



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **CONGRESS/ENERGY/ENVIRONMENT**

#### **National Park Restoration Act/Reclamation Fund**

Senator Lamar Alexander (R-TN), Energy and Water Appropriations Subcommittee Chair, introduced the National Parks Restoration Act (S. 2509) on March 7, with a group of bipartisan cosponsors that include Senators Steve Daines (R-MT), Cory Gardner (D-CO), and Martin Heinrich (D-NM), as well as Senators Shelley Moore-Capito (R-WV), Angus King (I-ME), Joe Manchin III (D-WV) and Thom Tillis (R-NC). The bill would “help restore and rebuild our national parks by helping to pay for the \$11 billion maintenance backlog in our national parks,” said Alexander in his floor speech. “Here’s how it will do this: the legislation will use revenues from energy production on federal lands to provide mandatory funding for the maintenance backlog at our national parks. This is a well-established conservation principle: taking some of the money created by an environmental burden and using it for an environmental benefit.”

Alexander continued, “This is something that everyone who cares about our national parks – which documentary maker Ken Burns calls, America’s best idea – should welcome and support. There are no parks to visit if the roads are impassable and the trails are overgrown. No places to learn if the buildings aren’t safe to enter. Nowhere to sleep if the campgrounds are uninhabitable and the water systems don’t work.... The significance of the proposal we are introducing today is that, to my knowledge, it has never happened before. The President, his Office of Management and Budget, and his Interior Secretary Ryan Zinke are recommending Congress provide mandatory funding paid for by revenues from energy development on federal lands for the national park maintenance backlog.... We have been working with Secretary Zinke on this legislation for a long time, and President Trump included a similar proposal in both his infrastructure plan and his fiscal year 2019 budget request.”

He declared, “In this age of iPads and iPhones and Alexa and Netflix – our national parks are more, not less, important. They preserve beauty for everyone – rich and poor – to share. Parents bring children out of their digital diet to feast on a world of natural splendor. We learn our history in a place where history comes alive – not just the

history of the world, but the history of East Tennessee, the history of Wyoming, the history of Maine, and the history of Montana. To give you a sense of what \$11.6 billion in national park maintenance needs means – this backlog is nearly four times what the National Park Service receives in annual appropriations.... Restoring our parks not only helps to preserve our land for generations to come but also helps to grow our economy throughout the country.”

Alexander explained, “The National Park Restoration Fund created by the legislation will receive 50% of revenues from energy production on federal lands over 2018 projections that are not already allocated to other purposes. The legislation includes revenues from all sources of energy production on federal land – oil, gas, coal, and renewables and alternative energy. The legislation protects all existing obligations for revenues from energy production on federal lands, including payment to states, the Land and Water Conservation Fund, and the Reclamation Fund.”

He concluded, “‘Theodore Roosevelt once said that nothing short of defending this country in wartime ‘compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us....’ We must all work together to restore our national treasures so future generations have the same opportunity to enjoy them as we have.”

### **CONGRESS/WATER RESOURCES**

#### **House FY2019 Energy and Water Appropriations**

On May 7, the House Appropriations Committee marked up a FY2019 Energy and Water Development and Related Agencies Appropriations bill, voting unanimously to report the bill favorably without amendment to the full Committee. Title I would fund the Army Corps of Engineers at \$7.28B, an increase of \$451M over FY2018. For operations and maintenance, including flood and storm damage reduction activities, the Corps would receive \$3.82B. Construction activities would be funded at \$2.32B. Another \$128M would address surveys, studies, and investigations. The bill provides \$220M for regulation of navigable waters and wetlands. Section 108 would repeal the 2015 Waters of the United States (WOTUS) rule, and restrict Clean

Water Act applications in certain agricultural areas, including farm ponds and irrigation ditches.

Under Title II, the Bureau of Reclamation would receive \$1.38B for management, development, and protection of Western water resources, including \$67M available for transfer to the Upper Colorado River Basin Fund and \$5.55B to the Lower Colorado River Basin Development Fund. Title X, Section 506 limits the operation of the Federal Columbia River Power System hydroelectric dams to be consistent with the Corps' 2017 Fish Operations Plan.

