TOUTON. Thank you, Senator.

Senator WYDEN. I thank my colleague.

Commissioner, thanks for your patience, and it has been good to be able to work with you in our effort to bring resources to the Klamath Basin. It is going to be another very difficult year.

Let me ask you about both of my bills briefly, and what we are going to do is, I am going to ask questions and then my colleague from Mississippi will wrap up and perhaps Senator Heinrich and my colleagues have other questions as well.

The Watershed Results Act makes sure that taxpayer dollars go to projects that actually produce results—produce environmental benefits, water quality, ecosystem restoration, programs at the Bureau of Rec, WaterSMART, for example, critical for water conservation, but sometimes it is not completely clear whether we are getting the intended results. So how does the Bureau of Reclamation balance the best available science with potential outcomes on the ground so that we really make the best possible choices for grant applicants?

Ms. TOUTON. Thank you for your legislation. It looks at a holistic—really all the tools that Reclamation is using across the board to deal with the drought that we are facing in the West. You know, we have a great group of professionals in Denver and across the region that really focus on the best available science, but as Senator Heinrich mentioned, being able to quantify the metrics in which those are effective. And so, it really is partly letting science lead, working with our partners in ensuring that they understand the goals of the projects, and letting you all know what we are doing out in the field.

Senator WYDEN. Well, we look forward to working with you on that legislation.

Ms. TOUTON. Thank you.

Senator WYDEN. And on this point, I would like to put into the record testimony submitted by the Freshwater Trust, which breaks down the actual benefits of our Watershed Results Act that Senator Merkley and I have worked on.

[Testimony by the Freshwater Trust follows:]



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May 25, 2022

The Honorable Ron Wyden
Chair
Senate Energy & Natural Resources Committee
Water and Power Subcommittee

The Honorable Cindy Hyde-Smith
Ranking Member
Senate Energy & Natural Resources Committee
Water and Power Subcommittee

RE: Support for S. 3539, the “Watershed Results Act”

Dear Chairman Wyden and Ranking Member Hyde-Smith:

Thank you for the opportunity to submit testimony on the Watershed Results Act (WRA). The Freshwater Trust (TFT) strongly urges support for the WRA. Over the last 39 years, TFT has navigated the gauntlet of agency funding programs, permits, and procedure to unlock more than \$1B for optimized conservation solutions that deliver practical water solutions for farmers, cities, agencies, and rivers. We take pride in these wins but accomplishing critical work at scale shouldn't be so hard.

Collectively, we should demand better returns on our investments. Since 1960, the U.S. has spent \$2T trying to improve water quality, and another \$2T+ recovering from natural disasters. Despite this tremendous investment, a large majority of waterways remain impaired, with accelerating drought, flood, and fire risks rapidly compounding the problem. While the U.S. is poised to make a generational infrastructure investment in water, just adding cash will not yield different results unless we also address the financial and practical barriers that currently make it so difficult to secure watershed results. Moving forward, we need to be able to combine siloed public funds into an integrated solution, direct funding toward the highest return projects identified by precision technology, and eliminate complexity for farmers. Simply put, America needs a conservation funding and implementation system upgrade that takes conservation from “retail” to “wholesale,” and that rewards results not effort.

The WRA provides that upgrade. In addition to driving better, faster, cheaper watershed results at a critical time, the WRA leverages 21st Century technology and analytics to maximize every taxpayer dollar invested, while saving on future disaster spending. The WRA approach would drive more benefits into underserved rural areas with health and income challenges, help generate durable and enriching rural jobs, alleviate municipal ratepayer pressure—including on vulnerable communities, and provide more financial options for farmers as they attempt to grow more food with less water. In a world short on winning bipartisan solutions, the WRA offers a unique pathway forward.

Importantly, these system upgrades will lead to significant benefits for Bureau of Reclamation (Reclamation) projects and programs. As Reclamation increasingly manages through severe drought and precipitation deluges, having a stronger, more integrated portfolio of watershed projects implemented on the landscape will add more resiliency to the overall water system. The tools and approach offered by the WRA will provide Reclamation more options, and help ensure that the

agricultural, environmental and community stakeholders who rely on these projects can better navigate volatility without setting up as many win-lose conflicts.

To assist the committee in its review of the WRA, TFT has provided the following written documentation. This documentation covers the current conservation system challenges, need for, and how-to of the WRA in more detail; how "precision watershed analytics" work and how they can lead to cost-effective results in WRA pilots; why the WRA's analytics-infused, "outcomes-based" purchasing approach is inconsistent with traditional non-federal match requirements (this appendix was written in collaboration with our partners at the Environmental Policy Innovation Center); how the WRA's accelerated resiliency approach can ultimately save the government significant money over time; and a primer on TFT and how these approaches have been infused into several successful program pilots already. These materials are organized as follows:

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TFT commends Chairman Wyden for introducing this game-changing bill and urges the Committee to continue pursuing the WRA until it becomes law. In pursuing that track, TFT also recommends that lawmakers consider the broader intent articulated in the original version of this bill (S. 2807). To have a shot in the face of all these challenges, we need the federal family all rowing in the same direction, with speed, scale, and results as the north star. Thank you again for affording us the opportunity to submit the testimony for the Subcommittee's consideration.

Sincerely,



Joe S. Whitworth
President & CEO
The Freshwater Trust



WHY WE NEED THE WATERSHED RESULTS ACT + HOW IT WORKS

Summary: By driving better, faster, cheaper watershed results at such a critical time, the Watershed Results Act (WRA) will lead to significant benefits for Reclamation projects and programs. In addition to yielding an integrated, high-impact, cost-effective portfolio of projects across the landscape that bolsters operational resiliency for the agency, the WRA will help maximize every taxpayer dollar invested on water, while minimizing future post-disaster spending. The WRA approach to the problem would also drive more benefits into underserved rural areas with health and income challenges, help generate durable and enriching rural jobs and economic activity, alleviate municipal ratepayer pressure—including on the most vulnerable communities, and provide more financial options for farmers as they attempt to grow more food with less water. In a world short on bipartisan, win-win solutions, the WRA offers a unique pathway that helps everyone get more results.

Problem Statement: Since 1960, the U.S. has spent \$2 trillion trying to improve water quality. Despite this tremendous investment, a large majority of waterways remain impaired, with accelerating drought, flood, and fire risks rapidly compounding the problem. While the U.S. is poised to make a once-in-a-generation water infrastructure investment, just adding a bunch of project cash does not guarantee results unless we also overcome the financial and practical barriers that currently make it so difficult to concentrate public funds to the best projects at the watershed scale and eliminate complexity for participants.

There are no silver-bullet market solutions here. That means the government will need to catalyze solutions. This is true for several reasons. One is the nature of the problem. Many of the projects we must implement are small, scattered across the landscape, and often lack a compelling business case for those who must choose to participate (e.g., farmers). This means that public funds are required to make most projects viable. But these funds are too difficult to access and use. Over recent decades, a highly technical public funding and regulatory apparatus has become entrenched. In practice, funds are usually reimbursed via hard-to-access competitive programs with match funding and procedural “paywalls.” Only the most committed navigate the time, risk, and cash challenges to secure funds. Moreover, despite good intentions, dollars get stuck in program silos that focus on a sliver of the problem, making it hard to fund the right combination of projects necessary to achieve watershed resiliency. The result: fragmented public dollars move slowly to ground, project-by-project, with heavy burdens on under-capacity farmers and local groups, and no coherent watershed funding and implementation strategy. Simply put, the current funding and implementation system was not built for the urgency or size of our water challenges, and so we must update that system. Luckily, the tools for overcoming these challenges largely already exist. They just need to be better organized, simplified, and combined into an overarching watershed results framework.

Solution Principles: Moving forward will require: (1) a coordinated approach that integrates and leverages currently siloed but interrelated conservation funding sources; (2) use of [precision watershed analytics](#) to quickly identify the best combination of projects to invest in; and (3) a streamlined purchasing system that rapidly delivers funds to the ground with much less friction. The WRA connects all three of these components into a watershed solution framework.

Overview of How the WRA Works: The WRA would:

- **Direct Interior to establish an Outcomes Fund and deploy it in 2-5 pilot watersheds**
- **Complete and use “advance watershed analytics” to guide effort:** In each pilot, complete analytics to identify results targets and the best projects for hitting those targets. Examples of watershed analytics are described in more detail starting on page 6 of this testimony, but as defined in the WRA, they can be understood as the pre-investment assessment to identify potential projects, model the environmental outcomes they can produce and cost to implement, and the scenario analysis to identify the most cost-effective and feasible combinations of projects to invest in to achieve overall watershed targets. Until recent years, this work would have taken years, but with advancements in technology and computing, it is now possible to develop actionable insight at the watershed scale in weeks or months.
- **New outcomes dollars, coordinated with existing funds under a cross-agency funding plan:** The WRA provides \$15M/year/watershed (over 6 years) to buy the best project “outcomes” identified by the analytics. The WRA defines “outcomes” as quantifiable increases in surface water or groundwater quantity, measurable increases in habitat, and other readily quantifiable benefits that can be modeled using publicly available tools and data (e.g., lbs of nutrient or sediment removed, avoided thermal loading). In addition to the seed money, the WRA requires a coordinated cross-agency funding plan for each pilot, which must demonstrate how to achieve targets. As part of these plans, agencies must modify, expand, and streamline eligibility and verification for existing federal funding sources, and waive non-federal match requirements (see page 8 of this testimony for why this makes sense when purchasing outcomes and leveraging multiple funding federal sources together to secure a bigger, faster watershed solution).
- **Simple and quick purchasing tools, plus clear market signals:** Currently there is no real economy for watershed projects. To help create more market certainty, the WRA calls on Interior to set floor “outcome prices” for relevant outcomes in each pilot watershed. These signals are critical for private partners determining whether it makes good business sense to go build a project. Currently these signals do not exist with grant programs. In addition to establishing those price thresholds, the WRA calls on Interior to pay a project developer within 30 days of verifying outcomes via simple pay for performance contracts. With all these signals from the federal government, a private market economy will sprout up, with actors proactively developing good projects because it makes good business sense.

How a Watershed Outcomes Fund Works: A Fund would be a one stop “bank” for funders and farmers, with funding concentrated at the watershed level, investments prioritized by watershed analytics, simple engagement for farmers, and back-end tracking of projects, spending, and results:

- **Funding source aggregator and clearinghouse:** Instead of managing each funding source in its own silo, program funds could be pledged to an Outcomes Fund. A Fund (which can also be thought of as a “Bank”) would be housed within an agency. A Fund would serve as a clearinghouse for combining, concentrating, and quickly directing funds to the best projects, and tracking project outcomes. A Fund could leverage multiple the following types of aligned, but currently fragmented, money into a powerful, unified water outcomes purchasing machine:
 - **Congressional appropriations (like in WRA) to purchase outcomes via “pay for performance” contracts:** Specifically, where a project has been completed, and it has produced a verifiable “outcome” (quantifiable increases in surface water or groundwater quantity, measurable increases in habitat, and other quantifiable benefits like lbs of nutrient or sediment removed, avoided thermal loading), WRA Outcome Fund dollars would be available to purchase those benefits via a “pay for performance” contract, which

the bill defines as contract to purchase successfully implemented outcomes at a negotiated per-unit price. This approach has been authorized by Congress in the Social Impact Partnerships to Pay for Results Act (SIPPR),¹ and is a more streamlined version of a “fixed amount award.”² In contrast to typical government programs, which reimburse for expenses and effort without regard to results, this purchasing structure ensures that the government only pays once performance has been achieved.

- **Leveraging with compliance investment:** Consistent with the bill’s requirement to concentrate federal commitments from multiple agencies in a watershed pilot, EPA can use its watershed permitting authorities to ensure point sources only invest in clean water treatment technology to the “point of diminishing returns,” with remaining dollars reallocated to the Watershed Outcomes Fund. This approach would protect urban ratepayers from high costs, while directing funds to watershed projects that more cost-effectively deliver results.
- **“Pile on” from BOR, other agencies, and the private sector:** Reclamation and other agencies can match these non-federal compliance fund pledges with commitments from current programs. Private companies/donors could also commit their funds.
- **Use Fund pledges to secure accelerating upfront financing:** In the face of so many conspiring challenges, time is at a premium. Instead of waiting on project dollars to flow out of agencies and utilities bit-by-bit via annual appropriations, these pledges—which would not need to be paid upfront, but just awarded or contracted for—would be used to secure public and/or private debt, which would accelerate implementation. To date, uncertainty and scale factors have kept most “impact capital” focused on things where there is a simple payback plan, a repeatable and certain transaction model, and centralized project scale (e.g., windfarms, wastewater). A Watershed Outcomes Fund model would overcome many of these hurdles to financing. Public water lending and guarantee programs, including the SRFs and WIFIA, could help underwrite this effort.
- **Use precision analytics to identify the best projects, then offer “easy button” funding packages to farmers for producing “bushels of nature”:** Far too few farmers utilize conservation programs because of the complex and slow process, fund matching hurdles, and uncertainty that they will be selected. Instead of placing the burden on farmers to access funds, analytics can be used to identify the best projects. With those high-impact projects identified, simple upfront cash offers can be made to farmers to implement conservation projects, with the payment connected to the outcomes produced (e.g., \$250/lb. reduced). This streamlined approach would remove barriers to entry, increase participation, and reduce regulatory pressures through faster watershed improvement.

¹ U.S. Dep’t of Treasury, SIPPR – Pay for Results, <https://home.treasury.gov/services/social-impact-partnerships/sippra-pay-for-results>. See 42 U.S.C. § 1397n–1397n-13.

² See 2 CFR 200.45 & 200.201(b).



HOW PRECISION WATERSHED ANALYTICS DRIVE THE WRA

Summary: The WRA calls for “advance watershed analytics.” The “advance” indicates the need for insight prior to action. The second part, “watershed analytics” (more precisely known as “precision watershed analytics, or PWA) offer an effective and targeted tool for maximizing every taxpayer dollar invested, while providing a simple way to track progress against a target. Within a watershed, PWA can evaluate project benefits and costs in uniform units, enabling comparison across multiple project types, and against big, centralized projects. PWA also provides the *lingua franca* to coordinate multi-funder investment across large geographies by allowing for a simple, objective unit for decision-making and tracking. While centralized projects remain a must, they must be complemented by many more distributed watershed projects. PWA will be key to unlocking this latter portion of the solution and ensuring that resources flow to the highest-impact combination of projects.

PWA use existing technology and publicly available data sets and models to identify the highest impact projects, develop a specific roadmap for local stakeholders to use and improve, and then identify superior funding strategies. Developing and then using PWA follows three basic steps:

1. Integrate established government models and data with satellite imagery and other public data sets, as well as machine-learning technology, to remotely survey a watershed and identify specific conservation practices that could be implemented at the field level. This work is consistent with the purposes outlined in the Geospatial Data Act of 2018.³
2. From the group of feasible practices, identify optimal combinations of practices that would produce the best ecological and economic options on the ground, and estimate costs and desired outcomes. This step also requires significant “implementability” analysis as the “best” projects may have significant social, physical, or legal obstacles.
3. Develop scenarios to identify the most efficient combination of investments to achieve watershed-level objectives (importantly, PWA can be used to solve for multiple objectives).

Examples: Numerous actors use PWA to evaluate options and maximize desired outcomes. A few of those actors include TFT, the Bureau of Reclamation, Central Oregon Irrigation District, Idaho Power Company, the City of Medford, and the Chesapeake Conservation Innovation Center.

- TFT developed the BasinScout Analytics (BSA) to identify, prioritize, and implement the most impactful and cost-effective blend of distributed projects in a watershed. First, BSA utilizes up-to-date satellite data to scan large geographies and evaluate field-level features (e.g., distance and slope relative to bodies of water, current irrigation practices, cropping). Second, BSA determines which conservation practices are feasible to implement on each field, quantifies the projected ecological improvements generated by implementing that practice (e.g., nutrient or temperature reductions, water savings), and estimates the life-cycle cost of implementing that

³ The Geospatial Data Act of 2018, 43 USC 2801-2811, aims to ensure that geospatial data from multiple public and private sources is easily integrated and accessible. The Act codifies the Federal Geographic Data Committee (FGDC). The FGDC collects geospatial data from Federal and non-Federal sources and develops a strategic plan to meet certain listed goals, such as ensuring accuracy of raw and derived statistical information and open access for the public to geospatial data. The FGDC also operates a geospatial data clearinghouse (the “Geoplatform”).

practice on each field. Third, with the ability to sort projects based on how cost-effectively they produce desired benefits, BSA generates targeted implementation recommendations to achieve watershed objectives. This analytical framework offers a specific roadmap for local stakeholders to use, and can identify superior funding strategies. To illustrate, TFT analyzed the Crooked River in Central Oregon and determined that of 4,070 agricultural fields, only 1,500 were feasible for implementing a productive conservation action (the majority of which involved converting from flood to center pivot irrigation). If all 1,500 potential fields had actions implemented, it would cost well over \$100 million. However, by pursuing the highest impact fields, it is possible to spend just \$25M and still produce 60% of the overall potential sediment and phosphorous loading reductions (see [video](#)). This means that if the right projects are not prioritized based on their relative reduction-per-dollar efficiency, we could inefficiently spend tens of millions of dollars without achieving additionally meaningful pollutant reductions.

- In converting this Crooked River analysis into the implementation realm, partners determined that the water delivery system components between district-owned infrastructure and fields would preclude many farmers from upgrading to precision irrigation even if they wanted to. TFT has been working with Reclamation, the Central Oregon Irrigation District, and Deschutes River Conservancy to co-develop a model that identifies the resulting water savings, pollution reductions, hydraulic feasibility, and economics of various potential water delivery infrastructure modernization scenarios that would connect district-owned infrastructure efforts all the way through to field-level upgrades. This “implementability” analysis helps ensure that main-line infrastructure upgrades also unlock high-impact on-farm upgrades, which when implemented together, will provide more water savings and address a major water quality impact in the basin.
- The Idaho Power Company went through 13 failed relicensing efforts for its hydropower dams in Hells Canyon (which produce 70% of the utility’s hydropower). But with PWA on its side, IPC was able to secure Clean Water Act (CWA) approval from Idaho and Oregon to implement a \$350 million [watershed stewardship program](#) that will rehabilitate hundreds of miles of riparian vegetation on tributaries, reshape the mainstem Snake River to better fit its current hydrograph, and avoid significant sediment and nutrient loading from upgraded irrigation infrastructure.
- The City of Medford (OR) had a big CWA water quality compliance challenge. Instead of installing a mechanical chiller or digging a giant cooling pit, the City relied on PWA to identify riparian revegetation projects in the [Rogue River watershed](#) that could create the most shade for the least cost. The City now uses shade from these projects to comply with its wastewater permit.
- The Chesapeake Conservancy uses precision conservation to map, target, and implement on-the-ground agricultural and conservation best management practices that provide ecosystem services and have the greatest impact. For example, the Conservancy applied [precision conservation](#) to the Chester River watershed to identify and protect the highest functioning landscapes. First, it created a high-resolution land use and land cover (LULC) dataset. This was critical because land use types are difficult to discern using imagery alone (roads, open water, and wetlands are often misclassified due to slight changes in reflectance or similarity to other classes). Second, it mapped and analyzed concentrated flow paths (CFP). It did this with remotely sensed elevation data and digital elevation models. This is central to an accurate hydrological understanding of how land use impacts water quality and how water moves across landscapes. Finally, the Conservancy combined LULC and hydrology data to prioritize and apply best management practices in the most optimal places. Overall, this approach will give managers the ability to prioritize conservation and restoration efforts and allows conservation organizations and government agencies to target efforts and outreach in priority areas.



WHY NON-FEDERAL MATCH REQUIREMENTS DO NOT FIT WITH THE OUTCOMES-DRIVEN PURPOSE OF THE WRA

Across dozens of federal grant programs, requirements for applicants to “match” the funding from the federal government with money from someone else are ubiquitous. The phrase “matching requirement”⁴ appears 15 times in the recent Infrastructure Investment and Jobs Act (IIJA), requiring funding applicants to provide non-federal match at 15% - 50% of the government request.⁵ Matching funds are also referenced in over 100 other pieces of legislation in this Congress.

Match requirements have become a default policy, often applied in a binary way without considering unintended effects. However, match requirements actually make it difficult for the federal government to catalyze solutions to big, fast-moving 21st Century environmental problems. In the face of intensifying drought, water quality issues, burning forests, and more frequent “once-in-a-millennia” flood and temperature events, the status quo approach to federal match funding must be reconsidered. The WRA—with its coordinated, prioritized, outcomes-driven approach—offers an opportunity to show how a match waiver in pilot watersheds can yield bigger, better, faster results.

But first, why does Congress care if state or local governments, nonprofits, or businesses match federal money for a project? Here are the common arguments made in defense of match requirements:

1. **Skin in the game.** The main argument for match is that it proves that an applicant has enough of a commitment to a project that they are willing to put their own money on the table to back it. The higher the percentage of applicant funding, presumably the more important it is to them and the more likely they are to believe that the project will be successful.
2. **Long-term sustainability.** A related theory underlying match is that securing it requires community engagement and buy-in, which will make the investment more successful in the long-term once the grant or subsidy is no longer available.
3. **Leveraging.** Another common consideration is that if part of a project’s funds are withheld, and an applicant has to secure other sources, money is being pulled into a project that would not have happened but for the partial federal contribution.
4. **Diversification.** There is an assumption that partially funding many projects across the landscape will make more political constituents (i.e., voters) happy than providing full funding to fewer projects.

These are important considerations and worthy goals, but the current match funding approach also has some notable downsides, which will undercut the effectiveness of the WRA. As outlined below,

⁴ Federal “match” requirements obligate a project proponent seeking federal funding to secure state, local, or private funds to unlock the federal funds. See 2 CFR 200.306. Matching requirements first started to appear in the early 20th Century.

⁵ This range is consistent with what is seen in other federal environmental programs. For example, NRCS EQIP funds require 50% non-federal match for standard projects. FEMA BRIC generally requires 25% non-federal match. 42 U.S.C. § 5193(a). CWA section 319 funds require a 40% non-federal match. 33 U.S.C. § 1329(h)(3).

match requirements impose several practical and financial barriers to speed, scale, and results. It is for these reasons that the WRA proposes a waiver in the context of the bill's broader purpose:

1. **Match requirements place agencies in the role of following, which is a challenge given the massive resource asymmetry held by the federal government.** Standard practice is to require a grant applicant to already have funds in-hand before the federal government will help. Given the massively asymmetrical resource advantage of the federal government and its ability to print money, federal dollars should be the catalyst of change, not the entity asking smaller, lesser-resourced government and non-profit entities to prove their buy-in first.
2. **Using match as an application screening tool is no longer needed with new technology.** Prior to the technological revolution, it was difficult to comparatively assess projects, and so extensive technical criteria and processes were necessary to ensure that applicants were serious and to protect agencies against fraud, waste, and abuse. But with objective project quantification technology now widely available, government agencies can objectively define their desired outcomes (e.g., lbs of nutrients removed, water of volume saved), and then just fund the projects that deliver those public benefits most cost effectively. Remote sensing technology now makes it possible to repeatedly verify the continued existence and function of projects as well. This quantified conservation approach means that agencies no longer need validation from others proven through a large financial match commitment.
3. **Match requirements slow down “public good” projects, which is the opposite of what is needed to build watershed-level resiliency in the face of climate change.** Funding for projects is slow and uncertain, each with high transaction costs. Projects often must be developed piecemeal over months or years via a combination of fundraising, competitive grants, and cost-share programs. This means that completing a single watershed project often requires under-resourced groups to navigate multiple programs with uncertainty as to whether each funding stream will be awarded. This approach to funding projects cannot drive the quantity of projects needed to secure resilient ecosystems and communities.
4. **Slow grant contracting makes it hard to keep project and funding coalitions together before federal paperwork is complete.** Federal agencies often want multiple partners to commit funds as part of an application. Even once awarded, these same agencies can take months or years to negotiate contracts. Due to these long and uncertain timelines, partners often must move on to other projects, which can scuttle previous match commitments, and leave the primary applicant scrambling to build new match sources. Because of the sunk costs of moving a federal proposal this far through the process, the applicant organization will often choose to take the federal funds and figure it out—a risk that can result in the organization having to use its own scarce operational funds as match if new partners cannot be secured.
5. **Current match approaches lead to inequitable flow of funds to bigger interests and projects.** Match requirements reward larger organizations and projects that already have high capital inflows over smaller organizations and startups. They also reward organizations that have sophisticated and creative experience in defining and applying match. All else being equal, this means that federal funding is skewed toward older and larger organizations, bigger local governments, and bigger centralized projects, leaving a less effective funding plan for the many smaller-scale, hard-to-fund, but critical projects scattered across the landscape.⁶

⁶ For example, as of 2011, As an example of this skew, of the \$139.7 billion in Clean Water State Revolving Fund (SRF) investments made from 1988 to 2020, only \$5 billion, or 3.5% was directed to nonpoint source projects. EPA, Clean Water SRF Program Summary, National Summary, at 24, 28 (2021), <https://www.epa.gov/sites/default/files/2021-02/documents/us20.pdf>. And yet approximately 75% of America's waterbodies with Total Maximum Daily Loads were

With these unintended consequences in mind, we offer the following rationales for the non-federal matching waiver in the WRA:

1. **If innovation, results, speed, or scale are at a goal of a program, Congress shouldn't require match at all, and should instead require results.** Statutory changes like those suggested in the WRA take this approach. One of the military's creative programs – DARPA – does this and has a record of producing homerun technologies that have produced broad benefits for the country.⁷ Across the country, communities need to rapidly scale up their water resiliency, and so creating leverage between the federal agencies should be the aim.
2. **If Congress wants agencies to work together, allow federal-to-federal match or explicitly require federal-to-federal match as an incentive for agencies to work together on a coordinated funding plan that concentrates their currently siloed investments into high-priority places at a meaningful enough level to secure results.** The federal government is the largest environmental spender in America, but those funds are fragmented into silos that dilute—instead of leverage—the enormous purchasing power that could come from multiple levels of government driving toward common outcomes. Under a leverage approach, each funding stream can generate co-benefits for the other federal agency, with the combined funding sources directed to the highest priority projects for multiple agencies. This approach has already been implemented. For example, in an intentional effort to pull conservation resources toward a worthwhile military goal, various Department of Defense conservation programs that help protect military bases from encircling development are allowed to count as non-federal match for USDA and Department of Interior conservation programs.⁸ Under the WRA, the goal is similarly broad and encompassing, and so cross-agency federal leverage should be incentivized so that results are concentrated and reinforcing.
3. **If disadvantaged or overburdened communities are a sought-after beneficiary of a program, eliminate match requirements fully for those communities.** Given how much time, capacity, and fundraising expertise is currently needed to secure non-federal match funds, it makes sense to pursue a consistent match approach that gets dollars quickly into struggling communities. For example, under the IIJA, EPA's State Revolving Fund offers 100% federal funding (i.e., grants without a match requirement) for toxic lead water pipe replacement in disadvantaged communities.⁹ Given the importance of getting water conservation dollars into underserved rural areas, and relieving water ratepayer pressure, the WRA match waiver is consistent with this important objective.
4. **If Congress wants non-federal leverage, it should allow private financing to count as match, or use its programs to reduce overall project cost.** Concentrated federal resources are often the best and primary source for conservation project funds. However, even when

primarily impaired by nonpoint source discharges. EPA, NATIONAL EVALUATION OF THE CWA SECTION 319 PROGRAM (2011), www.epa.gov/sites/production/files/2015-09/documents/319evaluation.pdf.

⁷ "Arguably, [DARPA] has the longest standing, most consistent track record of radical invention in history." Regina Dugan & Kaigham Gabriel, "Special Forces" Innovation: How DARPA Attacks Problems, HARVARD BUSINESS REVIEW (Oct. 2013), <https://hbr.org/2013/10/special-forces-innovation-how-darpa-attacks-problems>.

⁸ "10 U.S.C. § 2684a(h) allows the recipient of REPI funds to use such funds as the match or cost-sharing requirement for any conservation or resilience program of any federal agency." DOD, USING REPI PROGRAM FUNDING AS MATCH FOR FEDERAL CONSERVATION OR RESILIENCE PROGRAMS (March 2022), https://www.repi.mil/Portals/44/Documents/Resources/REPI_FactSheet_FundsAsMatch.pdf.

⁹ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, div. J, tit. III, 135 Stat. 429, 1400 (2021), <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>.

awarded in big amounts, most federal project funds are disbursed in chunks pursuant to annual appropriation cycles or grant reimbursement practices. Given this mismatch, instead of requiring non-federal *project fund* match, Congress could instead allow federal or non-federal *project finance* as match. Just like securing a home mortgage, private financing could provide the upfront cash necessary to complete a lot of projects much faster, with payback coming from reliable sources of federal funds.

Although less efficient than a waiver, this approach is also consistent with the speed and scale purposes of the WRA, as well as the desire to pull the private sector into solving the problem. Because most conservation projects require at least one public subsidy to be viable, they are not great at producing private return. However, with multiple public funding commitments leveraged together and matched to strong projects, private investors could see a pathway to institutional scale and returns. By allowing federal agencies to participate together, Congress could then secure the benefit of speed and scale that can come from accelerating private investment.

If Congress wants to retain match requirements, there are other ways to design requirements that would better mitigate against unintended consequences. For example:

1. **Assess match secured at the end of a project.** Congress could explicitly allow agencies to count match at the end of the project rather than the beginning, with accountability like consequences for future eligibility or prioritization in grant-making, but no consequences on secured funding if the recipient fails to secure it. In this way, federal agencies could help seed new initiatives. The same approach also helps deliver real leveraging where the first-in federal money truly pulls more state, local, or private money after it. The concern that applicants (states, local government, and non-profits) would fraudulently claim match and never deliver misunderstands their long-term interests. These applicants will continue to rely heavily on federal programs to drive under-funded social initiatives, and so will work hard to avoid default on their match commitment if doing so risks future funding eligibility.
2. **Add in economic multipliers in proving match.** Most conservation funding programs were created to address public challenges. Despite this intent, much of the focus on grants ends up being on the dollars spent, not results. Understanding that these projects produce many other social, economic, and community values, the match value could be added together with other economic multiplier values generated from the work as part of the match proof.
3. **Require agencies to track match across programs not projects.** If agencies used a ranking system to score worthy applications by the magnitude of benefits the project delivered that are priorities for the program, agencies could offer individual applicants both a match percentage and a funding offer, with no- or low-match requirements for the highest-impact projects. This would allow agencies to try to hit a target match amount across a program instead of worrying about individual projects.

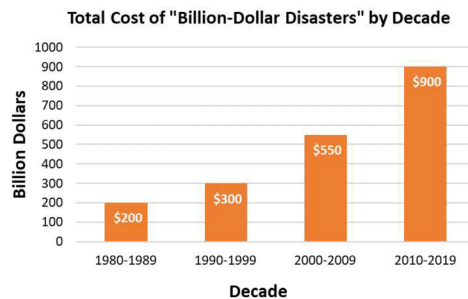


HOW THE WRA'S TARGETED & COORDINATED INVESTMENT APPROACH CAN HELP AMERICA SPEND LESS ON DISASTERS

Coordinated, prioritized watershed investments will result in lower disaster bills in the future, with benefits far outstripping costs. Moving forward, this reality should be factored into the economic evaluation of legislation that includes mandatory spending for natural infrastructure. While avoided future costs are not traditional spending offsets, watershed resilience investments promoted by the WRA will help the government spend a lot less over time, and so should be considered in the same way. This is especially important given how much America's post-disaster spending is increasing.

Post-disaster spending is already high and will significantly increase, putting growing financial strain and risk on the federal budget: Since 1980, the U.S. has sustained 310 climate and weather disasters, with a total cost of more than \$2.155 trillion.¹⁰ Around half of this total occurred from just 2012-2021.¹¹ As illustrated in Figure 1, that trend is worsening, with costs almost doubling each decade. More than one-third of all disaster spending since 1980 (\$764.9 billion) has occurred in the last five years.¹² This marked increase in disaster spending—\$148.4 billion per year on average over the last five years—is likely to continue its exponential growth as the U.S. adjusts to significantly more frequent and severe storms, floods, fire, and drought.

Figure 1. Total cost of billion-dollar disasters in the U.S. over time (CPI-adjusted). Adapted from NOAA NCEI (2021).¹³



¹⁰ NOAA NCEI, U.S. BILLION-DOLLAR WEATHER AND CLIMATE DISASTERS (last accessed Mar. 14, 2022), <https://www.ncdc.noaa.gov/billions>.

¹¹ NOAA NCEI, 2021 U.S. BILLION-DOLLAR WEATHER AND CLIMATE DISASTERS IN HISTORICAL CONTEXT (Jan. 24, 2022), <https://www.climate.gov/news-features/blogs/beyond-data/2021-us-billion-dollar-weather-and-climate-disasters-historical>.

¹² NOAA NCEI, CLIMATOLOGY IN U.S. BILLION-DOLLAR WEATHER AND CLIMATE DISASTERS (last accessed May 17, 2022), <https://www.ncei.noaa.gov/access/billions/climatology>.

¹³ NOAA NCEI, 2021 U.S. BILLION-DOLLAR WEATHER AND CLIMATE DISASTERS IN HISTORICAL CONTEXT.

As emphasized by the Government Accountability Office (GAO), the cost of these disasters is already a major source of federal financial exposure.¹⁴ On top of that existing exposure, the severity and frequency of extreme events is projected to significantly increase¹⁵ and become increasingly complex and more difficult to manage.¹⁶ Both the hurricane rainfall and intensity on the East Coast, as well as the frequency and severity of landfalling “atmospheric rivers”¹⁷ on the West Coast are projected to increase.¹⁸ The current Western mega-drought is now the driest period in 1200 years,¹⁹ and future droughts in most U.S. regions are projected to be stronger and likely last longer.²⁰ Western wildfire risk is also increasing, with 17 of the 20 largest California wildfires occurring since 2000.²¹ And globally, the warmest seven years on record have all occurred since 2015, with current global temperatures about 1.1° C warmer on average than pre-industrial levels.²²

The combination of two or more extreme hazard events that occur simultaneously or consecutively have a multiplying effect on the risk to water infrastructure systems, as the failure of one system can lead to the failure of interconnected systems.²³ For example, Hurricane Irma, a recent Category 5 storm, shattered the existing record for length of time over which it sustained winds of 185 miles per hour,²⁴ caused \$50 billion in damages to residential and commercial property and impacted about 85% of Florida’s drinking water and wastewater facilities.²⁵ The rainwater from Irma caused around 600 sewer overflows, which occur when wastewater treatment facilities release untreated sewage and stormwater into waterways.²⁶

The costs and losses from natural disasters are at historical highs and are expected to increase as these events become more frequent and severe. As the world moves past 1.1° C warming and towards the 2.7° C warming now projected,²⁷ continuing to deal with natural disasters after-the-fact will prove to be an increasingly expensive endeavor. To better enable these critical resiliency investments and cut down on the government’s overall disaster spending over time, it will be critical to account for and

¹⁴ U.S. GOV’T ACCOUNTABILITY OFFICE, LIMITING THE FEDERAL GOVERNMENT’S FISCAL EXPOSURE BY BETTER MANAGING CLIMATE CHANGE RISKS, <https://www.gao.gov/highrisk/limiting-federal-governments-fiscal-exposure-better-managing-climate-change-risks>; U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-15-515, HURRICANE SANDY: AN INVESTMENT STRATEGY COULD HELP THE FEDERAL GOV’T ENHANCE NATIONAL RESILIENCE FOR FUTURE DISASTERS (2015), <https://www.gao.gov/assets/gao-15-515.pdf>. The GAO has recommended that the Office of Management and Budget (OMB) adopt budgeting and forecasting procedures to account for such fiscal risk, such as major disaster costs, as part of the federal budget process.

¹⁵ U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-20-100-SP, DISASTER RESILIENCE FRAMEWORK: PRINCIPLES FOR ANALYZING FEDERAL EFFORTS TO FACILITATE AND PROMOTE RESILIENCE TO NATURAL DISASTERS (2019), <https://www.gao.gov/products/gao-20-100sp> citing U.S. GLOBAL CHANGE RESEARCH PROGRAM, IMPACTS, RISKS, AND ADAPTATION IN THE UNITED STATES: FOURTH NATIONAL CLIMATE ASSESSMENT, VOLUME II (Nov. 23, 2018), https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf.

¹⁶ Intergovernmental Panel on Climate Change, *Climate Change 2022 Impacts, Adaptation and Vulnerability Summary for Policymakers*, at 20 (2022) https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf.

¹⁷ Increases in atmospheric river frequency and intensity lead to the likelihood of more frequent flooding conditions. U.S. GLOBAL CHANGE RESEARCH PROGRAM, IMPACTS, RISKS, AND ADAPTATION, at 117.

¹⁸ U.S. GLOBAL CHANGE RESEARCH PROGRAM, IMPACTS, RISKS, AND ADAPTATION, at 74.

¹⁹ A. Park Williams, Benjamin I. Cook, Jason E. Smerdon, *Rapid intensification of the emerging southwestern North American megadrought in 2020-2021*, NATURE CLIMATE CHANGE 12, at 232-234 (Feb. 14, 2022), <https://www.nature.com/articles/s41558-022-01290-z>.

²⁰ U.S. GLOBAL CHANGE RESEARCH PROGRAM, IMPACTS, RISKS, AND ADAPTATION, at 91.

²¹ NOAA NCEI, CLIMATOLOGY IN U.S. BILLION-DOLLAR WEATHER AND CLIMATE DISASTERS.

²² 2021 joins top 7 warmest years on record: WMO, (Jan. 19, 2022), <https://news.un.org/en/story/2022/01/1110022>.

²³ U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-20-24, WATER INFRASTRUCTURE TECHNICAL ASSISTANCE AND CLIMATE RESILIENCE PLANNING COULD HELP UTILITIES PREPARE FOR POTENTIAL CLIMATE CHANGE IMPACTS, at 17 (Feb. 13, 2020), <https://www.gao.gov/assets/gao-20-24.pdf>.

²⁴ U.S. GLOBAL CHANGE RESEARCH PROGRAM, IMPACTS, RISKS, AND ADAPTATION, at 95.

²⁵ EPA OIG, 20-P-0001, REGION 4 QUICKLY ASSESSED WATER SYSTEMS FOR HURRICANE IRMA BUT CAN IMPROVE EMERGENCY PREPAREDNESS, at 1 (Oct. 7, 2019), https://www.epa.gov/sites/default/files/2019-10/documents/epa_oig_20191907-20-p-0001.pdf.

²⁶ *Id.*

²⁷ Intergovernmental Panel on Climate Change, *Climate Change 2021 The Physical Science Basis*, IPCC AR6 WGI, at SPM-18 (Aug. 7, 2021), https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf.

link watershed resiliency investments with avoided future disaster spending when evaluating the economic impacts of legislatively approved funding that will help reduce overall risk exposure.

Proactive natural resiliency investments can help limit the federal government's financial exposure by 3-6x: Strategic natural resiliency investments made before a disaster event can significantly reduce response requirements and spending.²⁸ In its recent *Natural Hazard Mitigation Saves* publication, the National Institute of Building Sciences (NIBS) found that every dollar of federal money spent on pre-disaster mitigation will return six dollars in benefits.²⁹ These types of savings have been demonstrated in more specific contexts as well:

- **Nature-based solutions—which align with the outlined investments in the WRA—save an average of \$3.50 per \$1 invested.** Natural resiliency investments reduce losses and recovery costs. For example, a 2018 study explored the cost-effectiveness of restoration of coastal wetlands, barrier islands, beaches, and oyster reefs in the Gulf Coast region.³⁰ The authors estimated that losses from storm-related flooding will increase to \$134–\$176 billion/year by 2030. The authors estimate that if nature-based resiliency investments were made in this region, they could offset losses by ~\$50 billion/year with an average benefit-cost ratio of 3.5.³¹ In other words, for every \$1 spent, \$3.50 in future flood damage would be avoided.
- **Coastal wetlands avoided \$625 million in damages during Hurricane Sandy.** A 2017 study showed that areas affected by Hurricane Sandy that had healthy coastal wetlands experienced significantly less losses than areas without.³² The study found that the presence of wetlands reduced storm surge intensity, which reduced flood elevations and damages. Collectively, these wetlands reduced total losses by \$625 million.³³
- **Private companies seeing major returns from proactive disaster resiliency spending.** The private sector, too, is increasingly seeing the business case for allocating resources towards disaster resiliency. FM Global analyzed nearly 100 corporate 10-K statements in the aftermath of hurricanes Harvey, Maria, and Irma. In reviewing more than 10,000 investments made by more than 1,800 companies over a ten-year period, FM Global found, for every \$1 a company spends to protect structures from hurricane, wind, and flood damage, estimated loss exposure decreased by an average of \$105.³⁴

Reducing the impact of disaster on people and small businesses will safeguard tax revenue: The true cost of disasters is much greater than cleanup costs. The cascading economic effects on people, businesses, and local governments are difficult to measure precisely, but when people can't travel their usual routes or lose their jobs because local businesses close, there are significant economic implications. According to the Federal Emergency Management Agency (FEMA), 40% of small

²⁸ FEMA, NATIONAL MITIGATION FRAMEWORK, SECOND EDITION, at 1 (2016), https://www.fema.gov/sites/default/files/2020-04/National_Mitigation_Framework2nd_june2016.pdf.

²⁹ National Institute of Building Sciences, *Natural Hazard Mitigation Saves* (2019), <https://www.nibs.org/projects/natural-hazard-mitigation-saves-2019-report>. NIBS is an independent entity commissioned by Congress to study the return on investment to the federal government of investing in resiliency.

³⁰ Borja G. Reguero et al. (2018), *Comparing the cost effectiveness of nature-based and coastal adaptation: A case study from the Gulf Coast of the United States*, PLoS ONE 13(4) (2018), <https://doi.org/10.1371/journal.pone.0192132>.

³¹ *Id.*

³² Siddharth Narayan et al., *The Value of Coastal Wetlands for Flood Damage Reduction in the Northeastern US*, *Scientific Reports* 7(1) (2017).

³³ *Id.*

³⁴ FM Global, *Master the Disaster: Why CFO must Initiate Natural Catastrophe Preparedness in 2019 and Beyond*, at 3, 10 (2019), <http://cms.ipressroom.com.s3.amazonaws.com/240/files/20190/Master+the+disaster+-+CFO+natural+disaster+preparedness+in+2019+and+beyond.pdf>.

businesses do not reopen after a disaster and another 25% fail within one year.³⁵ And even if the businesses persist, they often do in a weakened state. For example, two years after Hurricanes Katrina and Rita, 60% of local small businesses that remained open were earning less revenue than before the storms.³⁶ In addition to impacting communities, these major effects on small businesses affect the ability of the U.S. Treasury Department to collect business and employee income taxes.

To actually avoid future disaster spending, investments must be coordinated across federal programs, be outcomes-oriented, and leverage private investment consistent with the framework established by the WRA: In order to minimize future disaster spending in the face of these growing stressors, the federal government must proactively and strategically invest in natural infrastructure to help make communities considerably more resilient to severe events than they currently are. The GAO, along with the Inspector Generals of several agencies, have each separately recommended three key strategies to ensure that investments in natural infrastructure and disaster resilience achieve their intent and minimize federal fiscal exposure. The WRA infuses the analytics, coordination, and leverage elements encapsulated by these strategies and so is a great framework for showing that high-impact natural infrastructure investments actually avoid future disaster spending.

Coordination across Federal Programs and Agencies

The GAO found that no federal agency, interagency effort, or other organizational arrangement has been established to implement a strategic approach to resilience investment.³⁷ The lack of a strategic approach to identifying, prioritizing, and implementing investments increases the risk that the federal government will lose key opportunities to strengthen infrastructure and resilience.³⁸

To focus federal funding on high-priority resilience projects, GAO recommends “coordinating funding provided through multiple existing programs with varied purposes.”³⁹ Even if the programs were not designed specifically for resilience, their purposes may be compatible with resilience and thus should be part of a coordinated effort.⁴⁰ Similarly, FEMA’s National Mitigation Framework states that it is critical to coordinate the planning and development of interconnected initiatives.⁴¹

With its watershed targets, cross-agency funding plan, precision watershed analytics, the WRA includes all the major elements outlined by GAO and FEMA. The Louisiana Coastal Protection and Restoration Authority (CPRA) is another prime example. Each of the high-priority resilience projects implemented by CPRA are funded by one or more federal programs compatible with the project’s purpose.⁴² CPRA identifies and prioritizes high-priority resilience projects, then coordinates existing and new federal and nonfederal funds to implement those projects.⁴³

Outcomes-Oriented Investments

To successfully orient funding in a prioritized way, the GAO recommends quantification and outcomes-oriented analytics to help decisionmakers identify potential criteria, assign weights to the criteria, visualize project trade-offs, rank proposed projects, and identify high-priority projects.⁴⁴ Quantified environmental outcomes not only help to measure and compare results, but to prioritize

³⁵ FEMA, *Ready Business Hurricane Toolkit (2022)*, https://www.ready.gov/sites/default/files/2020-04/ready_business_hurricane-toolkit.pdf.

³⁶ Howe, P., *Hurricane Preparedness as Anticipatory Adaptation: A Case study of Community Business*. *Global Environment Change* (2011), <https://www.sciencedirect.com/science/article/abs/pii/S0959378011000239>.

³⁷ U.S. Gov’t ACCOUNTABILITY OFFICE, CLIMATE RESILIENCE at 60.

³⁸ U.S. Gov’t ACCOUNTABILITY OFFICE, HURRICANE SANDY.

³⁹ U.S. Gov’t ACCOUNTABILITY OFFICE, CLIMATE RESILIENCE at 46.

⁴⁰ U.S. Gov’t ACCOUNTABILITY OFFICE, CLIMATE RESILIENCE at 47.

⁴¹ FEMA, NATIONAL MITIGATION FRAMEWORK at 21.

⁴² U.S. Gov’t ACCOUNTABILITY OFFICE, CLIMATE RESILIENCE at 47.

⁴³ U.S. Gov’t ACCOUNTABILITY OFFICE, CLIMATE RESILIENCE at 43.

⁴⁴ U.S. Gov’t ACCOUNTABILITY OFFICE, CLIMATE RESILIENCE at 42.

amongst potential investment opportunities to maximize resilience benefits and reduce impacts of future disasters.⁴⁵ With advance watershed analytics and a focus on purchasing outcomes, the WRA likewise aligns well with this plank of GAO's recommendations.

Leveraging the Private Sector

The GAO's Disaster Resilience Framework also recognizes the importance of catalyzing private and nongovernmental participation.⁴⁶ According to FEMA's National Mitigation Framework, public-private partnerships are critical for reducing long-term natural disaster vulnerability.⁴⁷ Coordinating with the private sector reduces duplication of efforts, encourages complementary efforts,⁴⁸ and maximizes the use of available resources.⁴⁹ Public-private partnerships also bring in diverse perspectives across sectors and increase the likelihood that actions will capture all aspects of natural hazard risk, mitigation, and resilience.⁵⁰ Leveraging the private sector can also accelerate progress because private investment can provide upfront capital to accelerate work. The WRA specifically includes several elements that are meant to leverage, provide certainty to, and pull in the private sector.