## **WRDA/Water Infrastructure**

On May 9, the Senate Committee on Environment and Public Works held a hearing on the bipartisan America's Water Infrastructure Act of 2018 (S. 2800). Witnesses included: Pat Riley, Family Farm Alliance; Dennis Sternberg, Arkansas Rural Water Association; Kristina Swallow, American Society of Civil Engineers; Jeffrey Bullock, Delaware Secretary of State; and Tony Pratt, American Shore and Beach Preservation Association.

Title I creates a new framework for budgeting Corps projects at the regional and local level with stakeholder input (§1001). It also clarifies non-federal cost obligations for operations, maintenance, and repairs in partnership agreements (§1009), and federal technical assistance obligations for feasibility studies (§1020). Section 1031 creates a state-federal Board of Appeals for water storage projects, creating a working relationship between agencies to improve communication and keep projects on schedule through the NEPA review and permitting process. Title II authorizes or reauthorizes water infrastructure programs, projects, and studies.

Title III requires a report from the Corps on the extent it has used its authority to remove debris from federal channels and adjacent waters (§3121). It extends authorization of funds for the national levee safety program from FY2020-21 for a total of \$158M (§3206). It requires non-federal sponsors of high hazard dams to have an emergency action plan in place before receiving federal assistance (§3210). Section 3302 requires the Corps to price water storage projects at fair market value, limiting the price to 110% of the lowest contracted price of Corps facilities within 50 miles of the water source, adjusted for inflation. It authorizes full use of the Fontenelle Reservoir storage capacity (§3301), addresses sediment management at Corps and Reclamation projects (§§3401 to 3403), and requires coordination and development of a flood prevention action plan in the Snake River Basin (§3609). Section 3803 amends the allocation of appropriated funds for the Blackfeet Tribe water rights settlement to facilitate water infrastructure projects on Tribal lands.

Title V reauthorizes the Water Infrastructure Finance and Innovation Act (WIFIA) through 2021 (§5002), with an additional \$100M in funding. It establishes a drinking water and wastewater pilot program for projects on Indian reservations located in the Upper Missouri River Basin and Upper Rio Grande Basin (§5003). It authorizes appropriations for technical assistance for small and medium publicly owned treatment works (§5004).

Riley testified in support of cost-effective flood control rule curve adjustments, optimizing operations at Corps and Reclamation dams and reservoirs, noting the provisions for a pilot program in Senator Flake's Water Supply Infrastructure and Drought Resilience Act (S.2563). He expressed concern that the National Committee on Levee Safety's (NCLS) planning and actions could apply Corps standards to levees, canals, and embankments in the West without first coordinating with Reclamation or Western water managers, who are not part of the NCLS. Riley supported §3121, noting that debris removal challenges have impacted the flood control capacity of channels and have interfered with water diversion intakes.

Sternberg testified in support of §5004 and the technical support circuit riders provide to small and rural communities, which comprise nearly 80% of the country's 14,500 wastewater utilities. He noted that they can visit over 20 communities in a month and are able to make recommendations to solve compliance problems, saving communities with limited resources from costly fines. With regard to water infrastructure, he said that SRFs are essential for small and rural communities that have greater difficulty affording water service due to small population densities. The WIFIA program currently lacks any economic needs-based targeting, and Sternberg added support for Senators Boozman and Booker's Securing Required Funding for Water Infrastructure Now (SRF WIN) Act (S. 2364) which would authorize states to direct some portion of WIFIA funding toward their SRF programs.

Swallow also encouraged the Committee to include the SRF WIN Act in the WRDA 2018 bill, calling it "an innovative new financing mechanism that blends the most successful parts of the State Revolving Funds and WIFIA to create a program that gives State Infrastructure Financing Authorities access to WIFIA loans for drinking water and wastewater infrastructure. This program would offer a new and efficient tool to leverage limited federal resources and stimulate additional investment in our nation's infrastructure while safeguarding against any cuts to the existing State Revolving Funds and WIFIA program." She also emphasized the need for critical funding to maintain and improve levees (\$80M over the next 10 years) and rehabilitate federal and non-federal dams (\$64B). At the rate of current investment, she said, repairs at Corps-owned dams will take over 50 years to complete.

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