⁴⁵ U.S. GOV'T ACCOUNTABILITY OFFICE, CLIMATE RESILIENCE at 42.

⁴⁶ U.S. GOV'T ACCOUNTABILITY OFFICE, DISASTER RESILIENCE FRAMEWORK at 5.

⁴⁷ FEMA, NATIONAL MITIGATION FRAMEWORK at 28.

⁴⁸ FEMA, NATIONAL MITIGATION FRAMEWORK at 28.

⁴⁹ FEMA, NATIONAL MITIGATION FRAMEWORK at 22.

⁵⁰ FEMA, NATIONAL MITIGATION INVESTMENT STRATEGY at 9.



WHO ARE WE?

- Systems change-focused nonprofit that builds and deploys technical, financial, and policy tools to enable large-scale solutions that bolster watershed resiliency
- Proven collaborator with landowners, regulated entities, governments, and businesses to build, quantify, and track optimized watershed solutions
- Growing portfolio of work spans western U.S., from on-the-ground projects to precision analytics to policy efforts to improve the conservation system
- Designed and shepherded to approval over \$1 billion in new quantified watershed solution funds
- By 2030, we endeavor to drive \$1 billion/year to precision watershed analytics and outcomes-driven investments—[now is the time](#)

PRECISION INSIGHT TO SEE, DESIGN & GUIDE OPTIMAL SOLUTIONS

DEPLOYING PRECISION ANALYTICS TO HELP CORPORATIONS MEET SUSTAINABILITY PLEDGES

In 2020, TFT entered an agreement with Microsoft Corp. to help the company identify and prioritize actions for replenishing groundwater in California's heavily depleted Sacramento Valley. TFT is using its [BasinScout® Platform](#) to discover cost-effective projects that contribute to Microsoft's ambitious water stewardship strategy, including its commitment to replenish more water than it consumes by 2030. TFT is responsible for implementing groundwater replenishment contracts for Microsoft. Amazon Web Services recently joined on and will buy additional groundwater replenishment projects in the area.

ANALYTICS THAT CONNECT WATER SCARCITY

Central Oregon's Deschutes River basin is facing multiple challenges. Last year, many farmers had their water turned off due to drought, imperiled salmon died from high water temperatures, and excess nutrient runoff choked the system with harmful algae blooms. Yet all sources are in compliance. [TFT determined](#) that of 4,070 agricultural fields in a key area, only 1,500 could host a meaningful conservation action—at an estimated cost of \$130 million. However, by pursuing the top 10% of the projects with the highest impact, it is possible to remove 60% of the nitrogen runoff in the basin at a cost of \$25 million. To make these projects happen, TFT is working closely with local water users to map the full integrated system—from water delivery through to individual farms—so that partners can collectively optimize investments for water savings and runoff reductions, and gain real-time insight to support flexible transactions that keep the river and communities whole.



USING THE CLEAN WATER ACT TO CATALYZE WATERSHED-SCALE INVESTMENT AND RESILIENCE

REDIRECTING COMPLIANCE IN ROGUE BASIN TO GREEN SOLUTIONS WHILE BUILDING RESILIENT LOCAL ECONOMY

In 2011, rather than invest in chillers or a cooling pond to address a temperature compliance issue, the City of Medford, Oregon, [partnered with TFT](#) to plant native trees and shrubs in strategic places along the Rogue River and its tributaries. The new vegetation blocks solar load. Using precision insight technology, TFT quantifies the benefits of the restoration in the same units as technology solutions, and then recruits the projects that produce the most benefits for the least cost. This approach allows the City to use the projects for permit compliance, while also restoring degraded ecosystems and [supporting dozens of local contractors and jobs](#). This initial contract set the table for other entities such as the Bureau of Reclamation (ESA fish habitat program), the City of Ashland (the nation's first Clean Water State Revolving Fund loan-financed trading program), and the U.S. Forest Service to partner with TFT on aligned conservation programs.

Over a decade, TFT has catalyzed nearly \$25 million of new investment into the Rogue basin, supporting dozens of jobs and bolstering economic activity in the region.

DEVELOPING AN INTEGRATED SOLUTION FOR PUGET SOUND

In 2020, we signed on with King County, Washington, to assess the feasibility of a multiparty program to improve the water quality of the Puget Sound. Collectively, all the municipalities in the Sound are poised to invest billions on wastewater treatment technologies that will meet permit terms, but fail to yield watershed-level health. The current regulatory approach will not adequately address nonpoint sources such as stormwater, septic systems, and agricultural runoff. TFT is helping partners design watershed-based permit flexibility and supporting analytics to ensure that the right increments of dollars go to the right mix of projects (technology and distributed projects).



Rogue River basin in Southern Oregon

DEVELOPING AN INTEGRATED SNAKE RIVER BASIN SOLUTION

When TFT first started working with Idaho Power Company (IPC) in 2014, IPC had gone through 13 failed relicensing efforts for its hydropower dams in Hells Canyon (which produce 70% of the utility's hydropower). With TFT's help designing a solution, IPC received its Clean Water Act (CWA) 401 certification from Idaho and Oregon to implement a \$350 million [watershed restoration compliance program](#) that will restore hundreds of miles of riparian vegetation on degraded tributaries, reshape the mainstem Snake River to better fit its current hydrograph, and avoid significant sediment and nutrient loading from upgraded irrigation infrastructure.

To support this program, TFT built a technology system for site selection, design, permitting, implementation, monitoring, tracking, and reporting for all conservation projects. TFT is now working with IPC to develop a sediment and nutrient runoff reduction compliance program, as well as with the City of Nampa, Idaho, to design a flexible CWA compliance solution. Combined, these and other centralized sources could soon spend over \$1 billion on technology solutions that will fail to meaningfully incorporate nonpoint sources. TFT is working on behalf of these entities to coalesce an integrated watershed solution that brings all these pieces together into an optimized approach.



SECURING A SUSTAINABLE FUTURE FOR IRRIGATED AGRICULTURAL COMMUNITIES

PIONEERING WATER TRANSACTIONS THAT WORK FOR AGRICULTURE AND RIVERS

As the nation's first water trust, TFT believes working lands and healthy rivers can and must coexist. Since 1993, TFT has completed 238 instream flow restoration projects throughout Eastern Oregon, where pressure on water resources is growing. These transactions compensated landowners for leaving water instream or upgrading equipment, and restored up to 163 million gallons of water/minute each irrigation season, while also helping landowners convert their liquid assets into a critical new revenue source.

PRACTICAL SOLUTIONS TO FIX DEPLETED GROUNDWATER AND SURFACE WATER SYSTEMS IN CALIFORNIA

In 2016, TFT began working with the Sacramento Regional County Sanitation District to secure a massive state grant that would allow the District to pump recycled wastewater to a stressed basin directly south of Sacramento. Farmers there will use the recycled water to irrigate fields instead of pumping groundwater. To complement that work, TFT also designed a unique basin-scale conservation approach that will secure, protect, and enhance more than 5,000 acres of important groundwater-dependent habitat in the southern Sacramento Valley over the next 80 years. This \$600-700 million program is expected to restore groundwater to local aquifers, thus increasing drought resilience for the entire system, and benefiting irrigators, at-risk drinking water supplies, and fish and wildlife species.

PILOTING BLOCKCHAIN & REMOTE SENSING TO SUPPORT REAL-TIME WATER TRANSACTIONS

In 2019, TFT began a pilot using blockchain and remote sensing to track groundwater use in California's Solano subbasin. The project's scientists and engineers are demonstrating how a secure blockchain platform and low-cost sensors can accurately measure groundwater use transparently and in real time. Measurement and tracking lay the groundwork for being able to quickly and confidently transact water in the face of rapidly changing conditions.



Efficient irrigation in Eastern Oregon

ENSURING RURAL AGRICULTURAL COMMUNITIES THRIVE EVEN IF THEY HAVE TO USE LESS WATER

Decades ago, cities on Colorado's Front Range purchased large swaths of water rights. The cities leased the water back to farmers, but now the cities are calling in the water as their populations grow. If left to market forces alone, these calls will indiscriminately dry up fields regardless of how productive they are or how it impacts rural communities. TFT has worked closely with partners to develop analytics that illustrate how strategic approaches can get the cities the water they need without compromising the area's farm productivity or economies and, in some cases, even increase economic output. This approach will likely be required across the western United States.

RECOGNITION

- Multiple national and state USDA-NRCS Conservation Innovation Grants
- Nation's first water trust
- Recipient of United States Water Prize for innovation
- Largest restoration group in the Pacific Northwest
- Recipient of U.S. patent for StreamBank®

Senator WYDEN. Let me ask you then, the second question, again stemming from our work in the Klamath Basin and Oregon issues. Obviously, you have to find a way to bring together engagement from all members of the community to come up with a balanced kind of solution. There are serious concerns across my state about resources from Bureau of Reclamation making it onto the ground, and without those communities actually getting help, the Klamath and Deschutes Basins are going to see the extreme drought and challenges compounded by it. So, Senator Merkley and I, through the Water for Conservation and Farming Act, provide additional support for this cooperative watershed effort, and the point of it is to help the communities develop long-term strategies and implement water projects that have significant benefits.

Now, the program is authorized to \$20 million per year. The Cooperative Watershed Program in the President's budget only included a request for \$2.25 million. We need long-term solutions. Given the complexity of the water problems in the West, can you explain why the Bureau of Rec is requesting only 10 percent of the Watershed Program's annual authorization?

Ms. TOUTON. Thank you, Senator.

First, I want to thank you for your legislation with the Drought Relief Act in Klamath, and talking about getting resources to the ground, we have used that authority last year. We are using it again with \$20 million to assist the farmers this year. Second, with the Cooperative Watershed, while it is only \$2.5 million within our request this year, we have received \$100 million as part of the Bipartisan Infrastructure Law. So we are using the funding provided to us through the bill in coordination with our funding in the President's budget to get to those projects.

Senator WYDEN. I get the point and it is not an unreasonable one, to basically say, well, we get to the target if we use the money from the BIF. I think we are going to need all-hands-on-deck this summer because it is going to be tough. I hope we can work with you to figure out ways to hit that higher level. I get your point. It is the ones that say that it is not unreasonable, but we are just facing very, very ominous signals about the seriousness of the drought. The farmers I met with in the Basin are really, you know, at the point where they wonder if they can continue to farm. So we are going to have to continue working with you on it. And I would like us to hit the target for the net increase of the funds that are so desperately needed, and I appreciate your willingness to work cooperatively with us.

Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you.

Just a couple of more things in reference of the bills, 953 and then the 3539. How many of the goals outlined in these bills could be covered with resources provided to the Bureau of Reclamation and Interior Department through the Bipartisan Infrastructure Law?

Ms. TOUTON. Thank you.

The Bipartisan Infrastructure Law has authorities in which we could utilize some of the funding there to meet the goals of both those legislations. And so, as with the funding, as the Chairman

mentioned, we are trying to maximize it both, whether it is authorities or with funding to meet the goals and intent.

Senator HYDE-SMITH. So, you do have that flexibility?

Ms. TOUTON. Yes, ma'am.

Senator HYDE-SMITH. And does the expansion of the eligibility of the WaterSMART program present any specific challenges to farmers and ranchers, and how could they be affected by that?

Ms. TOUTON. There are changes to WaterSMART. We look forward to working with the sponsor on some technical corrections, and certainly, we will take into consideration what impacts it might have to some of our constituencies, including farmers.

Senator HYDE-SMITH. Do you know of any challenges it presents right now if that is not changed?

Ms. TOUTON. I don't have it specifically, Senator, but I am happy to follow up for the record, if that is helpful.

Senator HYDE-SMITH. Okay.

Senator HYDE-SMITH [presiding]. Senator Hicken—lopper.

Senator HICKENLOOPER. Lopper.

Senator HYDE-SMITH. Hickenlooper, I'm sorry. I was looking at that and had it sideways.

Senator HICKENLOOPER. They called me chicken cooper, poop and scooper.

[Laughter.]

Senator HICKENLOOPER [presiding]. Growing up I have had a name that lends itself to interpretation. Thank you.

Thank you, Madam Chair or I do not know if you are in charge or I am in charge, but whatever, thank you.

Thank you, I really appreciate your public service—I guess I would say, Madam Commissioner, I think you are faced with a very, very, very difficult time. You are taking on a difficult job in any time, and this is an especially difficult time.

Senator Romney and I spoke a little earlier about this, we introduced the Upper Colorado and San Juan River Basins Recovery Act to extend the endangered fish recovery programs for these two river basins. These programs are viewed as a model of success by water users and conservationists alike, ranchers and farmers, businesses of every nature. So can you, just for a moment, elaborate on the advantages of extending these programs, on how they benefited water projects and Endangered Species Act coordination and what types of costs might occur for tribes and states and water developers within the Upper Colorado and San Juan River Basins if these programs were allowed to expire?

Ms. TOUTON. Thank you, Senator.

I think the program speaks for itself, in which, last year we were able to downgrade the humpback chub, as well as looking to do so for the razorback sucker, as you mentioned, and that is half of the four fish that we are talking about today. Outside of the successes and doing the right thing in being able to do that, what it allows the Bureau of Reclamation to do is continue with its mission. It provides environmental compliance so that we can continue to deliver water and produce power. And certainly, that is a success in its own right in providing stability and consistency in our ability to meet our mission.

Senator HICKENLOOPER. Well, thank you for that. I think it is, I mean, I never thought I would be fighting for the humpback chub, but there you have it and it is a success, I mean, a success that was created through serious collaboration.

Earlier this month, the Department of the Interior announced it was implementing the Upper Colorado Basin Drought Response Operations Plan, which addresses the alarmingly low levels at Lake Powell and Lake Mead by making sure that we move water around and change our annual release volumes at different times. By any measure, this is a band aid, a short-term fix. It is not clear how the Basin can persist through these increasingly hotter, drier conditions. What other actions are Interior and your Bureau taking to prepare for the consequences of this worsening drought and the implications it holds for the entire Colorado River Basin?

Ms. TOUTON. Thank you, Senator Hickenlooper.

The actions we announced earlier this month certainly are significant, but you are right, it is not a long-term strategy for the Basin. The Compact is celebrating its 100 years this year, and we, Reclamation, are celebrating our 120th anniversary next month, and so, really, when you look at what it looks like and what Reclamation is doing, we are faced with a two-prong parallel that is sometimes an intersecting strategy. We have to manage this moment so the actions that you are seeing that we are taking with DROA, with the releases that we are holding in Powell, to protect power pool—we are also going to start the process of the conversation of what the Basin looks like, what the river looks like post-2026. And it is hard to have that conversation when you are in the middle of a crisis, but you need to have both of those conversations and have them influence each other for what we think the river will look like for the next 100 years.

I am confident in our relationships with the states and with the tribes that we can get there. There is no other solution but to get there.

Senator HICKENLOOPER. Well, that is such a profound thing you said and I will repeat it just for the record because I think it is profound, and in a crisis, it is difficult to take the time to plan, but at no other time is it more essential and critical to make plans and make sure that those plans are evolving in the middle of a crisis. That process of planning, as you just implied and were stating, that is what success is. That is how you get to success, by being able to create a plan and then adapt it as things go on.

What are your thoughts on increasing resources for the Bureau of Reclamation to enhance water conservation and expand reservoir capacity and, you know, water recycling and groundwater management in order to help this Colorado River Basin build resilience and adapt to what is clearly climate change, the consequences of climate change?

Ms. TOUTON. What I saw with the Bipartisan Infrastructure Law is \$8.3 billion so, \$1.6 billion over the next five years. Our annual budget is equivalent to that. What you are looking at with just our annual budget is, we have to manage the moment. That is how we get by. With investment in Reclamation with the Bipartisan Infrastructure Law, that allows us to build a future, including \$300 million for drought contingency planning, large-scale water recycling,

aging infrastructure. These are really important to determine how we operate in this climate for the next 120 years. We have never seen these conditions in the history of this organization, but we have an opportunity here with the resources that Congress has invested to make a difference and to build a future.

Senator HICKENLOOPER. So well spoken. You are such a great representative, not just of the Bureau, but also of the entire Department of the Interior. I really appreciate that it allows us to build a future. That is exactly right. We need to make sure that you have the resources and now you need to make sure that we can all work together and be prepared, and build that resilience that we need.

Ms. TOUTON. Yes.

Senator HICKENLOOPER. Thank you very much.

Ms. TOUTON. Thank you, Senator.

Senator HICKENLOOPER. Have we got any other questions? We are all set. I guess I am going to close it down then, unless you have anything you would like to add.

Ms. TOUTON. I would just say, you know, Senator Cortez Masto mentioned that I am a Nevadan. When we talk about this it is important to me because it means—the future to me is three little girls that just want to go to Grandma's house in the Basin. And so, it really is a personal and a professional privilege to be here and represent this organization.

Senator HICKENLOOPER. Great. Well, thank you, Camille.

I want to thank all my colleagues and today's most excellent witness for participating in today's legislative hearing.

The Subcommittee has a 48-hour deadline for members to submit additional written questions to our witness.

The hearing record will remain open for two weeks.

Thank you again, Madam Commissioner.

At this point, the Committee stands adjourned.

[Whereupon, at 4:17 p.m., the Committee was adjourned.]

APPENDIX MATERIAL SUBMITTED



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP - 6 2022

The Honorable Ron Wyden
Chairman, Energy and Natural Resources
Subcommittee on Water and Power
United States Senate
Washington, DC 20510

Dear Chairman Wyden:

Enclosed are responses prepared by the Department of the Interior to the questions for the record submitted following the May 25, 2022, legislative hearing on multiple bills.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure
cc: The Honorable Cindy Hyde-Smith
Ranking Member

Questions for the Record
 Subcommittee on Water and Power
 U.S. Senate Committee on Energy and Natural Resources
 Legislative Hearing on Multiple Bills
 May 25, 2022

Questions from Senator James E. Risch

Question 1: One of my bills, S. 4175, would authorize extraordinary operation and maintenance work for our aging agricultural canals located in urbanized areas of the West. As our communities have grown around these canals, the risk to life and property from a potential failure of these aging canals has also increased. In your testimony, you agree that these canals pose a risk to populated areas but are concerned that S. 4175 would re-categorize any extraordinary maintenance work on an urban canal of concern as emergency extraordinary maintenance work. You also expressed concern about allowing reimbursable funding provided by Reclamation from the aging infrastructure account to be used as a nonfederal match for federal grant programs – even though these funds would be repaid from nonfederal funding sources.

- a. Could an extraordinary maintenance (XM) project financed through the aging infrastructure account that also includes components for water and energy efficiency improvements qualify for a WaterSMART grant as well?**
- b. Will you commit to working with my office to work on our differences with the provisions in S. 4175, and to get this and other technical assistance offered completed in a timely manner?**

Response to a: The Department understands the intent of the bill. However, it may be challenging for the Bureau of Reclamation (Reclamation) to implement section 1(e). Section 1(e) would allow any reimbursable funds provided pursuant to the extended repayment authority of Section 9603 of Public Law (P.L.) 111-11 to serve as a non-federal source of funds for the purposes of any cost-sharing requirement for a separate federal grant provided under separate authority. Extraordinary maintenance (XM) funding made available under Section 9603 of P.L. 111-11 is intended to carry out extraordinary operations and maintenance work to ensure the reliability of federally owned facilities. Reclamation's WaterSMART grant programs have their own separate specific statutory requirements, primarily found in Section 9504(a)(3)(E) of P.L. 111-11. This statute explicitly calls for a non-federal cost share for these grants. Enabling federal XM funding to provide the non-federal cost share for a federal grant is inconsistent with the existing requirements. Introducing this change to the funding made available under both the extended repayment authorities of Section 9603, as well as the grant and cost sharing authorities found in Section 9504(a)(3)(E) of P.L. 111-11, poses implementation challenges and public policy questions about the full extent of federal funding for both federally owned assets that benefits from the extended repayment authority, and non-federally owned infrastructure that benefits from grants.

Response to b: Yes, Reclamation looks forward to working with the bill sponsor and the Committee to address any concerns and technical corrections.

Question 2: In your testimony on my bill, S. 4176, which reduces the minimum size of small storage projects for the IIJA grants program from 2,000AF to 2AF, you suggest that Reclamation's WaterSMART program can cover these smaller projects. Most of the projects sized below 2,000AF are regulating reservoirs on canal systems in the West that make water delivery much more efficient and can conserve amounts of water many times their actual capacity. However, these

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projects can be more expensive to build than a typical WaterSMART project. WaterSMART grants are limited to \$5 million at 50-50 cost share, whereas the IIJA Small Storage grants are 25% of the total cost, with a maximum allowed grant of \$30 million. This program may match up better with some of the larger regulating reservoirs currently being planned. For example, one regulating reservoir in the Pacific Northwest was a 1,600AF reservoir that cost \$31 million to plan, design and build. This reservoir, if it was eligible for the Small Storage grant program, could have received \$7.75 million in cost share.

- a. What consideration have you given for these small water supply projects like regulating reservoirs that, even though they qualify for WaterSMART, are ineligible for IIJA Small Storage grants that could provide more federal assistance than WaterSMART?**
- b. Will you commit to work with my office to alleviate your concerns with this legislation?**

Response to a: The reduction in project minimums, from 2,000 acre-feet down to 2 acre-feet would significantly alter the types of applications submitted for this specifically tailored program. It would also be challenging to apply the feasibility standards set forth for that program, for which Reclamation issued guidance in January, to such small projects. In August 2022, Reclamation plans to publish the first funding opportunity for the Small Storage Program with the planned distribution of \$20,000,000 in FY 2023. If the bill were enacted, Reclamation believes it would be important to retain the flexibility to use other existing authorities (e.g., Sec. 9504 of the SECURE Water Act) for some projects that would technically qualify for the Small Storage Program but that are more effectively carried out without needing to meet the additional requirements of that program. For example, many projects are currently funded through the WaterSMART Drought Response Program without needing to prepare or submit feasibility studies are expected to result in storage of more than 2 acre-feet.

Response to b: Yes, Reclamation and the Department look forward to working with the sponsor and committee to address specific needs associated with the proposed amendments.

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Questions from Senator John Hoeven

Question 1: Congress has provided lower power rates for irrigation, known as Project Use Power (PUP) rates, to compensate farmers for the loss of lands flooded by Pick-Sloan Missouri Basin federal projects.

Because farmers had to relocate to higher ground, Project Use Power is a critical benefit to ensure farmers are able to afford the additional costs to irrigate lands uphill from the hundreds of thousands of acres lost to these federal projects. In line with benefits promised under the Pick-Sloan program, the Dakota Water Resources Act of 2000 (DWRA) authorized the development of up to 28,000 acres of affordable irrigation along the Missouri River.

Do you agree that Project Use Power for irrigation has been a successful tool to help mitigate the impacts of federal water control projects on local users, and will you work with the North Dakota delegation to advance S. 1554 so that our state's farmers and communities are made whole?

Response: Project use power is part of many Reclamation projects, and not unique to the Pick-Sloan Missouri Basin Project (P-SMBP). Under S. 1554, power generated within the P-SMBP would be allocated to new non-Reclamation Project uses at a project use power rate. This requirement will limit the amount of power surplus available to existing power customers who are responsible for covering a share of the operating expenses and, in some cases, construction expenses for the P-SMBP. This could result in a rate increase to power customers to sufficiently meet statutory requirements for cost-recovery.

Should Congress determine to extend the benefit of project-use power to the North Dakota districts by enacting S. 1554, Reclamation will implement its provisions and seek to integrate with existing P-SMBP power demands.

Question 2: The Garrison Diversion Unit was initially designed and intended to serve irrigation purposes. Since the project was first authorized in 1965, the focus and mission of the project has changed multiple times, most recently under the Dakota Water Resources Act of 2000.

Garrison Diversion and the Bureau of Reclamation (BOR) are currently conducting a basis of negotiation for the cost of water to make good use of the McClusky Canal for the Eastern North Dakota Alternate Water Supply Project (ENDAWS), which will help secure an affordable and reliable water supply for half of North Dakota's population. As part of this process, BOR is determining repayment costs for use of federal facilities which currently remain under-utilized.

Will BOR share actual proof of costs prior to claiming they are legitimate costs?

Response: Yes, and Reclamation has had several months of discussions with the Garrison Diversion Conservancy District (Garrison Diversion) on the origination and basis for facility construction, operation and maintenance costs up through this summer. These discussions have been productive, and

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Reclamation will continue to work with Garrison Diversion towards final resolution of applicable water use costs for deliveries from the McClusky Canal.

Question 3: Will you work with my office and our state to approve a cost of water for ENDAWS that is fair to water users, while taking into account that this would otherwise be a stranded federal asset providing no benefit to U.S. taxpayers?

Response: Yes, Reclamation will continue to work with your office and the State of North Dakota on a solution for ENDAWS.

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Question from Senator Mark Kelly

Question: Please provide an estimate for the increase in the price of electricity that federal preference power customers will likely pay if they are unable to purchase hydropower from Glen Canyon Dam.

Response: Reclamation is currently undergoing an impact analysis to assess the potential impact of the loss of hydropower generation at Glen Canyon Dam, and will continue to work with the Western Area Power Administration, who sets the rates and markets the power generated at Glen Canyon Dam, on near-term solutions for loss of power generation. As we continue our analysis to determine impacts, including impacts on the price of electricity for federal preference power customers, Reclamation will continue working with the Western Area Power Administration and with your office to address your concerns with the loss of hydropower generation at Glen Canyon Dam.



June 8, 2022

The Honorable Joe Manchin
Chairman
Committee on Energy & Natural
Resources
United States Senate
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Committee on Energy & Natural
Resources
United States Senate
Washington, DC 20510

Re: Written Testimony regarding S.4236

Dear Chairman Manchin and Ranking Member Barrasso,

This testimony is submitted on behalf of the State of Colorado and its agencies, including the Department of Natural Resources, the Office of the State Engineer, and the Colorado Water Conservation Board; joined by the Rio Grande Water Conservation District, the San Luis Valley Water Conservancy District, and the Southwestern Water Conservation District, collectively referred to as "Colorado". Our testimony is directed specifically at, and limited to, Title II of S.4236, referred to as "Rio Grande Water Security" ("Legislation"). Colorado is vitally concerned with the management, administration, and use of its equitably apportioned share of the Rio Grande as carefully delineated in the Rio Grande Compact, consented to by Congress in the Act of May 31, 1939 (53 Stat 785. Ch. 155). Within the state, Colorado utilizes a system of prior appropriation to allocate water among competing uses relying on the information contained in water right decrees that define the location, time, and amount of water that may be utilized for defined beneficial purposes in the State, including in the Rio Grande Basin. This system has provided the citizens of Colorado the security and flexibility needed to address past, ongoing, and future needs of its water users.



Colorado's overarching concern is based on the attempt, in the proposed legislation, to substitute the judgement of a large group of federal agencies, detailed in Section 203(a), for the water resource decisions of the responsible States, concerning the management and administration of the water resources within their boundaries. Such a usurpation of long-standing state sovereignty over water resources is clearly at direct odds with the longstanding decision of the United States Supreme Court in the case *United States v. Rio Grande Dam and Irrigation Co.* 174 US 690 (1899). Our concerns fall into several categories.

Rio Grande Compact.

The Legislation, in Section 204(3) provides: "Nothing in this title...affects any interstate or international agreement regarding the Rio Grande and the waters of the Rio Grande, or any other interstate compact or agreement regarding water;". There is no reason to use such a vague description of the Rio Grande Compact, the two treaties with Mexico or the laws regulating the Colorado River, including the Colorado River Compact and the Upper Colorado River Basin Compact, they are all clearly present in federal law. The state's apportionment, contained in the Rio Grande Compact, is of particular importance to Colorado because Colorado's share of the river is detailed in Article III of the Compact utilizing two tabulations of relationships, which provide a fool-proof mechanism to determine Colorado's share of the river flow under a wide variety of hydrologic conditions, including those resulting from prolonged drought, even if the drought conditions are induced by climate change. Because compacts have been described by the U.S. Supreme Court as contracts, which are not subject to amendment or alteration absent the consent of the contracting parties, Colorado requests that more standard language be included in this section of the Title to the effect:

"Nothing in this Act amends, modifies or is in conflict with the Rio Grande Compact consented to by Congress in the Act of May 31, 1939 (53 Stat. 785. Ch.155), or the Colorado River Compact consented to by



Congress in the Act of December 21, 1928 (45 Stat. 1057, Ch. 42) and Upper Colorado River Basin Compact consented to by Congress in the Act of April 6, 1949 (63 Stat. 31).”

Water Rights, the McCarron Amendment, and the Colorado State Water Plan.

Colorado makes decisions concerning the ability to utilize the waters of the State that have been apportioned to the state by the Compact, utilizing the doctrine of prior appropriation which authorizes the use of the water for beneficial purposes in order of priority. In 1952 Congress waived the sovereignty of the federal government in suits concerning the adjudication and administration of water resources, in the McCarron Amendment, 43 USC 666, as long as the federal agencies were properly joined in those suits. Throughout the 1970's Colorado sought to bring all federal interests in to the ongoing general adjudication that exists in every river basin in Colorado and to compel the United States to apply for and receive state water court decrees for every claimed use required by the federal government, including those in the Rio Grande and Colorado River Basins.

Today every required use of water sought by federal agencies has been the subject of a proceeding in the state water court and has received an appropriate decree recognizing and defining the use. The federal government does not have a role in planning the use of, or the administration of, water rights in Colorado. That function is reserved to the state, as described above. In addition, Colorado, under the leadership of then Governor John Hickenlooper, developed a State Water Plan, published in 2015, designed to allow a careful weighing of all potential needs and uses of water, allowing for significant local input and establishing a rational process for reviewing matters similar to those being proposed for study in this bill. Colorado does not need or desire a top down “Basin Plan” developed by federal agencies to guide a process over which those agencies have no authority.



Rio Grande Decision Support System.

Commencing in the early 1980's, Colorado undertook a truly monumental effort to develop the data and the analytical tools necessary to provide the basis for the administration of all of the water resources in the San Luis Valley, another name for the Rio Grande Basin within Colorado. These studies, funded by the Colorado Water Conservation Board, the Rio Grande Water Conservation District and others, have cost millions of dollars to-date. All of the federal agencies with interests in the San Luis Valley have participated in relevant parts of the studies, which have reviewed how surface and groundwater resources interact, how irrigation structures can be modified to be more efficient for protecting aquatic species and encouraging waterborne recreation while, at the same time, allowing the irrigation economy, which depends on the ability to divert and utilize the waters of the rivers and streams, to flourish.

The final product of this enormous effort was the development and operation of a sophisticated hydrologic model that accurately represents the hydrologic conditions that exist in the San Luis Valley. While Colorado certainly wants to be supportive of our neighbors to the south in achieving the same level of understanding of the hydrology in their respective states, Colorado cannot support a duplicative effort within Colorado led by federal agencies that would simply redo our efforts. Colorado wants to emphasize again that the federal agencies with interests in water use in Colorado have participated throughout these processes. Colorado respectfully requests that the language of Section 201 be amended to:

- a. exclude "Colorado" as a defined Basin State; and,
- b. revise the term "Rio Grande Basin" so that it is defined as: "the mainstem of the Rio Grande from the Colorado/New Mexico state line to the mouth of the Rio Grande in Texas and any hydrologically connected groundwater, aquifers and tributaries naturally connected to the Rio Grande Basin, as defined."



Colorado River.

Colorado is currently involved in a very complicated and difficult negotiation concerning the Colorado River and its two governing compacts, the Colorado River Compact and the Upper Colorado River Basin Compact, along with the Mexican Treaty of 1944 and the various statutes, Supreme Court decisions and related laws, regulations, and agreements, are generally referred to as “The Law of the River”. In this Legislation including a definition that seeks to encompass, within the Rio Grande Basin, water diverted from the Colorado River Basin presents an unnecessary complication for this study and any associated Basin Plan. Each source of water resulting from trans-basin transfers from the Colorado River Basin carries with it the limitations that already exist in federal authorizing legislation, the Law of the River, and/or Colorado water law. As described above, the federal government does not have a role in determining how water is administered in Colorado. To the extent there are legislative limitations, many, if not all of these were included in the legislation to protect other interests not related to the Rio Grande Basin. Any suggestion that these conditions and limitations can be altered to improve conditions in the Rio Grande Basin, without regard to the consequences to the water resource interests in the basin of origin, will not be favorably received by Colorado. As a result, any Basin Plan that is created through this Legislation must be limited to consideration of those portions of projects and activities located within the Rio Grande Basin as defined herein.

Existing Legislation Providing Similar Benefits.

Colorado believes that many of the issues to be addressed by the proposed Basin Plan have already been studied by Colorado, in cooperation with local and federal agencies, and in each case there has been a solution adopted, either by federal statute or regulation. Examples of these efforts are:

1. Closed Basin Project, PL 92-514, Oct. 20, 1972



2. Rio Grande Natural Area, PL 109-337, Oct.12, 2006
3. San Juan/Chama Project, PL 87-483, June 13, 1962
4. Great Sand Dunes National Park and Preserve, PL 106-530, Sep. 24, 2004
5. Habitat Conservation Plan for the Southwest Willow Flycatcher and the Yellow Billed Cuckoo, adopted
6. Reserved Rights decree protecting in-stream flows within the entirety of the Rio Grande National Forest, announced March 15, 2000

All of these existing laws and regulatory plans have been developed in full cooperation between the responsible federal agencies, non-governmental organizations, and Colorado and all are entirely successful in achieving the identified mission. Colorado does not favor amending any of these laws at this time, and particularly not in response to a Basin Plan conducted solely by federal agencies. These carefully developed legislative efforts have been designed to work in conjunction with Colorado's system of water allocation, while respecting the interstate apportionment contained in the Compacts.

Final Comments.

Colorado does not wish to create any issues for its neighbors in New Mexico and Texas to the extent they wish to have a collection of federal agencies study the water resources of the Rio Grande Basin within their respective jurisdictions. Colorado, for its part, only requests that any study or associated Basin Plan, as that term is currently defined in the Legislation, commence at the Colorado - New Mexico Stateline and rely on the required Rio Grande Compact deliveries from Colorado as an input at that point. To the extent San Juan/Chama Project deliveries are considered as an input to the Rio Grande Basin, such deliveries should be based on the current terms and conditions in the authorizing legislation. Nothing further is required for the proposed study to be a success and Colorado will, with the changes described above,



support the legislation if its neighbors, New Mexico and Texas, agree that such a federal study is necessary.

Thank you for the opportunity to provide these comments on S.4236.

Sincerely,



Dan Gibbs
Executive Director





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Testimony of Dan Keppen
Executive Director
Family Farm Alliance

Before the
Energy and Natural Resources Committee
Subcommittee on Water and Power
United States Senate
Washington, D.C.

Legislative Hearing
May 25, 2022

Good afternoon, Chairwoman Wyden, Ranking Member Hyde-Smith and Members of the Subcommittee.

My name is Dan Keppen, and I am executive director of the Family Farm Alliance (Alliance). I thank you for this opportunity to share this testimony on the important bills that are before you today. The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. We are also committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons – many of which are often overlooked in the context of other national policy decisions.

The Western U.S. Drought Crisis

At a time when Western water projects typically begin diversions, allowing delivery canals to charge and bringing essential water supplies to the headgates of thousands of farmers and ranchers, crushing drought conditions are once again leaving millions of acres of productive farm and ranch land without water this spring. Many of our farmers and ranchers this year are going to be hit hard by this “unprecedented” drought, the second straight year we’ve used the term “unprecedented” when describing the Western drought.

Drought conditions worsened in much of the Southwest over the past week, according to the latest update from the US Drought Monitor, deepening the region's water crisis and fueling record-setting wildfires across multiple states. More than 98% of the Southwest is in drought, according to the monitor, which noted that reservoir storage levels were below normal in all Western states except for Washington.

In California, the state's two largest reservoirs are at critically low levels moving into the dry season with Shasta Lake currently at 40% of total capacity on May 3 and Lake Oroville at 55% of capacity. In the Colorado River Basin, Lake Powell was at 24% of capacity and Lake Mead 31% of capacity on May 3, according to the USBR. In the Rio Grande Basin, New Mexico's Elephant Butte Reservoir was 13% full.

Water users in nearly every region of the West are scrambling, looking for creative ways to stretch scant water supplies. In mountain watershed areas from the Sierra Nevada to the Rocky Mountains, the driest of conditions have prevailed. Forecasting has been an incredible challenge, and much of what runoff there has been, has been consumed by dry upstream soils. These severe drought conditions, coupled with the arid nature of many parts of the West, again make for a trying, shortened water year.

Dire challenges are being faced by agricultural water users in California's Central Valley, the Klamath Basin, the Columbia River Basin and its tributaries in Idaho, Oregon and Washington, the Rogue River Basin in southern Oregon, the Colorado River watershed, and the Great Basin. We could dedicate reams of pages describing the agonizing plight faced by the farmers and ranchers in these areas. However, we'll leave that for another time. The focus of today's hearing is to receive testimony on 16 bills related to Western water resources matters.

An Overview of the Bills Before the Subcommittee Today

Before I discuss set of bills before you today, I'd like to use this opportunity to once again reiterate that the drought underscores some important observations. We must look to several solutions in order to maintain food security for the nation and the economic wellbeing of the Western landscape:

- First, we must invest in Western water infrastructure. A suite of new water supply enhancement projects and demand management programs can help alleviate the stress on our existing Western water supplies. The *Infrastructure, Investment and Jobs Act* (IIJA) that was signed into law by President Biden last November included Western water infrastructure provisions that originated in this committee. Those provisions represent a "once-in-a-generation" federal investment in Western water infrastructure, and several of the bills before you today add necessary "new tools to the toolbox";

- We must also invest in technology. We must manage our water supplies better – more efficiently and effectively. We can use technology to improve modeling and better predict weather patterns, snowpack, and runoff forecasting. New technology can also help us better manage water to improve efficiencies.
- We need to improve regulatory processes at the federal level to expedite permitting and get projects to construction within a reasonable period of time, at a reasonable cost.
- Finally, there are opportunities to create collaborative partnerships between federal, state and local entities who are also interested in finding solutions to our water-climate problems. These solutions can be reached using adaptive strategies that can work on the ground.

The federal government has made historic recent investments in new water infrastructure projects, which can help mitigate the impacts of climate-driven hydrologic changes on the environment. At the same time, they support Western farms, ranches, and rural communities.

We have actively advocated for and contributed to the development of several of the West-wide bills on the hearing docket today. Some of the bills before you today contain provisions that work well for both producers and the NGO community. Others, in our view, appear to put the needs of fish, wildlife and ecosystems above the interests of our farmer-rancher membership.

This concern is especially relevant today. We cannot continue long-term hypothetical processes that focus primarily on continued conservation and downsizing of Western agriculture. The U.S. needs a stable domestic food supply, just as it needs a stable energy supply. As we teeter on the brink of world war, the stability of domestic food supply becomes even more pressing. Our irrigated system of agriculture in the West can provide the most stable food supply in the world - if we let it.

Upper Colorado and San Juan River Basins Recovery Act (S. 3693)

Senators John Hickenlooper (D-COLORADO) and Mitt Romney (R-UTAH) earlier this year introduced S.3693 to continue protecting four threatened and endangered native fish species in the Upper Colorado and San Juan River Basins. The legislation would extend current conservation programs by one year and allow Upper Basin communities the time to develop a long-term management plan. The Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs work to recover four threatened and endangered fish species: the humpback chub, bonytail, Colorado pikeminnow, and razorback sucker. Partners of this program are recovering four species of endangered fish in the Colorado River and its tributaries in Colorado, Utah, and Wyoming. The program hit a milestone last year when the humpback chub was downlisted from endangered to threatened. Importantly, through this program, water uses and development and hydropower operations to meet human needs continue to be in compliance with interstate compacts and applicable federal and state laws.

The Alliance supports S 3693 and we worked with other Upper Basin interests and the Hickenlooper and Romney offices earlier this year in support of putting a bipartisan stamp on this

legislation.

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

S. 2334 directs the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to make certain modifications to the Cooperative Watershed Management Program, to provide emergency drought funding, and for other purposes.

We are generally supportive of desalination, reuse, and recycling programs, because such projects provide additional new water supplies to areas in need without looking to existing water supplies for irrigated agriculture as a source of new supply. However, we have questions about how this legislation aligns with the IIJA, which also includes significant investments in these types of projects. We look forward to working with you to gain a better understanding of how S 2334 complements - rather than duplicates - the water recycling and reuse provisions of the IIJA.

Watershed Results Act (S. 3539)

The Alliance supports the “Watershed Results Act” (S.3539, “WRA”). This legislation would require the Secretary of the Interior to work in coordination with the Secretary of Agriculture and the Administrator of the EPA to establish two to five watershed restoration pilot programs across the country. Each pilot program must incorporate predictive data analysis to analyze millions of acres of a watershed to precisely locate the most effective acres for restoration that will make the largest impact. Outcomes of these pilots can include a quantifiable reduction in nutrient or sediment runoff or thermal load, quantifiable increases in dissolved oxygen and surface water or groundwater that functionally benefits fish and wildlife species, and any other quantifiable benefits identified to support watershed restoration.

Our farmers across the Nation provide not only the food on our tables, but they also create habitat for wildlife, protect the land through modern nutrient and soil management, and are many times enhancing our living environment through benefits such as maintaining open space. The federal government over the years has bolstered these efforts through conservation programs that cost share on-farm conservation improvements with willing farmers. But to participate in federal conservation programs that can assist with the added costs associated with improving water and soil conservation, farmers have had to survive the myriad of agency funding programs, permits, and procedures to provide better conservation solutions for their farms, their communities and the natural environment. Unfortunately, such programs - while promoting good stewardship - are typically more siloed and not coordinated. They also do not monitor any direct and indirect results from such practices.

The WRA would create pilots in up to five Bureau of Reclamation (Reclamation) watersheds across the West in need of improved water conservation and water quality from irrigated agriculture. The difference from the federal status quo is that WRA would require pilot watersheds to be assessed for priority projects using advance analytics to maximize every dollar invested and

promote a results-oriented approach. By prioritizing investments in conservation and measuring results, we believe we can create a market for farmers to grow “bushels of nature” alongside our food supply. This in turn would create incentives for projects that produce measurable outcomes and provide farms with a higher cash margin. It would also help to actually solve problems associated with poor or unfocused resource management in a watershed at a fraction of the cost of the status quo.

The WRA would also address the financial and practical barriers that currently make it so difficult to combine siloed public funds into an integrated solution, direct funding toward the highest return projects, and eliminate bureaucratic complexity for farmers who participate in the pilot. As Reclamation increasingly manages through more severe drought and precipitation deluges, having a stronger, more integrated portfolio of watershed projects implemented on the landscape will add more resiliency to the overall water system.

Support to Rehydrate the Environment, Agriculture, and Municipalities Act*- **STREAM Act (S. 4231)*

We appreciate Senator Feinstein’s longtime, continued work to improve water security and drought resilience in the Western United States. Her *Support to Rehydrate the Environment, Agriculture, and Municipalities Act* (STREAM Act) contains a number of provisions that could be helpful to our members if enacted.

The Alliance believes the federal government must be a partner with the Western states and local water purveyors in the West in creating opportunities for investment in new surface and groundwater storage infrastructure. With the ongoing impacts of climate change and drought over the past decade, the West must increase water storage to replace lost snowpack and help deal with the increasing demand for water for growing municipal and environmental needs. We believe we should not allow these needs to be met by reducing agricultural water supplies that are increasingly important to feeding this nation and the world, especially during this time of uncertainty. We also firmly believe the federal government should be part of reinvesting in our aging water storage and delivery infrastructure.

We appreciate the provisions of the STREAM Act supporting new water storage and conveyance projects, including those that continue the “*Water Infrastructure Improvements for the Nation Act*” (WIIN Act) storage program in a revised form, as well as extending the availability for cost-shared grant funding for non-congressionally authorized Title XVI water recycling, reuse, and desalination projects. Importantly, the STREAM Act would grandfather storage and conveyance infrastructure projects that receive construction funding in the bipartisan infrastructure bill enacted earlier this Congress to receive new funding authorized by the STREAM Act to complete construction. Family Farm Alliance members are involved with several of those projects in California, Idaho and Washington state. The bill would also provide some non-reimbursable funding for modifications to extraordinary maintenance on aging Reclamation projects that would provide additional public benefits.

The STREAM Act would also allow the Department of the Interior to provide emergency drought relief assistance for permanent infrastructure projects, amending the current requirement under the Reclamation States Emergency Drought Relief Act that such assistance (other than groundwater wells) must be for projects that are temporary in nature. Given the expected increase in frequency and duration of drought in many parts of the West, drought relief facilities will likely be needed more often in the future. Amending the Emergency Drought Relief Act to allow longer-term facilities realistically acknowledges our changing hydrology and will allow more cost-effective drought response investments to be made.

The provisions establishing a *Reclamation Infrastructure Finance and Innovation Act* (RIFIA) Pilot Loan Program would potentially lower the cost of financing this critical water infrastructure for our members by adding another important tool in the financing “toolbox.” Likewise, provisions allowing revenues generated by voluntary water transfers to be used for safety of dams or drought resilience projects would help cash-strapped water districts make needed investment. This addition to Reclamation Law would also provide an important incentive for projects to temporarily transfer water to help water users that need it if conditions on the ground allow for such a transaction.

The Alliance also supports the ecosystem restoration funding provisions authorized in the bill. Having a federal funding partner for these restoration projects will be crucial in helping to accelerate efforts to protect and recover species listed under the Endangered Species Act (ESA) while supporting our members’ ability to develop and use drought-resilient water supplies through existing and new surface and groundwater storage and conveyance projects West-wide.

Again, we thank you Senator Feinstein for her decades of leadership on Western water. We look forward to continuing to work with the Subcommittee on the STREAM Act as it moves through the legislative process.

Canal Conveyance Capacity Restoration Act (S. 1179)

The Alliance also supports S. 1179, introduced by Senator Feinstein. This legislation will help to address the impacts of groundwater subsidence on major portions of California’s water delivery system – infrastructure millions of people depend on for water supply, flood control, and environmental protection.

S. 1179 would authorize Reclamation to partner with the Friant Water Authority, the San Luis Delta-Mendota Water Authority, and the State Water Project to provide financial assistance for one-third the cost of repairing these important water lifelines within the State of California. All told, millions of acres of highly productive and nationally important farms and ranches that produce the food the Nation sorely needs right now, as well as a major water source to over 27 million people, depend on these canals being restored as quickly and affordably as possible.

The legislation would also provide additional funding to help meet the restoration goals under Section 10004 of the San Joaquin River Restoration Act (P.L. 111-11), in addition to the funding provided under Section 10009 of that Act, to provide the financial balance between investments in

water supply reliability and ecosystem restoration required under the San Joaquin River Settlement. Finally, the legislation ensures that there are adequate non-federal matching funds (including in-kind contributions) available to meet the cost sharing requirements, and that the requirements of the California Sustainable Groundwater Management Act (SGMA) are met.

Land subsidence has been a persistent problem in the San Joaquin Valley and is exacerbated during drought periods, including during the 2012-2016 drought¹. As a result, at times regional groundwater pumping has increased significantly, particularly during 2014 and 2015 when Central Valley Project (CVP) South-of-Delta and Friant Division deliveries were consistently at zero. The increased reliance on groundwater induced rapid land subsidence in several areas of the San Joaquin Valley. Some areas experienced measured reductions in land elevation of one to two inches per month between May 2015 and September 2016.

Recent land subsidence in the San Joaquin Valley lowered the elevation of regional water conveyance facilities, including the CVP Friant-Kern Canal and Delta-Mendota Canal, and the State Water Project (SWP) California Aqueduct, resulting in reduced conveyance capacity. In the case of the Friant-Kern Canal, capacity of the canal through the most subsided area is estimated to be only about 40 percent of its design capacity. In the case of the Delta-Mendota Canal, capacity has been reduced by an estimated 10-15 percent of design capacity.

As the drought continues, land subsidence has not ceased as ongoing over-reliance on groundwater continues. In addition, residual subsidence will continue for some time even after groundwater pressure has stabilized. Implementation of California's Sustainable Groundwater Management Act (SGMA) requirements will be strongly guided by concerns over the control and avoidance of future subsidence.

S. 1179 will address the severe subsidence impacts that have substantially reduced the carrying capacity of the water delivery system of the State of California to provide for a more resilient water supply, especially during the severe droughts of these past several years. For these reasons, the Alliance is in full support of the enactment of S. 1179.

A bill to amend the Omnibus Public Land Management Act of 2009 to authorize certain extraordinary operation and maintenance work for urban canals of concern. (S 4175)

The Alliance supports S.4175, which would create a new category of extraordinary maintenance on Reclamation owned projects called urban canals of concern. These canals, typically delivering irrigation water to farms and ranches in Reclamation watershed in the West, were originally built in the desert environment of a developing watershed. As time went on, communities sprang up and housing tracts were developed alongside these canals creating potential hazards that, if a

¹ Land subsidence is the surface manifestation of the soil compaction in clay layers within groundwater aquifers. Groundwater overpumping reduces pressure, resulting in the compaction of clay as water is squeezed from pore spaces. Compaction of clay layers is typically inelastic and results in permanent land subsidence and the loss of groundwater storage capacity.

failure occurred, could result in loss of life and property. To reduce this risk, agricultural transferred work operators who maintain and operate these federally owned facilities must upgrade these urbanized sections of their canals through expensive extraordinary maintenance projects on the backs of farmers and ranchers who pay O&M costs for the facility.

S.4175 would accelerate these investments improving urban canals of concern and assist in supporting the huge costs associated with this work, by recognizing the risks of potential failure in these segments and classifying the work as emergency extraordinary maintenance under P.L. 111-11. This would provide 35% of such costs as nonreimbursable costs and provide aging infrastructure financing for the balance. The bill would also make any funds provided as loans under P.L. 111-11 eligible to be used as non-federal matching funds for any federal grant. These loans are repaid from non-federal sources and, as such, these funds should be considered as non-federal matching funds for the purposes of any federal grant.

A bill to amend the Infrastructure Investment and Jobs Act to modify the eligibility requirements for certain small water storage and groundwater storage projects and to authorize the use of funds for certain additional Carey Act projects, and for other purposes. (S. 4176)

S. 4176 would amend the Infrastructure Investment and Jobs Act (IIJA) to modify the eligibility requirements for certain small surface water and groundwater storage project grants and to authorize the use of funds for certain additional Carey Act projects. The small storage and groundwater storage grant program created in the IIJA was limited to water storage projects that were between 2,000 acre-feet and 30,000 acre-feet in size. The 2,000-acre-foot minimum size would eliminate small regulating reservoirs on water delivery canals (typically sized between 100-500 acre-feet) that essentially conserve much more water than they can physically store through providing efficiencies in the operation of a canal system. S. 4176 would reduce the minimum size of an eligible small surface and groundwater storage facility from 2,000- to 2-acre-feet, making these small regulating reservoirs eligible for grant funding under the program. The bill would also expand eligibility for any remaining funding provided by the IIJA for rehabilitation of additional Cary Act Projects in the West. The Alliance supports S. 4176.

A bill to address the recovery of certain costs with respect to certain Reclamation facilities in the Colorado River Basin, and for other purposes. (S. 4232)

Colorado River Storage Project (CRSP) customers – through power revenues – annually fund operation and maintenance, capital investment (with interest), irrigation assistance and environmental programs in the CRSP and Colorado River Basin. With the institution of the latest Western Area Power Administration (WAPA) rate case, CRSP customers took on the obligation of replacing power that is not produced due to drought. When the CRSP hydropower is not available, it is inequitable to require the CRSP customers to continue to pay the full annual obligations (for a highly reduced or unavailable product), plus the replacement cost of market-based power to replace the unavailable federal power. Coupled with extreme drought impacts, power revenue funding is unsustainable at current levels.

Senator Kelly's S. 4232 is critical to mitigate significant drought impacts for federal hydropower customers in Arizona and across the Colorado River Basin. This bill would ensure that Hoover, Parker-Davis, and CRSP hydropower ratepayers are not responsible for covering certain costs associated with these federal facilities if they are not producing and delivering power. Without this legislation, hydropower customers will essentially be forced to pay for power they are not receiving, along with a significant portion of costs that benefits other stakeholders. At the same time, they will also confront the massive additional costs to replace lost federal hydropower deliveries in a very difficult and expensive power market.

Simply put, this would be back-breaking to many homes and farms across the Basin.

It is important to also note that power revenues are used to pay for many non-power benefits in the Basin. S. 4233 ensures that important Reclamation programs and costs typically covered by power revenues do not suffer by directing appropriated dollars to fund environmental and species recovery programs, the Colorado River Salinity Control Program, and other activities.

While the Alliance fully supports S. 4232, we would ask that it be expanded to not only address impacts to power customers if generation is fully lost, but also help mitigate the impacts they are already experiencing from the current significant reductions in generation. Even without a total loss of power production at some facilities, the reduced generation is resulting in massive and unsustainable rate increases to many customers as they are forced to cover typical power and non-power costs while replacing electricity on the open market.

Measures to reduce releases in order to protect key levels in Lakes Powell and Mead, while important, will further reduce generation this year. Steps to mitigate drought impacts on power users can be done in a number of ways, including graduating the cost recovery reductions proposed in S.4232 based on the reduction in deliveries.

Federal hydropower customers understood when they entered long-term contracts that some level of variability, along with associated cost increases, could be expected due to periodic drought. However, no one ever contemplated many of the scenarios they are currently facing. Asking their rate payers to cover operations and maintenance costs when receiving little to no benefits makes electricity unaffordable in extreme drought years like this one. It also threatens the federal hydropower system in the West by placing a level of financial risk on federal hydropower customers that begins to outweigh the benefits of long-term contracts.

A bill to provide for a national water data framework, to provide for the water security of the Rio Grande Basin, to reauthorize irrigation infrastructure grants, and for other purposes. (S. 4236)

The bill from New Mexico's senators is the combined companion legislation to two House bills – *The Water Data Act* and the *Rio Grande Water Security Act* – introduced earlier this month by Rep. Stansbury (D-NM). We look forward to working with our members in New Mexico as they

engage on the Rio Grande provisions of S 4236, which is intended to provide for the water security of the Rio Grande Basin, to reauthorize irrigation infrastructure grants, and other purposes.

We support the water data framework provisions of S 4236. Western water resources decision-making demands accurate and timely data on precipitation, temperature, evapotranspiration, soil moisture, snow depth, snow water content, streamflow, groundwater, water quality and similar information. Critical and vital information is gathered and disseminated through a number of important federal programs. There is a serious need to focus on coordinated data collection and dissemination.

The Alliance has long advocated for improved agency coordination and decision-making at the federal level. These are necessary components to managing Western water resources and modernizing our aging water infrastructure to help us deal with the changing climate and hydrology in the West. The *Water Data Act* would direct federal agencies to standardize water data collection and provide funding to build innovative tools for water management. The approach taken in this bill is consistent with our long-held philosophy that federal agencies should coordinate closely on water management matters.

Water for Conservation and Farming Act (S. 953)

S. 953, introduced Oregon Senator Ron Wyden, is aimed at helping communities in Oregon and across the West experiencing high levels of drought. The bill touches on some important aspects of addressing the key water challenges occurring across the West that are of interest to our members. This bill establishes a funding source for certain water resources development projects in western states, reauthorizes and expands existing water resources development programs, and establishes new programs.

This bill provides important tools to address water and natural resources challenges across the West that are important to our members, while certain provisions in the legislation do raise some concerns. We are still reviewing this bill to understand how it interacts with similar provisions in the IJA, and we look forward to working with Sen. Wyden and the Subcommittee to ensure it complements the recently passed Infrastructure Package. As we continue that review, we would also like to offer specific support and/or comment on several provisions included in the bill.

The Alliance strongly supports Section 206 - FRIMA. Our members in California, Idaho, Oregon, Montana, and Washington are strong supporters and benefactors of FRIMA, which supports voluntary fish screen and passage projects. When funded, this has been a successful program to protect native and endangered fish and other aquatic species. These fish protection components are critical to many water delivery systems in the West, and they can be very expensive. The program was originally inspired to provide federal cost-share funding to improve fish passage by screening water withdrawals and building upstream fish passage devices, while maintaining a steady, reliable water supply for human uses.

We also support the proposed Waterfowl and Shorebird Habitat Creation Program. However, we believe it should be made clear that the Secretaries of Agriculture and the Interior should oversee the program. We look forward to working with this Subcommittee and Senator Wyden to find ways to make this new program compatible with existing programs at the agencies, particularly Farm Bill conservation programs and the Partners for Fish and Wildlife Program USFWS within the Interior Department.

For example, the Bureau of Reclamation Infrastructure Fund would provide mandatory funding after ten-years for a number of important water reuse, recycling, WaterSMART, and dam safety programs, which we support. As previously noted, we are generally supportive of desalination, reuse, and recycling programs, because such projects provide additional new water supplies to areas in need without looking to existing water supplies for irrigated agriculture as a source of new supply. However, we do want to work with Sen. Wyden and the Committee to ensure that this structure for funding does not result in unintended consequences for priority programs on which our members rely. For example, our aging federally owned water infrastructure poses a significant risk to irrigated agriculture in the future. If created, we believe a substantial portion of this funding should be directed to long term low interest loans to assist non-federal transferred works operators and project beneficiaries. These parties are responsible for paying for extraordinary maintenance projects that will prolong the useful life of these important facilities.

Certainty in Western Water policy is essential to the farmers and ranchers I represent. That is why a suite of conservation, water transfers and other demand reduction mechanisms must be balanced with proactive and responsible development of new water infrastructure, as well as major repairs on existing aging facilities. We will continue to advocate for programs like these, with the understanding that will also be paired with water supply enhancement programs, as described elsewhere in this testimony.

The bill also expands the allowable uses for grants under the WaterSMART program. This is a program that many of our members utilize and appreciate. Probably the only consistent complaint we have heard about WaterSMART is that it is underfunded and oversubscribed. With the recent increases in funding and authorization levels, along with programmatic changes made in 2020, we feel that the current program is working well and urge Congress to let Reclamation and water users to settle into the new policies before making additional changes. Further, if changes are made, we also believe that Congress should try to stick with the original intent of the program, wherever possible.

Through WaterSMART, Reclamation works cooperatively with states, tribes, and local entities to plan for and implement actions to increase water supply through investments to modernize existing infrastructure and attention to local water conflicts. Some of the WaterSMART provisions are of concern and may veer the program away from the original intent and current effectiveness of the WaterSMART program by adding projects and activities that are already authorized by other Reclamation programs without increasing funding for the program.

Specifically, we question specifically calling out over other “temporary, voluntary and compensated transactions that decrease consumptive water use”. This appears to move WaterSMART away from the current focus on long-term infrastructure-based solutions and into temporary agricultural water transfers that are more short-term, operational, and likely will result in less agricultural production. In addition, Reclamation undertakes similar activities under other existing programs and expanding WaterSMART to prioritize these types of applications will diminish the effectiveness of the existing program. Other provisions changing the focus of language also seems intended to prioritize narrow categories of projects, for example “natural storage within a floodplain or riparian wetland.”

Next, the bill revises the Reclamation Climate Change and Water program (which assesses the impact of climate change on water supplies) by requiring Reclamation to develop a strategy to address sustaining native biodiversity during periods of drought. Several provisions appear to emphasize using conserved water for additional instream flows, which does not necessarily comport with the intent of the WaterSMART program. This new emphasis could also dampen the enthusiasm of potential WaterSMART applicants who might understandably fear they may lose the water supply they conserve if they participate in this program. Importantly, some state water laws do not allow conserved water to be automatically converted to instream water purposes.

In the meantime, Reclamation reports that recent WaterSMART projects have conserved about 100,000 acre-feet of water and this important program is efficiency administering funds provided by IJA through processes and rules that are well understood by applicants. The WaterSMART program is accomplishing what it was intended to do: modernizing infrastructure and helping local water users better respond to future water conflicts. The program is working and will continue to work on an even bigger scale with more federal dollars behind it, and we encourage you to not make significant changes that could slow down implementation of IJA.

Several provisions that appear intended to focus on drought impacts to species also raise questions and concerns. This includes sections addressing Sustaining Biodiversity During Droughts and Drought Planning and Preparedness for Critically Important Fisheries. In times of drought, all beneficiaries of water resources should “share the pain” of drought, while these provisions appear to weight the priority of these programs toward environmental uses.

Significant implementation questions also exist. Does this section 205 authorize agencies to mandate changes in water management in times of drought or shortages? How would a drought plan impact or coordinate with a biological opinion for an ESA-listed species? We will also closely examine any proposal – particularly at this time when promoting domestic food production will be more important than ever before – that seeks to move water away from agriculture through voluntary water transfers, including through groundwater substitution activities.

As an alternative to authorizing another federal environmental program as Section 205 calls for, we believe a simple commitment by federal agencies – with support, direction and oversight from Congress – to work in a coordinated manner with the states and stakeholders within the framework of existing data collection programs would be the wisest and simplest approach to address the

issues raised by these two sections. Some common guidance principles to move towards improved data continuity between states could be derived by reviewing existing programs and finding templates for success that already exist, instead of attempting to fashion new solutions.

We appreciate Senator Wyden's leadership and look forward to working with him to improve specific provisions to ensure the bill's effectiveness and purpose is achieved in a way that works for all water users.

Additional Bills

In addition to the regional and West-wide bills above, we appreciate that the Committee included a number of additional bills that address specific water issues and needs in California, North and South Dakota, Montana, New Mexico, and Wyoming. We have members in all of these states and are supportive of solutions that come from the ground-up and help improve operations and infrastructure. We stand ready to work with the Committee on these bills.

Conclusion

Western water policy, over the past one hundred years, is one of the great success stories of the modern era. Millions of acres of arid Western desert have been transformed into the most efficient and productive agricultural system in the world.

Irrigated agriculture isn't a good investment, it is an incredible investment². It continues to be a leading economic driver in the West. However, the successes of the past have not come without a cost. The incredible expansion of the population, physical modifications made to rivers and streams, and agricultural practices themselves have impacted the environment. It is these impacts that are now causing many to question the policies of the past.

Resolving these issues without destroying what we worked so hard to achieve is the challenge that we all face. But to be successful, we must face them together. No resolution will be found unless we find a way to balance all competing needs in a way that supports continued growth of irrigated agriculture.

Are we going to wake up and realize the world has drifted far from the stability we have known for our lifetimes and make required course corrections? Or do we remain committed to our own demise and continue on a crash course with what may likely be the greatest food shortage in American history?

We have some decisions to make.

² A 2015 study by Dr. Darryl Olsen found that, for the 17 Western states studied, the total household income impacts from irrigated agriculture, associated service industries, and food processing sectors was \$172 billion. The annual return to the economy from the \$11 billion investment in the federal system has been estimated at \$12 billion annually. In other words, the economy of the United States receives a greater than 100% return each year on this investment.

Agricultural production in the West is an irreplaceable, strategic national resource that is vital to U.S. food security, the ecosystem, and overall drought resilience. The role of the federal government in the 21st Century should be to protect and enhance that resource by doing whatever it can to ensure that water remains on farms.

Western producers need to manage water as if every year is a drought year. We need to invest in storage facilities to capture water in wet years, we need to look to innovative technology to enhance supplies and delivery, and we need to get the most benefit from the water we have available. The ability to measure, assess and show value for how that water is used is incumbent on every water manager - environmental, urban and agricultural.

The Alliance looks forward to working with your Subcommittee to address the issues we have identified in this testimony and those we have not. It has been a tough year for many of our producers and the rural communities they support. At the Alliance, we'll continue our efforts to ensure that irrigated agriculture continues to play a vital role in feeding our Nation, while keeping our rural communities and the environment healthy. At a time of unprecedented change, one certainty holds firm and true – our nation's most valuable natural resource must be preserved.

Thank you for this opportunity to submit this testimony.



Cliff Loeffler
Lindsay-Strathmore I.D.
Chairman of the Board

Edwin Camp
Arvin-Edison W.S.D.
Vice Chairman

Jim Erickson
Madera I.D.
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City of Fresno

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Kaweah Delta W.C.D.

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Matt Leider
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Edwin L. Wheaton
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Jason Phillips
Chief Executive Officer
Friant Water Authority

Testimony for the Hearing Record
Before the United States Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power

Legislative Hearing
Support for S. 1179 – Canal Conveyance Capacity Restoration Act

May 25, 2022

Chairman Wyden, Ranking Member Hyde-Smith, and Members of the Subcommittee:

My name is Jason Phillips, and I am the Chief Executive Officer of the Friant Water Authority in California's San Joaquin Valley. The Friant Water Authority (Authority or Friant) is a public agency formed under California law in part to operate and maintain the Friant-Kern Canal, a component of the Central Valley Project (CVP) owned by the Bureau of Reclamation (Reclamation). In addition to that responsibility, the Authority also advocates on behalf of the entire Friant Division and eastside communities for sound public policy on water management and operations.

Background on the Friant Division

The 152-mile-long Friant-Kern Canal and the 36-mile-long Madera Canal, together with Friant Dam and Millerton Lake on the San Joaquin River, form the Friant Division of the Central Valley Project. On average, the canals deliver 1.2 million acre-feet of irrigation water annually to more than 15,000 farms on over one million acres of the most productive farmland in the world. Friant Division deliveries also are vital to meeting the domestic water needs of many small communities in the San Joaquin Valley, as well as larger metropolitan areas, including the City of Fresno – California's fifth-largest city.

The Friant Division was designed and is operated as a conjunctive use project to convey surface water for direct beneficial uses, such as irrigation and municipal supplies, and to recharge groundwater basins in the southern San Joaquin Valley. The ability to move significant water through the Friant Division's canals in wetter years to store in groundwater recharge basins is critically important for the project to work as intended, and these operations sustain the primary

source of drinking water for nearly all cities, towns, and rural communities on the Valley's East side.

Friant Water Authority Support for S. 1179

Friant Water Authority writes in support of the *Canal Conveyance Capacity Restoration Act*, S. 1179, introduced by our senior Senator Diane Feinstein. As water exports through California's Sacramento-San Joaquin River Delta have declined over the past 30-years, many San Joaquin Valley water users have had to rely heavily on groundwater supplies to maintain economic viability for their communities. The resulting groundwater overdraft damaged the Friant-Kern Canal, Delta-Mendota Canal, and California Aqueduct and compromised their ability to deliver water in the San Joaquin Valley and Southern California. For Friant, the southern third of the Friant-Kern Canal has lost 60% of its capacity, which translates to 100,000 – 300,000 acre-feet of water per year that doesn't flow to farms and communities.

Additionally, by reducing the canal's ability to deliver water to aquifers in the south Valley, the conveyance constriction has also worsened existing water supply and water quality problems in dozens of rural and disadvantaged communities who rely entirely on groundwater. The impact of reduced surface water supplies to over one million acres of productive farmland, as well as to the more than 55 disadvantaged or severely disadvantaged communities within the Friant Division service area is very concerning. All of which are almost entirely reliant on groundwater wells for their supplies. More than 1 million Californians live in these communities, and many of them already have unsafe drinking water or experienced their wells going dry during 2014 and 2015; both problems will inevitably be exacerbated with fewer surface flows infiltrating the valley's groundwater aquifers.

While these hydrologic losses are recoverable if the canal is repaired, time is of the essence, and current drought conditions do not bode well for such challenges. S. 1179 would authorize Reclamation to partner with Friant, the San Luis Delta-Mendota Water Authority, and the State Water Project to provide financial assistance for one-third the cost of repairing these important water lifelines within the State of California. All told, millions of acres of highly productive and nationally important farms and ranches that produce the food the Nation sorely needs right now, as well as a major water source to over 27 million people¹, depend on these canals being restored as quickly and affordably as possible. The legislation would also provide additional funding to help meet the restoration goals under Section 10004 of the San Joaquin River Restoration Act (P.L. 111-11), in addition to the funding provided under Section 10009 of that Act, to provide the financial balance between investments in water supply reliability and ecosystem restoration required under the San Joaquin River Settlement that Friant is a party to. Finally, the legislation ensures that there are adequate non-federal matching funds (including in-kind contributions) available to meet the cost sharing requirements, and that the requirements of the California Sustainable Groundwater Management Act (SGMA) are met.

¹ [State Water Project \(ca.gov\)](http://StateWaterProject.ca.gov)

In summary, Friant supports the purposes of S. 1179 which are to address the severe subsidence impacts that have substantially reduced the carrying capacity of the water delivery system of the State of California to provide for a more resilient water supply, especially during severe droughts as we have been experiencing these past several years. The legislation would also help us meet our groundwater sustainability goals established under SGMA and provide increased reliability of surface and groundwater supplies to our service area, portions of which serve disadvantaged communities as noted above. For these reasons, Friant Water Authority is in full support of the enactment of S. 1179.

We want to thank Sen. Feinstein for her continued leadership on water issues, and for introducing these two important bills in the 117th Congress.

Thank you again for the opportunity to provide our perspective and thoughts on this critical legislation and I would happily answer any questions the Subcommittee might have.

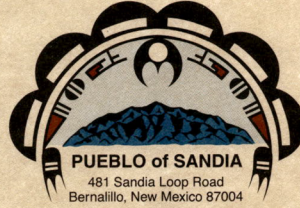


Jason Phillips
Chief Executive Officer
Friant Water Authority

Stuart Paisano
Governor

Felix Chaves
Lt. Governor

April 28, 2022



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Sent via E-mail to Julia.Friedmann@mail.house.gov

The Honorable Melanie Stansbury
U.S. House of Representatives
1421 Longworth HOB
Washington, D.C. 20515

Re: Letter of Support for Proposed Legislation Captioned: Amending the Omnibus Public Land Management Act of 2009, and the Rio Grande Water Security Act

Dear Representative Stansbury:

On behalf of the Pueblo of Sandia, thank you for meeting with the Tribal Council last week and discussing important proposed federal legislation. We support both pieces of draft legislation captioned respectively: (1) Amendment to the "Omnibus Public Land Management Act of 2009"; and (2) Enactment of the "Rio Grande Water Security Act."

In this time of climate change, we are seeing increasingly dramatic reductions in snowpack and water flow in the Rio Grande. Obtaining sufficient irrigation water from the Rio Grande is central to the Pueblo agricultural way of life, which has successfully been practiced in the Rio Grande Valley since time immemorial. Droughts are increasingly straining the ability of systems to deliver water to our fields. To mitigate these water reductions, it is essential for the Pueblo to update and modernize our aging and deteriorating irrigation facilities, which are sorely in need of repair, to maximize efficient use of diminishing water supplies.

We believe the first proposed bill helps to guarantee essential rehabilitation of irrigation infrastructure for the Pueblos by amending the appropriation amount and term to reflect the realistic cost of such projects for the upcoming decade. We also find that the second bill further addresses the adverse impacts of climate change by taking a holistic approach to improving water security and quality for communities throughout the Rio Grande Basin. Creating a federal working group to work in partnership with tribal authorities is a step forward to our collective ability to implement purpose-driven recommendations in collaboration with our federal partners.

We support your efforts to help ensure the long-term health of the Pueblo culture and economy, as well as the efficient conservation of increasingly essential water resources. Please let me know if you or your staff would like any additional information on this important legislation. We look forward to hearing from you again soon.

Respectfully,

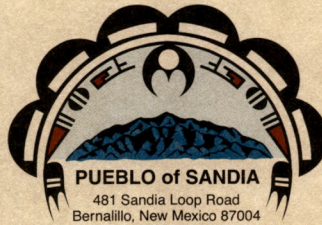
Stuart Paisano
Governor

cc: Representative Melanie Stansbury, via e-mail to lauren.vernon@mail.house.gov
Representative Teresa Leger Fernandez, via e-mail to james.green@mail.house.gov
Steffani A. Cochran, Pueblo of Sandia General Counsel (via e-mail)
File

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Stuart Paisano
Governor

Felix Chaves
Lt. Governor



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April 29, 2022

Sent via E-mail to Julia.Friedmann@mail.house.gov

The Honorable Melanie Stansbury
U.S. House of Representatives
1421 Longworth HOB
Washington, D.C. 20515

Re: Letter of Support for the Water Data Act

Dear Representative Stansbury:

On behalf of the Pueblo of Sandia, thank you again for proactively addressing the future of water for the Middle Rio Grande Pueblos and the State of New Mexico. Please accept this letter of support for your proposed bill entitled the "Water Data Act". As we understand, this bill will transform the collection and management of critical water data by creating a coordinated approach across all federal agencies that study and manage water. Better data governance will put this information in the hands of tribes and other communities to use in addressing the diminishing availability of water due to climate change.

Ensuring that Tribes have access to the information necessary to make data-driven water management decisions will help to improve water management outcomes. We support your efforts to make existing and future data more accessible, useful, and ultimately well-utilized. Please let me know if you or your staff would like any additional information on this important legislation. We look forward to hearing from you again soon.

Respectfully,

Stuart Paisano
Governor

cc: Representative Melanie Stansbury, via e-mail to lauren.vernon@mail.house.gov
Representative Teresa Leger Fernandez, via e-mail to james.green@mail.house.gov
Steffani A. Cochran, Pueblo of Sandia General Counsel (via e-mail)
File

"The Green Spot of the Columbia Basin"



South Columbia Basin Irrigation District

Office: 1155 E. Hillsboro Street, Suite A, P.O. Box 1006 Pasco, WA 99501

Telephone: (509)547-1735 Fax: (509)547-8669

May 16, 2022

The Honorable Melanie Stansbury
United States House of Representatives
1421 Longworth House Office Building
Washington, DC 20515

Re: Support for *Water Data Act*

Dear Representative Stansbury:

On behalf of South Columbia Basin Irrigation District (SCBID), I write to express support for your "*Water Data Act*". SCBID is one of three irrigation districts that make up the Columbia Basin Project, and serves more than 233,000 acres. We are committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons – many of which are often overlooked in the context of other national policy decisions.

Sound Western water resources decision-making demands accurate and timely data on precipitation, temperature, evapotranspiration, soil moisture, snow depth, snow water content, streamflow, groundwater, water quality and similar information. Critical and vital information is gathered and disseminated through a number of important federal programs. There is a serious need to focus on coordinated data collection and dissemination.

The Alliance has long advocated for improved agency coordination and decision-making at the federal level. These are necessary components to managing Western water resources and modernizing our aging water infrastructure to help us deal with the changing climate and hydrology in the West. The *Water Data Act* would direct federal agencies to standardize water data collection and provide funding to build innovative tools for water management. The approach taken in this bill is consistent with our long-held philosophy that federal agencies should coordinate closely on water management matters.

Thank you for your good work on Western water challenges. We look forward to continuing to work with you and your staff on the *Water Data Act* as it moves through the legislative process.

Sincerely,

John O'Callaghan
Secretary/Manager



Sue Lowry, Executive Director
P.O. Box 20908
Cheyenne, WY 82003
Sue@ICWP.org
307-630-5804
www.icwp.org

May 8, 2022

House Natural Resources Committee
Washington DC, 20515

Dear Members of the Subcommittee on Water Oceans and Wildlife:

Membership of the Interstate Council on Water Policy (ICWP) includes state and interstate water resources management agencies, each who require timely and accurate water data to carry out their water allocation and other management duties in their respective states or interstate river basins. The gathering of water data in the United States is a partnership among local, regional, state and federal governments and Representative Stansbury's Water Data Act contains many provisions that will be extremely useful to ICWP members in their day-to-day operations of managing our precious water resources.

ICWP is particularly supportive of the Section authorizing the Advisory Committee on Water Information (ACWI). Congressional authority for an ACWI is important as the good work of the previous ACWI was undercut when many Advisory Committees were abolished under the previous administration. ICWP had a seat on the ACWI for many years and this was an important avenue for non-federal partners to understand the programs of the federal government and provide input on how all our limited resources could be best utilized to collect, analyze and understand water data with the most efficiency and efficacy to the greatest number of decisions makers and water data users.

As water related disasters such as drought, floods and hurricanes continue to become more erratic and severe, it's imperative that we all coordinate our management of water data and information. We support the Water Data Act and encourage its swift passage.

With best regards,

Sue Lowry
Executive Director, ICWP

Leader in Water Policy Information, Influence and Implementation



May 16, 2022

The Honorable Melanie Stansbury
United States House of Representatives
1421 Longworth House Office Building
Washington, DC 20515

Re: Support for *Water Data Act*

Dear Representative Stansbury:

On behalf of the Family Farm Alliance (Alliance), I write to express support for your "*Water Data Act*". The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. We are committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons – many of which are often overlooked in the context of other national policy decisions.

Sound Western water resources decision-making demands accurate and timely data on precipitation, temperature, evapotranspiration, soil moisture, snow depth, snow water content, streamflow, groundwater, water quality and similar information. Critical and vital information is gathered and disseminated through a number of important federal programs. There is a serious need to focus on coordinated data collection and dissemination.

The Alliance has long advocated for improved agency coordination and decision-making at the federal level. These are necessary components to managing Western water resources and modernizing our aging water infrastructure to help us deal with the changing climate and hydrology in the West. The *Water Data Act* would direct federal agencies to standardize water data collection and provide funding to build innovative tools for water management. The approach taken in this bill is consistent with our long-held philosophy that federal agencies should coordinate closely on water management matters.

Thank you for your good work on Western water challenges. We look forward to continuing to work with you and your staff on the *Water Data Act* as it moves through the legislative process.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Keppen".

Dan Keppen, Executive Director

May 17, 2022



Office of Congresswoman Melanie Stansbury (NM-01)
1421 Longworth HOB,
Washington, D.C. 20515

RE: Letter of Support for the Water Data and Security Act

To whom it may concern:

Please accept this letter as documentation of the Middle Rio Grande Conservancy District's (MRGCD) full support of the proposed Water Data & Security Act.

The MRGCD operates, maintains, and manages irrigation, drainage, and river flood control in the Middle Rio Grande Valley. MRGCD promotes efficient and responsible water management and plays an important role in supporting endangered species within our riparian corridor in cooperation with other local, state, and federal agencies. Severe drought conditions coupled with long-term climate projections for the Southwest United States and the Rio Grande Basin highlight the need for enhanced water data collection, which can inform the planning and execution of strategic, basin-wide water resource management projects. MRGCD and our constituents would greatly benefit from implementing the Water Data & Security Act to catalyze water data collection and improve the security and quality of water in the Rio Grande Basin for all users.

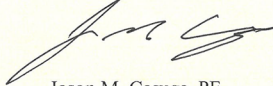
The Middle Rio Grande is home to an incredibly complex matrix of wildlife habitat, farmland, municipalities, and industry. As median water supply conditions continue to change, the need for adaptive, robust, and approachable tools for managing water are imperative. In short, we can't manage what we can't measure. Continuing to enhance water data collection on a granular level and then making that data accessible is the first step in how MRGCD and other water managers will be able to prepare against and ultimately combat water resource scarcity. Water security and quality for our communities, ecosystem health for fish, and wildlife, along with collaboration and consultation with Rio Grande Basin partners, are at the forefront of how MRGCD intends to meet the challenge of managing our most precious resource.

P.O. Box 581
87103-0581
1931 Second St. SW
Albuquerque, NM
87102-4515
505.247.0234
Fax # 505.243.7308

MRGCD is committed to working with our local, state, tribal, and federal partners to improve our collective ability to manage water for the present while setting the foundation for how we will collectively manage water into the future.

Please feel free to contact me with any questions regarding this letter of support.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason M. Casuga". The signature is fluid and cursive, with the first name being the most prominent.

Jason M. Casuga, PE
CEO/Chief Engineer



Al Mansell *Chair of the Board*
Shelley Brennan *Vice-Chair of the Board*
Gene Shawcroft *General Manager / CEO*

G. Wayne Andersen
JR Bird
E. James (Jim) Bradley
Shelley Brennan
Max Burdick
Kirk L. Christensen

Board of Trustees

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Jim Riding
Jennifer Scott
Edwin Boyd Sunderland
Byron Woodland
Boyd Workman

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

Central Utah Water Conservancy District receives water from the Colorado River, and benefits from the success of the Upper Colorado River Endangered Fish Recovery Program. I am writing to express support of the Central Utah Water Conservancy District for H. R. 5001. The bill provides necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to the District as a water user in the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gene Shawcroft".

Gene Shawcroft, PE
General Manager/CEO



October 29, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

Re: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

Colorado Springs Utilities is the largest community-owned, not-for-profit, four-service utility in the nation. We have provided water, wastewater, gas, and electric utility services to approximately 450,000 residents in the Pikes Peak Region for almost 100 years.

As a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, we are writing to express our support for H. R. 5001. This bill provides necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) to ensure continuity in recovery program operations. The Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species. As such, the success and continuation of these programs is of paramount importance to meeting Colorado Springs Utilities' water and energy supply needs.

Our thanks to you for introducing this legislation, and we look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,



Earl Wilkinson III, P.E.
Chief Water, Compliance, and Innovation Officer

CC: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

121 South Tejon Street
Mail Code 950
Colorado Springs, CO 80903

Phone 719.668.8005
<http://www.csu.org>

San Juan Water Commission

7450 East Main Street, Suite B * Farmington * New Mexico * 87402
Ph: 505-564-8969 * Fax: 505-564-3322 * Email: sjwcoffice@sjwc.org

MEMBERS:

City of Artec
City of Bloomfield
City of Farmington
San Juan County
S.J. County Rural Water Users
Association

October 27, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

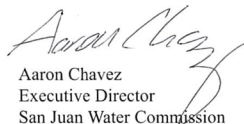
Subject: Support for H. R. 5001 - To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in and supporter of the San Juan River Basin Recovery Implementation Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the San Juan River basin as the San Juan Recovery Program provides Endangered Species Act compliance for water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,


Aaron Chavez
Executive Director
San Juan Water Commission

Aurora Water

15151 E. Alameda Parkway, Ste. 3600
Aurora, Colorado 80012
303.739.7370



City of Aurora

Worth Discovering • auroragov.org

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Marshall P. Brown,
General Manager of Aurora Water



The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Sean P. Chambers".

Sean Chambers
Director of Water and Sewer

202

November 3, 2021

The Honorable Joe Neguse
1419 Longworth House Office Building
U.S. House of Representatives
Washington, DC 20515

RE: H.R. 5001, Upper Colorado and San Juan River Basins Recovery Act

Dear Representative Neguse:

As partners in the successful fish recovery programs on the Upper Colorado River, we write in support of H.R. 5001, the Upper Colorado and San Juan River Basins Recovery Act. This legislation is critically important to maintaining the momentum we have built towards species recovery.

The Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program are highly successful collaborative conservation partnerships involving the states of New Mexico, Colorado, Utah, and Wyoming, as well as Indian tribes, federal agencies, and water, power, and environmental interests. These programs take a balanced approach to recovering four endangered fish species by implementing a range of basin-wide strategies, including optimizing operations for authorized purposes at federal water facilities and management of irrigation infrastructure, river and floodplain habitat improvement, fish stocking, and management of non-native fish species while still allowing water use and development in our growing Western communities. Since 1988, the programs have provided Endangered Species Act compliance without litigation for over 2,500 federal, tribal, state, and privately managed water projects across the Upper Colorado River basin. The programs are cost shared by the states, water users, and power customers.

Your legislation makes necessary technical amendments to the programs to assure continuity in recovery program operations until we can pursue a longer-term reauthorization after 2023. We appreciate your leadership on this issue and urge swift passage for H.R. 5001 in the House of Representatives.

Sincerely,

Leslie James
Executive Director
Colorado River Energy Distributors Association

Carlos Fernandez
Colorado State Director
The Nature Conservancy

Tom Pitts
Water Users Representative
Upper Colorado River Endangered Fish Recovery Program
San Juan River Basin Recovery Implementation Program

Bart Miller
Healthy Rivers Program Director
Western Resource Advocates

CC: The Honorable Jared Huffman, Chair, Subcommittee on Water, Oceans, and Wildlife
The Honorable Cliff Bentz, Ranking Member, Subcommittee on Water, Oceans, and Wildlife



CREDA
Colorado River Energy Distributors Association

ARIZONA
Arizona Municipal Power Users Association

Arizona Power Authority
Arizona Power Pooling Association
Irrigation and Electrical Districts Association

Navajo Tribal Utility Authority
(also New Mexico, Utah)
Salt River Project

COLORADO
Colorado Springs Utilities

CORE Electric Cooperative
Holy Cross Energy
Platte River Power Authority
Tri-State Generation & Transmission Association, Inc.
(also Nebraska, Wyoming, New Mexico)

Yampa Valley Electric Association, Inc.

NEBRASKA
Municipal Energy Agency of Nebraska
(also Colorado, Wyoming)

NEVADA
Colorado River Commission of Nevada

Silver State Energy Association

NEW MEXICO
Farmington Electric Utility System

Los Alamos County

UTAH
City of Provo

City of St. George
South Utah Valley Electric Service District
Utah Associated Municipal Power Systems
Utah Municipal Power Agency

WYOMING
Wyoming Municipal Power Agency

Leslie James
Executive Director
CREDA
10429 S. 51st St., Suite 230
Phoenix, Arizona 85044

Phone: 480-477-8646
Fax: 480-477-8647
Cellular: 602-469-4046
Email: creda@creda.cc
Website: www.credanet.org

November 2, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes

Dear Representative Neguse:

The Colorado River Energy Distributors Association (CREDA) is a regional association of the not-for-profit customers of the federal Colorado River Storage Project (CRSP). CREDA members serve over 4.1 million customers in Colorado River Basin. CREDA has been a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program since its inception, and CRSP power revenues have assisted in funding this program and the San Juan River Endangered Fish Recovery Program (RIPs) for many years.

I am writing to express CREDA's support of H. R. 5001. The bill provides amendments to the RIPs authorizing legislation (P.L. 106-392) that are needed at this time to assure continuity in program operations and obligations. Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

Leslie James
Executive Director

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives



The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, I am writing to express support of the Colorado Water Congress for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Doug Kemper', is written over a horizontal line.

Doug Kemper
Executive Director



November 2, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D.C. 20515

Re: Support of H.R.5001—To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

This letter expresses our support of H.R.5001, the Upper Colorado and San Juan River Basins Recovery Act. This legislation provides necessary amendments to the authorization for the Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Programs (P.L. 106-392) to assure continuity in recovery programs' operations. The amendments are important to the Upper Division states of Colorado, New Mexico, Utah, and Wyoming because the recovery programs benefit the recovery of four threatened and endangered native fish species and provide Endangered Species Act compliance for more than 2,500 water projects in the Upper Colorado and San Juan River Basins.

We thank you for your leadership in pursuing this legislation and we look forward to continuing our work.

Sincerely,

Rebecca Mitchell
Director
Colorado Water Conservation Board

Brian C. Steed
Executive Director
Utah Department of Natural Resources

John R. D'Antonio Jr., P.E.
State Engineer
New Mexico

Greg Lanping
State Engineer
Wyoming

cc: The Honorable Lauren Boebert
The Honorable Ken Buck
The Honorable Jason Crow
The Honorable Diana DeGette
The Honorable Doug Lamborn
The Honorable Ed Perlmutter

The Honorable Liz Cheney

The Honorable John Curtis
The Honorable Blake Moore
The Honorable Burgess Owens
The Honorable Chris Stewart

The Honorable Teresa Leger Fernandez
The Honorable Yvette Herrell
The Honorable Melanie Stransbury

Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States
House of Representatives



1600 West 12th Ave
Denver, CO 80204-3412
303.628.6000
denverwater.org

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

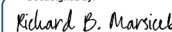
Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

DocuSigned by:

E1AF832E86184F2
Richard B. Marsicek
Chief of Water Resource Strategy

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives



Dolores Water Conservancy District

60 S. Cactus St. P.O. Box 1150 Cortez, CO 81321
Phone: 970-565-7562 Fax: 970-565-0870
Email: dwcd@frontier.net

November 1, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources,
United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to
implement endangered fish recovery programs for the Upper Colorado and San Juan River
Basins, and for other purposes.

Dear Representative Neguse:

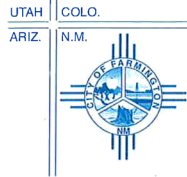
As a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to Dolores Water Conservancy and many water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species. I believe the recent reclassification of the humpback chub from endangered to threatened (<https://www.federalregister.gov/documents/2021/10/18/2021-20964/endangered-and-threatened-wildlife-and-plants-reclassification-of-the-humpback-chub-from-endangered>) by the USFW Service points to continued success under the recovery programs.

My thanks to you for introducing the legislation. I look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Neguse", is written over a faint, illegible background.

DWCD General Manager



CITY OF FARMINGTON

800 Municipal Drive
Farmington, NM 87401-2663
Phone: (505) 599-1308
Fax: (505) 599-1299
www.fmtn.org

October 28, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in and supporter of the San Juan River Basin Recovery Implementation Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the San Juan River basin as the San Juan Recovery Program provides Endangered Species Act compliance for water projects while recovering endangered fish species.

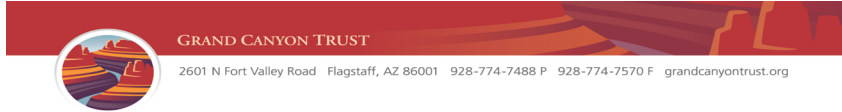
Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

David M. Sypher, P. E.
Community Works Director

cc: Rep. Herrell
Rep. Stansbury
Rep. Leger Fernandez

COMMUNITY WORKS



May 25th, 2022

The Honorable Senator John Hickenlooper
SR-374 Russell Senate Office Building
2 Constitution Ave, NE
Washington, DC 20510

The Honorable Senator Mitt Romney
SR-354 Russell Senate Office Building
2 Constitution Ave, NE
Washington, DC 20510

Delivered via email to: clay_cozier@romney.senate.gov; chris_barklev@romney.senate.gov;
sarah_mccarthy@hickenlooper.senate.gov

Re: Upper Colorado and San Juan River Basins Recovery Act

Dear Senator Hickenlooper, Senator Romney,

On behalf of the Grand Canyon Trust (the Trust), we write to express our support for the Upper Colorado and San Juan River Basin Recovery Act (Recovery Act). We offer our support to this bill as it intersects with the Trust's mission to safeguard the wonders of the Grand Canyon and the Colorado Plateau, while supporting the rights of its Native peoples. Our work includes protecting watersheds like the San Juan River Basin.

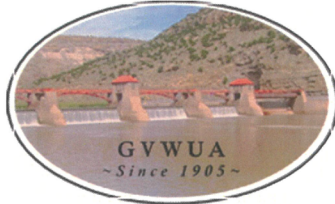
The decades of programmatic work by federal agencies, Tribes and partners funded through the Recovery Act has been successful in restoring critical river basins by mitigating the damage caused by fragmentation of habitat and spread of invasive species that brought native fish species to the brink of extinction. In addition, extension of the Upper Colorado and San Juan River Basins Recovery Act will bring needed time to develop meaningful long term strategies to address drought and restoration of native fish species, support stewardship of critical water resources and aid in broader efforts to reduce the impacts of climate change.

We thank you for your bipartisan leadership on this issue and look forward to any opportunity to work with you to advance this legislation.

Respectfully,

A handwritten signature in black ink, appearing to read "Jerry Otero".

Jerry Otero
Legislative and Policy Director
Grand Canyon Trust



Grand Valley Water Users Association
Grand Valley Project
1147 24 Road, Grand Junction, CO 81505
Phone: 970-242-5065 Fax: 970-243-4871
www.gvwua.com

October 28, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Mark Harris
General Manager
Grand Valley Water Users Association

Vivie Melendez
Environmental and Safety Manager
Telephone: 505-598-3284
E-Mail: Vivie.Melendez@NavEnergy.com



November 01, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

CC: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Re: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in and supporter of the San Juan River Basin Recovery Implementation Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the San Juan River basin as the San Juan Recovery Program provides Endangered Species Act compliance for water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact Matt Owens, telephone 505-598-3248 or Matt.Owens@NavEnergy.com, or me.

Regards,



Vivie Melendez
Environmental and Safety Manager
Navajo Transitional Energy Company



November 2, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources,
United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

On behalf of the Municipal Subdistrict, Northern Colorado Water Conservancy District as a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

Bradley D. Wind, P.E.
General Manager



November 2, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources,
United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

On behalf of the Northern Colorado Water Conservancy District as a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program, I am writing to express my support for H. R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to our organization and water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,



Bradley D. Wind, P.E.
General Manager



State of New Mexico

Michelle Lujan Grisham
Governor

May 24, 2022

The Honorable Joe Manchin
Chairman
Senate Committee on Energy and Natural
Resources
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy and Natural
Resources
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso:

We write to express our support for the bipartisan Upper Colorado and San Juan River Basins Recovery Act, H.R. 5001 and S. 3693. As partners in these recovery programs, we are pleased to support this legislation and ask for its consideration in your committee.

This legislation provides necessary amendments to the authorization for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recover Implementation Program to assure continuity in the operations of both these programs—including reauthorizing the programs an additional year through 2024 and extending reporting deadlines resulting from the pandemic.

The programs support the recovery of four threatened and endangered fish species and provide Endangered Species Act compliance for more than 2,500 water projects in the Upper Colorado and San Juan River Basins. The states of Colorado, New Mexico, Utah, and Wyoming are partners in these programs, along with water and power interests, environmental and conservation groups, federal agencies, and Tribal governments.

We were pleased to see H.R. 5001 pass the House of Representatives on a bipartisan basis and with the support of every Representative from the 4 Upper Basin States of Colorado, New Mexico, Utah, and Wyoming. We hope that you can soon take up this legislation in the Senate Committee on Energy and Natural Resources.

The Honorable Joe Manchin
The Honorable John Barrasso
May 24, 2022
Page 2

Thank you for your attention and consideration.

Sincerely,

A handwritten signature in black ink that reads "Michelle Lujan Grisham". The signature is written in a cursive, flowing style.

Michelle Lujan Grisham,
Governor

MLG/mds

cc: Chairman Ron Wyden, Water and Power Subcommittee, Via Email
Ranking Member Cindy Hyde-Smith, Water and Power Subcommittee, Via Email

JARED POLIS
GOVERNOR



136 STATE CAPITOL
DENVER, COLORADO 80203
TEL 303-866-2471
FAX 303-866-2003

May 23, 2022

The Honorable Joe Manchin
Chairman
Senate Committee on Energy and Natural Resources
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy and Natural Resources
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

I write to express my strong support for the bipartisan Upper Colorado and San Juan River Basins Recovery Act, H.R. 5001 and S. 3693. As a state active in these recovery programs, Colorado is pleased to support this legislation and respectfully ask that it move swiftly to committee markup following the scheduled Water and Power Subcommittee hearing this week.

This legislation provides necessary amendments to the authorization for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recover Implementation Program to assure continuity in the operations of both these programs—including reauthorizing the programs an additional year through 2024 and extending reporting deadlines resulting from the pandemic.

These programs support the recovery of four threatened and endangered fish species and provide Endangered Species Act compliance for more than 2,500 water projects in the Upper Colorado and San Juan River Basins. The states of Colorado, New Mexico, Utah, and Wyoming are partners in these programs, along with water and power interests, environmental and conservation groups, federal agencies, and Tribal governments.

I was pleased to see H.R. 5001 pass the House of Representatives on a bipartisan basis and with the support of every Representative from the 4 Upper Basin States of Colorado, New Mexico, Utah, and Wyoming. I hope that you can soon take up this legislation in the Senate Committee on Energy and Natural Resources.

Thank you for your attention and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor
State of Colorado

cc: Chairman Ron Wyden, Water and Power Subcommittee
Ranking Member Cindy Hyde-Smith, Water and Power Subcommittee



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters of the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
IN SOUTHWESTERN COLORADO
West Building -- 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302

October 29, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

*Subject: **Support for H. R. 5001** -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.*

Dear Representative Neguse:

I am writing to express my support for H.R. 5001 on behalf of the Board of Directors of the Southwestern Water Conservation District, which has supported the Upper Colorado and San Juan River Basin Recovery Implementation Programs since their inception.

H.R. 5001 provides necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed to assure continuity in recovery program operations. The ongoing success and stability of the Upper Colorado and San Juan Recovery Programs is a priority for our District and water users throughout the San Juan and Dolores River basins as the San Juan Recovery Program provides Endangered Species Act compliance for water projects while recovering endangered fish species.

We are grateful for your leadership in introducing H.R. 5001 and look forward to its passage by the U.S. House of Representatives.

Sincerely,

Steve Wolff, General Manager
Southwestern Water Conservation District



November 3, 2021

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

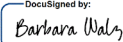
Subject: Support for H. R. 5001

Dear Representative Neguse:

Tri-State Generation and Transmission Association, a not-for-profit electric cooperative serving 42 distribution cooperative members in Colorado, Nebraska, New Mexico, and Wyoming, is a participant in and supporter of the Upper Colorado River Endangered Fish Recovery Program. Tri-State expresses its support for H.R. 5001, scheduled for a hearing in the House Natural Resources Water, Oceans, and Wildlife Subcommittee on November 4, 2021. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to Tri-State and water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

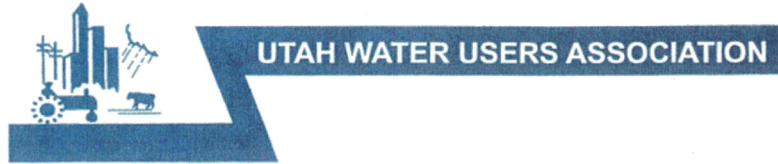
Tri-State appreciates your work on this issue and introducing the legislation. Tri-State looks forward to its passage by the Natural Resources Committee and the House of Representatives. If you have any questions regarding Tri-State's support, please contact me at your convenience.

Sincerely,

DocuSigned by:

A505C2445C0A47
Barbara Walz, SVP
Chief Compliance Officer

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

BW/dlk



October 27, 2021

Rodney Banks, President
Utah Water Users Association

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Subject: Support for H. R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes.

Dear Representative Neguse:

Many members of the Utah Water Users Association receive water from the Colorado River, and benefit from the success of the Upper Colorado River Endangered Fish Recovery Program. I am writing to express support of the Utah Water Users Association for H. R. 5001. The bill provides necessary amendments to the authorizing legislation for the recovery programs (P. L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to water users throughout the Upper Colorado River basin as the Upper Colorado Recovery Program provides Endangered Species Act compliance for approximately 2,200 water projects while recovering endangered fish species.

Our thanks to you for introducing the legislation. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Rodney Banks".

Rodney Banks
President
Utah Water Users Association



UTE MOUNTAIN UTE TRIBE

P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

The Honorable Joe Neguse
United States House of Representatives
Longworth House Office Building 1419
Washington, D. C. 20515

cc: Water, Oceans, and Wildlife Subcommittee, House Committee on Natural Resources, United States House of Representatives

Subject: Support for H.R. 5001 -- To authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and the San Juan River Basins, and for other purposes.

Dear Representative Neguse:

As a participant in the San Juan River Basin Recovery Implementation Program, I am writing to express support for H.R. 5001. The bill provides some necessary amendments to the authorizing legislation for the recovery programs (P.L. 106-392) that are needed at this time to assure continuity in recovery program operations. This is important to the Ute Mountain Ute Tribe as the San Juan River Recovery Program provides Endangered Species Act compliance for tribal water projects, namely the Animas La-Plata project, while also recovering endangered fish species, pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. No. 106-554).

Our thanks to you for introducing H.R. 5001. We look forward to its passage by the House of Representatives. If you have any questions regarding our support, please contact Leland Begay, Associate General Counsel, at lelandbegay@utemountain.org.

Sincerely,

A handwritten signature in cursive script that reads "Manuel Heart".

Manuel Heart
Ute Mountain Ute Tribe, Chairman



May 24, 2022

U.S. Senate Energy and Natural Resources Committee
Water and Power Subcommittee
304 Dirksen Senate Building
Washington, DC 20510

Chair Wyden and Ranking Member Hyde-Smith:

GARRISON DIVERSION
CONSERVANCY DISTRICT
P.O. Box 140
CARRINGTON, N.D. 58421
(701) 652-3194
FAX (701) 652-3195
gdcd@gdcd.org
www.garrisondiversion.org

The Garrison Diversion Conservancy District (Garrison Diversion) is committed to the enhancement and development of irrigation across North Dakota, particularly on irrigable acres authorized through the Dakota Water Resources Act of 2000 (DWRA).

We would like to express our favorable support for S. 1554, as it relates to the ability for irrigators to access Project Pumping Power on federally authorized projects, specifically the 28,000 undesignated acres in the DWRA.

Irrigation is economically beneficial to farm operations and provides extensive economic benefits to North Dakota, as determined in a study performed by North Dakota State University in 2014.

Irrigation provides the opportunity for producers to grow high-value crops that meet high-quality standards and market requirements and is, therefore, economically beneficial to farm operations. Without irrigation, meeting market standards would not be feasible due to the need for consistent high levels of moisture on high-value crops.

Continued irrigation investments will also generate one-time and long-term economic benefits for North Dakota, through job creation and increased local returns.

When pursuing irrigation development, affordability is a critical factor considered by producers. The ability for producers and landowners to access Project Pumping Power would allow for more affordable irrigation development, as ongoing irrigation power expenses would be reduced up to 30%.

Accessing Project Pumping Power within the 28,000 undesignated acres in the DWRA is critical to future irrigation development within the state. As agriculture remains an important element of Garrison Diversion's foundation, we ask that you favorably consider S. 1554 to ensure family farmers can affordably fulfill North Dakota's irrigation potential.

Sincerely,

Duane DeKrey
General Manager

Alan Walter
Board Chairman

NDARECs
North Dakota Association of Rural Electric Cooperatives
3201 Nygren Drive NW • P.O. Box 727 • Mandan, ND 58554-0727

   
ND
Living
Phone: 701.663.6501 or 800.234.0518
Fax: 701.663.3745 www.ndarec.com

May 24, 2022

U.S. Senate Energy and Natural Resources Committee
Water and Power Subcommittee
304 Dirksen Senate Building
Washington, DC 205105

Chair Wyden and Ranking Member Hyde-Smith,

The North Dakota Association of Rural Electric Cooperatives urges your support in consideration of S. 1554 to advance irrigation in North Dakota. S. 1554 clarifies the eligibility of certain producers to receive promised reduced rate power, known as project pumping power. This eligibility would significantly increase the affordability of irrigation within the Missouri River corridor. While there are state and federal programs to assist with infrastructure costs to establish irrigation, power remains a significant cost to producers.

The state of North Dakota was promised access to project pumping power to offset the increased power cost when irrigation was forced to relocate to higher ground. Many producers in the Missouri River corridor remain ineligible for this important benefit due to a misinterpretation of the Dakota Water Resources Act of 2000 by the Department of Interior.

S. 1554 will correct this misinterpretation and promote and expand irrigation in North Dakota in the Missouri River corridor. We ask for your favorable consideration of S. 1554 in support of an authorized irrigation project. By allowing for additional irrigation, farmland will become even more productive, which benefits local cooperative members and local communities.

Sincerely,



Josh Kramer
Executive Vice President & General Manager



May 24, 2022

U.S. Senate Energy and Natural Resources Committee
Water and Power Subcommittee
304 Dirksen Senate Office Building
Washington, DC 20510

Chair Wyden, Ranking Member Hyde-Smith, and Subcommittee Members:

On behalf of the North Dakota Department of Water Resources and North Dakota State Water Commission, I would like to thank you for your consideration of S. 1554. I would also like to express our strong support for S. 1554, as its purpose is to make certain that North Dakota's irrigation districts would be eligible for Pick-Sloan Missouri Basin Program pumping power. This important piece of legislation is a long-overdue and critical step to support and advance irrigation in North Dakota.

Irrigation promotion and development has long been a goal of the State of North Dakota, particularly in conjunction with the benefits promised the state in the 1940s through the Pick-Sloan Missouri Basin Program. At that time, when the federal government created two of the country's largest reservoirs in North Dakota when dams were built on the Missouri River, the state was promised support for irrigation development, including access to project pumping power as mitigation for hundreds of thousands of flooded acres. Unfortunately, nearly 80 years later, that promise remains to be fulfilled.

The Missouri River remains the largest surface water resource for North Dakota and accessing project pumping power is a critical step in fully utilizing this asset. S. 1554 makes the necessary technical correction to the Dakota Water Resources Act of 2000 to allow project pumping power to be utilized on up to 28,000 irrigation acres along the Missouri River. Passage of this legislation will help to partially fulfill the decades-old promise made to the people of North Dakota as it will bolster current and future irrigation opportunities for our agricultural producers who deserve the advantages of Pick-Sloan Missouri Basin Program pumping power.

Thank you for your attention to this important piece of legislation. Your favorable consideration is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Travnicek", written in a cursive style.

Andrea Travnicek, Ph.D.
Director, Department of Water Resources

AT:JP:PF/AOCIRA



May 25, 2022

U.S. Senate Energy and Natural Resources Committee
Water and Power Subcommittee
304 Dirksen Senate Building
Washington, DC 20510

Chair Wyden and Ranking Member Hyde-Smith:

Thank you for your consideration of S. 1554, an important piece of legislation to support and advance irrigation in North Dakota. With last year's historic drought in North Dakota, many in agriculture are exploring ways to mitigate risk when it comes to drought. Irrigation can provide just such risk mitigation, as many irrigators in our state have seen. However, there are many barriers to establishing or expanding irrigation, cost being the predominant barrier. While there are state and federal programs to assist with infrastructure costs to establish irrigation, power remains a significant cost to producers.

While not a solution for all irrigators across North Dakota, clarifying eligibility of certain producers to receive project pumping power would significantly increase the affordability of irrigation within the Missouri River corridor. The building of the Garrison and Oahe Dams in the 1950s flooded thousands of acres that were well suited to irrigation. These acres were also lower in elevation, thus requiring significantly less power to irrigate. The state of North Dakota was promised access to project pumping power to offset the increased power cost when irrigation was forced to relocate to higher ground. Project pumping power can reduce the power costs for individual irrigators up to 30% on a yearly basis depending on the scale of the operation and the terrain. Unfortunately, many producers in the Missouri River corridor remain ineligible for this important benefit promised by the federal government due to a misinterpretation of the Dakota Water Resources Act of 2000 by the Department of Interior.

S. 1554 will correct this misinterpretation and will certainly help promote and expand irrigation in North Dakota, and in particular, in the Missouri River corridor. We would ask, on behalf of the agriculture industry in North Dakota, for your favorable consideration of S. 1554. Securing this promised benefit for North Dakota producers will help increase the resiliency of production agriculture within the Missouri River corridor.

Sincerely,


ND Ethanol Producers Assoc.


ND Corn Growers Assoc.


ND Farmers Union


Northern Plains Potato Growers Assoc.



North Dakota Irrigation Association

P.O. Box 2254
Bismarck, ND 58502
701-223-4615
701-223-4645 (fax)

Dedicated to strengthening and expanding irrigation to build and diversify our economy

May 25, 2022

U.S. Senate Energy and Natural Resources Committee
Water and Power Subcommittee
304 Dirksen Senate Building
Washington, DC 20510

Chair Wyden and Ranking Member Hyde-Smith:

The North Dakota Irrigation Association is strongly supportive of S. 1554, a critical piece of legislation needed to advance irrigation in the state of North Dakota and fulfill a promise made to the people of North Dakota nearly 80 years ago.

The history and progress in North Dakota has long been tied to water. The Missouri River has always played an important role in much of the state, particularly since the Flood Control Act of 1944. This consequential piece of legislation forever changed the landscape of North Dakota. The construction of the Garrison Dam created Lake Sakakawea, the third largest reservoir in the United States; the construction of the Oahe Dam created Lake Oahe which has its northern boundary just south of Bismarck, ND. In all, the state of North Dakota lost 584,060 acres of land, much of it prime farmland, to the implementation of the Flood Control Act of 1944. While the damming of the Missouri River provided numerous benefits to states up and down the system, it also changed forever the flow of the river and had large impacts on North Dakota producers who used the river and surrounding areas for agricultural production.

Irrigation has long been a practice up and down the Missouri River in North Dakota. The changes made to the river due to the Flood Control Act of 1944 also permanently changed irrigation opportunities. The creation of the lakes pushed producers from fertile lowlands, where access to water was relatively easy, up to higher ground where access was more difficult and more costly.

Recognizing this reality, the federal government offered reduced rate power, known as project pumping power, to offset the increased costs associated with relocating irrigation to higher ground. Project pumping power is a critical benefit making irrigation in parts of North Dakota, and other Missouri River states, a possibility. Project pumping power is not applied to all power used by an irrigator, but simply to what is referred to as "first lift power", that power that is needed to get water from the river to the field.

The rate producers pay for project pumping power is set by the Bureau of Reclamation and changes over time. Currently, the rate for project pumping power in eligible areas in North Dakota is about 13.7 mills/kilowatt hour or about 1.37 cents/kilowatt hour.

Since 1944, the federal government and the state of North Dakota have renegotiated the various federal benefits the state receives in compensation for the building of the dam system along the river, including the acres and areas eligible for project pumping power. The most recent renegotiation was codified in the Dakota Water Resources Act of 2000 (DWRA).

The DWRA authorized project pumping power for specific areas in the state, including the McClusky Canal, an important irrigation water source built as part of the 1944 Flood Control Act. The DWRA also authorized the availability of project pumping power for up to 28,000 acres outside those designated areas. Those undesignated acres, according to the DWRA and the Bureau of Reclamation, would be treated as federally authorized projects, although not developed by the federal government, and therefore eligible for project pumping power.¹

Unfortunately, while implementing the DWRA, the Department of the Interior felt the language regarding the 28,000 undesignated acres was not clear enough to provide project pumping power to those undesignated areas. S. 1554 would provide the Department of the Interior, and the Bureau of Reclamation, the clarity it needs to provide project pumping power to additional irrigators in North Dakota, up to 28,000 acres, as was envisioned by Congress and the many stakeholders who worked to pass the DWRA in 2000. In addition, according to a 2005 report from the Bureau of Reclamation, this legislation aligns with their original recommendation to allow up to 28,000 acres in these specific areas to receive project pumping power while not becoming federal projects.

Access to the promised project pumping power for these 28,000 acres will make a concrete difference for the people of North Dakota, and the agriculture community in particular. There are North Dakota irrigators today whose families have been farming and ranching along the river for decades. They have been waiting for access to project pumping power since the 1950s. Access to this benefit could reduce the power bill to run their irrigation systems significantly. The Irrigation Association conservatively estimates that access to project pumping power reduces an irrigator's power bill by 30%.² This benefit could go a long way to making their operations profitable for irrigators today and the next generation looking to continue the proud legacy of farming along the river.

Access to project pumping power could also spur new development along the river. The Missouri River in North Dakota today is an underutilized resource when it comes to irrigation. The water is there but other factors, the cost of power being one, have limited the development. Should access to project pumping power be granted on these 28,000 undesignated acres, I am confident that we would see existing and new irrigators make good use of this benefit promised them by the federal government decades ago.

This legislation will have an impact not only on irrigators in and around the Missouri River, but will also help bolster the overall agriculture industry. Irrigation provides important risk mitigation to producers and provides agricultural processors and the livestock industry a reliable supply of grain and vegetables. The irrigation North Dakota currently has in the state makes possible a strong specialty crop industry and processing to get those products into the hands of consumers.

The impact that this legislation could have on the state is recognized by the many stakeholders in North Dakota who support this legislation. Those stakeholders include the North Dakota Department of Water Resources, the Garrison Diversion Conservancy District, the North Dakota Association of Rural Electric Cooperatives, the North Dakota Water Users Association, the North Dakota Ethanol Producers Association, the North Dakota Corn Growers Association, the North Dakota Soybean Growers Association, Northern Plains Potato Growers Association, North Dakota Farmers Union, and the North Dakota Farm Bureau.

¹ Bureau of Reclamation, "Finding of Economic, Financial and Engineering Feasibility as it Relates to the 28,000 Undesignated Acres, For the Garrison Diversion Unit, Required by the Dakota Water Resource Act of 2000." Attached.

² This is largely dependent on scale of the operation and terrain.

As the North Dakota Irrigation Association, we are actively looking for ways to increase viability for irrigation across the state. While not a silver bullet, passage of S. 1554 would go a long way to increasing viability of irrigation, both current and potential, within the Missouri River corridor. It also brings a long-awaited promise to many producers up and down the river who saw their operations change dramatically due to the Flood Control Act of 1944.

Thank you for your consideration of S. 1554. On behalf of North Dakota irrigators, we ask for your support of S. 1554.

Sincerely,

A handwritten signature in black ink, appearing to read "Loren DeWitz". The signature is fluid and cursive, with a prominent initial "L" and a stylized "D".

Loren DeWitz
President

**FINDING OF ECONOMIC, FINANCIAL AND ENGINEERING FEASIBILITY AS IT
RELATES TO THE 28,000 UNDESIGNATED ACRES, FOR THE GARRISON
DIVERSION UNIT, REQUIRED BY THE
DAKOTA WATER RESOURCE ACT OF 2000**

Public Law 106-554, the Dakota Water Resource Act of 2000 (DWRA) provides for the Secretary to present a "finding" which satisfies the requirements in Section 5(e) (1) and (2) of the DWRA relative to the 28,000 undesignated acres which are authorized in Section 5(a) (3) of DWRA. The aforementioned Sections require the Secretary to prepare a report which includes a finding on the economic, financial, and engineering feasibility of the proposed irrigation unit, but shall be limited to the 28,000 acres. The 28,000 acres of irrigation that is authorized in Section 5 includes existing irrigation districts that have been partially developed with private funding. The DWRA provides that irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power. The Secretary shall investigate and prepare a detailed report on the undesignated 28,000 acres in as to costs and benefits for any irrigation units to be developed under Reclamation law.

The Garrison Diversion Unit (GDU) is one of the principal developments of the P-SMBP authorized by the Flood Control Act of 1944. Studies indicated that 1 million acres would be developed for irrigation. Associated features completed by the Corps of Engineers (COE) are Garrison Dam (1956), Lake Sakakawea, Snake Creek Embankment (1953), and Audubon Lake. Snake Creek Embankment and Audubon Lake were planned and developed by the COE to provide Missouri River water for the GDU.

The Initial Stage of the GDU was authorized in 1965. The plan was to provide water for 250,000 acres of irrigation and numerous other uses defined in House Document 325, 86th Congress, and a 1962 Reclamation Report. Construction of the main supply works was initiated in July, 1967.

In the late 1960's, Canada became concerned about construction of the GDU due to drainage return flows that would accrue to Canada from about 75 percent of the proposed irrigation. Resolution through discussion of these issues between the United States and Canadian governments did not proceed as anticipated. As a result of the consultation process, a United States-Canadian Joint Technical Committee was established to monitor the proposed phased construction and associated environmental matters. The 1985 Energy and Water Development Appropriations Act required that a commission be established to examine the contemporary water needs of North Dakota and propose alternatives which would lead to resolution of the problems that had confronted the GDU. The Commission's work culminated in the Garrison Diversion Reformulation Act of 1986 (Reformulation Act). The Reformulation Act deauthorized all but 130,940 acres of irrigation development and substituted a federally subsidized municipal, rural, and industrial (MR&I) program for the entire State of North Dakota including Phase I MR&I systems for Standing Rock, Fort Berthold and Spirit Lake Indian Reservations.

In the early 1990's Congress and the Administration would not support funding to complete the principal supply works or the non-Indian irrigation features. In 1994 the North Dakota Congressional Delegation began working toward another reformulation of the project. This

culminated in the Dakota Water Resource Act (DWRA). The DWRA further reduced the irrigation component to 75,480 acres and federal financing was only included for the 2,380 acres on the Standing Rock Indian Reservation. DWRA also increased the federal cost ceiling for the MR&I component by over \$400 million. DWRA also provided a \$200 million Federal cost ceiling increase for reservation wide MR&I systems on Standing Rock, Fort Berthold, Spirit Lake and Turtle Mountain Indian Reservations.

GDU has evolved from primarily an irrigation project in the 1940's, to a project that focuses on meeting the contemporary MR&I water needs of the four Indian reservations and the State of North Dakota. DWRA has provided authority for Reclamation to enter into appropriate contracts for providing project pumping power and for the repayment of assigned P-SMBP costs for the 28,000 acres identified in the DWRA.

Capital costs associated with the construction of power facilities in the Missouri River Basin have been assigned to irrigation for the purpose of providing project pumping power. Irrigation development did not occur as planned and these sunk costs have been deferred indefinitely. Irrigation authorized under the DWRA would benefit Reclamation in that repayment on a portion of these sunk costs would be realized when repayment contracts are executed for a portion of the assigned power investment costs associated with DWRA irrigation facilities. Repayment contracts will be developed based on each irrigation district's ability-to-pay, the costs over 40 years.

The districts will also enter into separate contracts for P-SMBP project pumping power and payment of OM&R costs associated with the demand and energy delivered to the specific district in accordance with the prevailing P-SMBP rate.

At the present time in North Dakota based on current studies new irrigation development under Reclamation Law is not economically or financially feasible. Reclamation currently has found that only currently developed irrigation (financed with non-Federal funding) in existing, partially developed, irrigation districts is economically and financially feasible. Since the GDU was constructed primarily for irrigation and irrigation development did not occur as outlined in the original authorization, repayment of the construction costs will never be realized as originally intended. With the enactment of the DWRA, repayment of a portion of those costs could be realized. The Dakotas Area Office has conducted initial studies which indicate some of the districts have enough payment ability to repay an allocated share of the assigned power investment costs as well as the operation and maintenance costs associated with maintaining P-SMBP power facilities. There are a number of other existing districts interested in receiving project pumping power, as authorized in Section 5(a)(4) of DWRA of 2000. A payment capacity analysis along with other required project prerequisites (i.e., land classification, National Environmental Policy Act compliance, toxic element analyses, etc.) will be completed for each district prior to entering into a repayment contract and project pumping power contract for P-SMBP project pumping power.. No project water would be delivered to the districts, only project pumping power.

Should economic conditions for new irrigation development improve in the future, it may be necessary to prepare another "finding" report.



DEDICATED TO PROTECTING, DEVELOPING, AND MANAGING NORTH DAKOTA'S WATER RESOURCES
PO Box 2254, Bismarck, ND 58502-2254 701-223-4615 • 701-223-4645 (Fax)

May 25, 2022

U.S. Senate Energy and Natural Resources Committee
Water and Power Subcommittee
304 Dirksen Senate Building
Washington, DC 20510

Chair Wyden and Ranking Member Hyde-Smith:

Thank you for your attention to S. 1554, a piece of legislation key to the viability of irrigation in North Dakota as well as a fulfillment of a promise made to the people of North Dakota eight decades ago. The North Dakota Water Users Association was organized in 1959 to protect, develop, and manage North Dakota's water resources. It is currently comprised of over 300 local, statewide, and regional organizations in North Dakota who have an active interest in water.

The North Dakota Water Users has a strong interest in seeing fulfillment of the promises made by the federal government to the state of North Dakota through the Pick Sloan Agreement and the Flood Control Act of 1944. The Pick Sloan Agreement, which led to the damming of the Missouri River throughout Montana, North Dakota, and South Dakota, detailed a variety of benefits the state of North Dakota was to receive in exchange for the nearly 600,000 acres of land lost when the Garrison and Oahe dams were created. In the original agreement, North Dakota was promised more than one million acres of irrigation development. Through the decades, that acreage number has been renegotiated to just over 70,000 acres, promised in the Dakota Water Resources Act of 2000.

S. 1554 provides necessary clarification to the Dakota Water Resources Act regarding 28,000 of those 70,000 acres. These 28,000 acres were promised access to project pumping power, but due to a misinterpretation by the Department of the Interior, that benefit has yet to be realized. Project pumping power, which can significantly reduce the expense of power for eligible irrigators, can make irrigating along the Missouri River economically feasible. As we look at the many water resources North Dakota has, the Missouri River is by far our greatest asset. It is also largely underutilized. Access to project pumping power will help North Dakota develop this important resource.

Thank you for your consideration of this important piece of legislation. We would respectfully ask for your support for S. 1554.

Sincerely,

A handwritten signature in cursive script that reads "David Lang".

Dave Lang
President



1010 W. Jefferson, Ste. 101, Boise, ID 83702 | www.iwua.org
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May 24, 2022

The Honorable Ron Wyden, Chairman
 The Honorable Cindy Hyde-Smith, Ranking Member
 Committee on Energy and Natural Resources
 Water and Power Subcommittee
 United States Senate
 Washington, D.C.

RE: Support of S.4175

Chairman Wyden, Ranking Member Hyde-Smith, and Subcommittee Members:

On behalf of the Idaho Water Users Association (IWUA), I write in support of S.4175, which would amend the Omnibus Public Land Management Act of 2009 (the "Omnibus Act of 2009"). IWUA also expresses appreciation to Senator Risch for sponsoring this legislation.

IWUA represents canal companies, irrigation districts, water districts, ground water districts, municipal and public water suppliers, hydroelectric companies, aquaculture interests, agri-businesses, professional firms, and individuals – all dedicated to the wise and efficient use of Idaho's water resources. Our members operate and maintain water delivery infrastructure throughout the state – in rural and urban settings. We rely heavily on our partnerships with federal agencies, particularly the Bureau of Reclamation (Reclamation), to ensure that Idaho's water infrastructure safely and efficiently delivers water to the end users.

S.4175 would amend the Omnibus Act of 2009 in two very important ways:

1. Creating a non-reimbursable cost-shared funding opportunity for "urban canals of concern"; and
2. Providing that reimbursable funds (i.e. loans) provided for the extraordinary maintenance from Reclamation's Aging Infrastructure Account can be used to match federal grants.

Both amendments are necessary to ensure reliable and safe water delivery in many parts of the West.

I. Urban Canals of Concern

Idaho, like every state in the West, has seen significant urban growth in recent decades. Areas that were once thriving ag lands – growing potatoes, onions, beans and corn – are now

Hon. Ron Wyden / Hon. Cindy Hyde-Smith
May 24, 2022
Page 2

urban developments covered with parks, roads, school, houses, businesses, apartments, malls, and offices.

When early developers moved into Idaho's Treasure Valley, along the Boise River in Southern Idaho, they quickly recognized the need for water delivery infrastructure to carry water from the river to the parched lands throughout the Valley. As early as the 1860's, settlers such as Tom Davis, began farming the Valley. Extensive canal systems began to be constructed – with the New York, Phyllis and Ridenbaugh Canals being the largest arteries carrying water into the untamed desert.

The New York Canal

The New York Canal diverts water from the Boise River near the Lucky Peak Reservoir in southwestern Idaho, immediately upstream of the City of Boise. From there, it takes a 40-mile journey to Lake Lowell, near Caldwell, Idaho. It is common in the summer months, during the heights of the irrigation season, for the New York Canal to carry more than double the amount of water than flows in the Boise River downstream.

The New York Canal was one of the first Reclamation projects under the 1902 Reclamation Act. Reclamation took over the completion of the New York Canal when private development was not able to. The canal was completed to Lake Lowell in the first decade of the twentieth century. The New York Canal remains Reclamation's property. When first constructed, the New York Canal crossed through farm fields and desert sagebrush. There was very little development around the canal. This was important as much of the first six miles are perched along a bench, elevated 20-40 feet above the valley.

In the early 1950's, a segment of the New York Canal perched along the bench failed. Fortunately, at that time, there was very little development in the area and damage was limited to the farm fields below.

In the succeeding years, extensive development has occurred below the New York Canal. What was once miles and miles of farm fields and desert, are now homes, parks, schools, hospitals, and industry. The New York Canal now crosses through the heart of urban development in the Treasure Valley. This area continues to be one of the fastest growing areas in the country.

This extensive development below the canal has created new and challenging realities that were not considered or even anticipated when the canal was first constructed. Hundreds of encroachments have cropped up along the canal bank over the years which make operation and normal maintenance even more challenging but also increase the consequences of any potential canal failure on adjacent local infrastructure. Although the obligation to maintain a safe and efficient water delivery system exists for all canals, the poignancy of those needs is enhanced when the systems are surrounded by urban development.

One way that water users are working to ensure the continued safe and efficient delivery of water in the New York Canal is by replacing the existing canal lining with a combination of

Hon. Ron Wyden / Hon. Cindy Hyde-Smith
 May 24, 2022
 Page 3

an 8-inch cement liner, reinforced by steel rebar, poured over a synthetic fabric liner. This process involves tearing the canal down to its foundation and rebuilding it from the ground up. It is not a cosmetic measure but truly a radical rebuilding effort. In addition to the reconstruction of the lining, the measures being implemented include adding an additional three feet of free board to accommodate possible future flood events. Although such an expensive lining and repair and replacement process would not be necessary in a normal agricultural setting, the existence of expansive urban development near and below the canal has made it necessary for water users to go the extra mile. The total cost for replacing the liner for the first 6-miles of the New York Canal is estimated at nearly \$50 million – though, given the impacts of inflation, this cost is expected to rise.

This six-mile stretch is the only conduit for delivery of water to over 165,000 acres of land. The economic contribution of the agriculture served by the New York Canal is well over \$1 billion every year.

Urban Canals of Concern

Congress has recognized that urban development has changed the realities for many canals throughout the West. In the Omnibus Act of 2009, Congress charged Reclamation with identifying and inspecting “project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.” 43 U.S.C. 510b(a)(1) & (2). The New York Canal was identified as an “urban canals of concern.”

S.4175

S.4175 addresses the extraordinary maintenance needs of urban canals of concern, by amending the Omnibus Act of 2009 to grant authority to provide non-reimbursable funding of up to 35% of the cost of extraordinary maintenance projects on priority sections of urban canals of concern. As discussed above, there are unique and unexpected challenges that have arisen from urban expansion near water delivery systems. The cost of addressing many of these challenges has quickly outpaced the ability of even the most frugal entities, especially those delivering water to agricultural users. This authority will allow such water delivery entities to address the unique and costly challenges of reducing risk in urbanized areas of their delivery system and preserving their ability to deliver water for productive uses.

Importantly, the authorities granted in this amendment are limited to canals or sections of canals that have been identified as urban canals of concern by Reclamation.

II. Using Reimbursable Funds as Non-Federal Match for Federal Grants

Each year, water users throughout Idaho take advantage of the WaterSMART grant programs provided by Reclamation. These programs provide competitive grants to cover a portion of the cost of water conservation and management improvement projects. Canals have been lined, headgates have been replaced and modernized, and watershed plans have been developed. This program has been a lifeline to Idaho’s water user community in sharing the cost of such improvements.

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These programs do not provide 100% of the cost of a particular project. Rather, they provide some “federal share” – usually 50% – and require that a non-federal “match” be provided. These non-federal matches can be in the form of state grants, private contributions or in-kind services. In some instances, loans are required.

Through the Omnibus Bill of 2009 and the Infrastructure Investment and Jobs Act of 2021 (IIJA), Congress created and funded an aging water infrastructure loan program. This program provides long-term, low-interest loans to allow water users to address their aging infrastructure needs. It is important to emphasize that these are loans repaid from nonfederal funding sources, such as increased water rates.

Unfortunately, absent express authority, Reclamation asserts that it is unable to treat these aging infrastructure loans as a nonfederal match for federal grant programs. This has created problems in Idaho and elsewhere in the West. For example, Falls Irrigation District, in Eastern Idaho was recently approved for an aging infrastructure loan of \$8.5 million. They had intended to match that federal loan with a WaterSMART grant to complete important aging infrastructure modernization needs in their system. However, they have now been informed that the loan cannot be used as a match under WaterSMART. Unless the loan can be used as the nonfederal match, Falls Irrigation will not be able to afford to complete this project.

S.4175 amend the Omnibus Bill of 2009 to ensure that reimbursable funds (i.e. aging infrastructure loans) can be used to match federal grant programs. This will enable more entities to take advantage of the opportunities provided by the Omnibus Bill of 2009 and the IIJA.

Thank you for the opportunity to provide comments on S.4175. We truly appreciate the Subcommittee’s efforts on this matter. Please don’t hesitate to reach out if you have any questions or to further discuss the need for this legislation (paul@iwua.org or 208-404-9436).

Sincerely,

Paul L. Arrington
Executive Director & General Counsel

cc: Senator Jim Risch
Senator Mike Crapo
Representative Mike Simpson
Representative Russ Fulcher
Boise Project Board of Control
Falls Irrigation District



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May 24, 2022

The Honorable Ron Wyden, Chairman
 The Honorable Cindy Hyde-Smith, Ranking Member
 Committee on Energy and Natural Resources
 Water and Power Subcommittee
 United States Senate
 Washington, D.C.

RE: Support of S.4176

Chairman Wyden, Ranking Member Hyde-Smith, and Subcommittee Members:

On behalf of the Idaho Water Users Association (IWUA), I write in support of Senate Bill 4176, which would amend the Infrastructure Investment and Jobs Act or 2021 (IIJA). IWUA also expresses appreciation to Senator Risch for sponsoring this legislation.

IWUA represents canal companies, irrigation districts, water districts, ground water districts, municipal and public water suppliers, hydroelectric companies, aquaculture interests, agri-businesses, professional firms, and individuals – all dedicated to the wise and efficient use of Idaho’s water resources. Several IWUA members are Carey Act operating entities – including two of the largest such entities in the Western U.S. In addition, IWUA members regularly utilize regulating reservoirs as part of their water management.

S4176 will amend the IIJA in two very important ways:

1. Expanding eligibility for any remaining funding provided by IIJA for rehabilitation of additional Carey Act project dams in the West; and
2. Modifying the eligibility requirement for certain small surface and ground water storage project grants from 2,000 acre-feet to 2 acre feet.

I. Funding for Carey Act Projects

IIJA provided funding for the rehabilitation, reconstruction or replacement of Carey Act dams that meet certain criteria – including that they began construction after January 1, 1905 and have a total cost exceeding \$50 million. S.4176 amends the IIJA to authorize the use of any remaining funds for additional Carey Act project dams after projects that qualify for funding under IIJA have been funded. This amendment will allow the funds appropriated in the IIJA to address additional aging water infrastructure needs without the original construction timeline or minimum cost threshold.

Hon. Ron Wyden / Hon. Cindy Hyde-Smith
May 24, 2022
Page 2

For example, Milner Dam is located on the Snake River in south-central Idaho. The dam was constructed as part of an irrigation reclamation project pursuant to the Carey Act of August 18, 1894. The original construction commenced in 1903 to effectuate delivery to over 200,000 acres on the south side of the Snake River by what is now known as the Twin Falls Canal Company. In 1907, construction began to raise the dam and water level, and allow for the delivery of water to over 150,000 acres on the north side of the Snake River by what is now known as the North Side Canal Company. Subsequent to its completion for these two Carey Act projects, additional work on Milner Dam allowed for the delivery to an additional 100,000 acres pursuant to spaceholder contracts with the Bureau of Reclamation. These companies have continuously operated and maintained Milner dam as a Carey Act project to the present day.

Milner Dam and its canal system is a national example of the success of the Carey Act. Following a substantial re-build and modification of the dam in the early 1990s, Milner continues to allow for the irrigation of over 450,000 acres.

Over the years, erosion of the spillway basin and foundation resulted in a growing safety risk. High water years in 1997, 2017 and 2018 resulted in extensive use of the spillway and stressed the dam's structural integrity. Initial engineering estimates to repair Milner Dam exceed \$15 million. Needed repairs include items to address erosion of the spillway plunge pool, energy dissipation, and structural repairs of the emergency spillway gates and hard surfaces.

Milner Dam is central to water management in southern Idaho. Addressing these issues will allow for continued operations of this critical agricultural infrastructure. S4176 would expand eligibility for grant funding under IJA to assist with Milner Dam and other vital improvements to Carey Act water infrastructure in the west.

II. Small Surface and Ground Water Storage Grants

One vital tool, used by water delivery entities throughout Idaho, is the regulating reservoir. These small reservoirs improve efficiencies for water deliveries and reduce sediment in the system (and, therefore, the rivers). Many of these structures are quite small – under 500 acre feet.

S.4176 would amend the IJA small surface and ground water storage grant criteria to reduce the eligible size from 2,000 acre feet to 2 acre feet. This amendment would make these small regulating reservoirs eligible for grant funding under this new program. Many small irrigation entities are situated where access to large land areas is not feasible or aquifer capacities are limited. Further, expanding the eligibility would open up more efficient and site specific opportunities to enhance irrigation delivery, improve water storage and protect water quality in targeted ways. These small regulating reservoirs are an important part of water management in Idaho and throughout the west. Water conservation and efficiencies in the west are critical as the region faces changing climate and water availability.

Hon. Ron Wyden / Hon. Cindy Hyde-Smith
May 24, 2022
Page 3

Thank you for the opportunity to provide comments on S.4176. We truly appreciate the Subcommittee's efforts on this matter. Please don't hesitate to reach out if you have any questions or to further discuss the need for this legislation (paul@iwua.org or 208-404-9436).

Sincerely,

Paul L. Arrington
Executive Director & General Counsel

cc: Senator Jim Risch
Senator Mike Crapo
Representative Mike Simpson
Representative Russ Fulcher
Twin Falls Canal Company
North Side Canal Company



*Montana
Water Resources
Association*

*P.O. Box 4927 • Helena, Montana 59604 • (406) 235-4555
Email: mwra_h2o@msn.com*

May 2022

Senate Committee on Energy and Natural Resources
Honorable Senator Joe Manchin, Chairman
Honorable Senator John Barrasso, Ranking Member
304 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Support for Senate Bill 737, St. Mary's Reinvestment Act

Dear Honorable Senator Joe Manchin & Honorable Senator John Barrasso:

Montana Water Resources Association is writing in support of the St. Mary's Reinvestment Act. Rehabilitation of the St. Mary Diversion and Headworks and related infrastructure are crucial to the economic stability of the High Line region of Montana. Farmers and ranchers as well as municipalities, fish and wild life, small business, and recreationists rely on the diversion and headworks to provide the essential supply of water.

In addition to the enormous economic impact to the region, St. Mary's rehabilitation will provide tremendous benefits by combining the opportunity to encompass modern technology in order to improve operational and water use efficiency with significant added protections for important native fisheries. In summary, modernization of critical infrastructure as addressed within the St. Mary's Reinvestment Act will provide a win-win result through enhanced water management capability.

Thank you for your thoughtful consideration of Senate Bill 737, St. Mary's Reinvestment Act. Please don't hesitate to call if I can provide additional information regarding MWRA support.

Sincerely,

A handwritten signature in cursive script that reads "Michael E. Murphy".

Michael E. Murphy
Executive Director

cc: Honorable Senator Jon Tester
Honorable Senator Steve Daines



Consisting of 240,000 acres on the Westside of the San Joaquin Valley

May 25, 2022

CHRIS CARDELLA
Chair

MIKE STEARNS
Vice-Chair

CHRIS WHITE
Executive Director

**MINASIAN, MEITH,
SOARES, SEXTON
& COOPER LLP**
Legal Counsel

**CENTRAL CALIFORNIA
IRRIGATION DISTRICT**

Eric Fontana
President

Jarrett Martin
General Manager

**SAN LUIS CANAL
COMPANY**

James L. Nickel
President

John Wiersma
General Manager

**FIREBAUGH CANAL
WATER DISTRICT**

Mike Stearns
President

Jeff Bryant
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Committee on Energy and Natural Resources
Subcommittee on Water and Power

RE: *Testimony for the Hearing Record Before the United States Senate –
Legislative Hearing; Support for S.4231 – The STREAM Act*

Chairman Wyden, Ranking Member Hyde-Smith, and Members of the
Subcommittee:

My name is Chris White and I am the Executive Director of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors). On behalf of the Exchanges Contractors, I want to thank you and the committee for your continued leadership on western water issues, in particular those in California. The Exchange Contractors service approximately 240,000 acres of prime agricultural land east of I-5 and primarily west of the San Joaquin River. These lands span the counties of Fresno, Madera, Merced, and Stanislaus, from the town of Patterson in the north to Mendota in the south, all of which include disadvantaged communities that we closely work with on water related issues. The Exchange Contractors mission is to monitor and advocate on environmental, legislative, and legal issues which impact the Exchange Contractors members.

San Joaquin River Exchange Contractors Support for S. 4231

The STREAM Act would grandfather storage and conveyance infrastructure projects that receive construction funding in the bipartisan infrastructure bill enacted earlier this Congress to receive new funding authorized by the STREAM Act for construction. Del Puerto Canyon Reservoir Project is one of those projects and assists our ability to deliver water to our farmers and help recharge important groundwater resources in support of our rural disadvantaged communities in the San Joaquin Valley. The bill would also provide non-reimbursable funding for modifications to extraordinary maintenance on aging Bureau of Reclamation (Reclamation) projects that would provide additional public benefits.

The STREAM Act would establish a program to provide grants to eligible entities on a competitive basis for the planning, design, and construction of non-Federal storage projects including surface or groundwater storage, conveyance facilities or a natural water retention and release project that is not federally owned facility.

RE: *Testimony for the Hearing Record Before the United States Senate –
Legislative Hearing; Support for S.4231 – The STREAM Act*

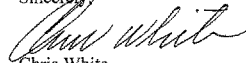
May 25, 2022

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The STREAM Act would also allow the Department of the Interior to provide emergency drought relief assistance for permanent infrastructure projects, amending the current requirement under the Reclamation States Emergency Drought Relief Act that such assistance (other than groundwater wells) must be for projects that are temporary in nature.

Thank you and the committee for your support of the Exchange Contractors, our farmers and communities and the water infrastructure they rely upon.

Sincerely,



Chris White
Executive Director

Testimony for the Hearing Record

of

**Charles R. Cullom, Executive Director
Upper Colorado River Commission**

before the

**United States Senate Committee on Energy and Natural Resources
Subcommittee on Water and Power**

**Legislative Hearing to receive testimony on S. 4232, a bill to address the recovery of certain costs with
respect to certain Reclamation facilities in the Colorado River Basin**

May 25, 2022

Chairman Wyden, Ranking Member Hyde-Smith, Senator Kelly, and Members of the Subcommittee:

On behalf of the Commissioners of the Upper Colorado River Commission, I thank you for the opportunity to provide written testimony on S. 4232, as introduced by Sen. Mark Kelly of Arizona. The Commission is an interstate administrative agency created by the Upper River Compact of 1948. Its member states are Colorado, New Mexico, Utah, and Wyoming, each of which appoints a Commissioner to represent their interests on the Commission. Among other things, the Commission represents these States in consultations with the Secretary of the Interior on Colorado River operations.

As this Committee is aware, the hydrology of the Colorado River Basin has been declining for over twenty years, creating hardship on all who rely upon the resources of the basin. With this backdrop, we have carefully reviewed the provisions of S. 4232. We support the goal of not charging power contractors for costs when there is no hydropower development due to insufficient water to operate the power plants. Nonetheless, the Commission echoes the concern Bureau of Reclamation Commissioner Camille Calimlim Touton expressed in her statement dated May 25, 2022; namely, that the current draft of the bill could introduce unintended complexities into the hydropower program. As a result, the Commission believes the bill may need to be clarified so there is absolute certainty that there will be no unintended consequences, operationally, financially, or otherwise, on water users as well as programs that rely upon power revenues for support. We therefore request the Committee commence a process whereby we can engage with the Administration and stakeholders from across the basin to ensure the goal of not charging power contractors when no generation occurs due to hydrology is fully met in S. 4232 without harming any other interests on the river.

If you have any questions concerning these comments, please contact Charles R. Cullom, Executive Director, Upper Colorado River Commission, at ccullom@ucrcommission.com and (801) 531-1150.

**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.



**YAKIMA BASIN
JOINT BOARD**

**A Partnership of Public Entities Promoting the Multiple Uses
of the Yakima Valley's Water Supply**

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Sunnyside Division Board of Control • Yakima-Tieton Irrigation District • Columbia Irrigation District
Naches-Selah Irrigation District • Selah-Moxee Irrigation District*

May 18, 2022

The Honorable Ron Wyden
Chairman
Water and Power Subcommittee
Energy and Natural Resources Committee
United States Senate
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Cindy Hyde-Smith
Ranking Member
Water and Power Subcommittee
Energy and Natural Resources Committee
United States Senate
304 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Support for S. 4176

Dear Chairman Wyden and Ranking Member Hyde-Smith:

On behalf of the Yakima Basin Joint Board (YBJB), I write in support of S. 4176, a bill to amend the Infrastructure Investment and Jobs Act (IIJA) to modify the minimum requirements for the Bureau of Reclamation (Reclamation) Small Storage Grant Program created by Sec. 40903 of the IIJA. The YBJB is an organization of the major irrigation districts and the City of Yakima located in Washington State's Yakima River Basin.



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Upon reviewing the IJA, we found that the lower limitation on small storage projects eligible for grant funding under that section is too large. We support S. 4176 because, among other things, it would amend the IJA to reduce the 2,000 acre-foot limit to 2 acre-feet and allow for regulating storage reservoirs to be eligible to compete for funds under this program.

As you may be aware, regulating reservoirs in the Yakima Basin and throughout the Western U.S. are crucial to the conservation and efficient management of our precious water supplies. These working reservoirs are small water storage facilities that capture water already in our systems that may need to be held from several hours to several days to meet fluctuating irrigation demands from our farmers. While our districts have constructed several of these reservoirs, we have others in the planning stages, as do some of our sister districts in the Basin and would appreciate the opportunity to apply for this important grant funding to assist us in funding these improvements.

This change to the language in the IJA will help us continue to meet agriculture's portion of the water conservation goals of the Yakima Basin Integrated Plan, a 30-year multi-benefit integrated watershed management plan developed and supported by a wide variety of stakeholders in the Basin, including irrigated agriculture, the Yakama Nation, conservation groups, local governments and the State of Washington. Please let me know if you have any questions at BradyL@svid.org.

Sincerely,

Lori Brady, President
Yakima Basin Joint Board

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