

Questions for the Record
House Committee on Natural Resources
Subcommittee on Water, Oceans, and Wildlife
Legislative Hearing on H.R. 644, H.R. 2459, and H.R. 3292
June 26, 2019

Questions from Representative Grace Napolitano:

1. During the Bureau of Reclamation's budget hearing before this Subcommittee on April 4, 2019, you agreed to provide the Subcommittee with information on your federal negotiating teams for Indian water rights settlements. Please provide information on your active negotiation and assessment teams summarizing:
 - a. The tribes involved in each settlement;
 - b. The states and other parties involved in each settlement;
 - c. The length of time that the federal teams have been involved in pre-negotiation and negotiation; and,
 - d. The remaining issues left to be negotiated by each of the 21 Federal negotiation teams and settlement parties.

Questions from Representative Ruben Gallego:

1. Please provide the basis for your statement to the Subcommittee that the estimated cost of the infrastructure project in H.R. 2459 will be as high as \$350 million. Please describe in detail the nature, extent and reliability of the work done by the Department that forms the basis for your statement.
2. You stated that the USGS is "wrapping up" additional groundwater studies on and near the Hualapai Reservation. Please describe the scope of work of each study, the anticipated completion date of each study and when the results of each study will be made available to the Hualapai Tribe.
3. Please list with specificity all prior studies of groundwater on the Hualapai Reservation that have been conducted by the Department, including by any of its agencies, and for each such study, please state whether the study results indicate that groundwater can serve as a reliable long-term source of water for the Hualapai Tribe.

4. You testified that the Department believes there is a significant amount of groundwater on the Hualapai Reservation that can be delivered “at a much lower cost” than water from the Colorado River. Please provide any studies the Department has done regarding infrastructure to access and deliver groundwater to Peach Springs and Grand Canyon West. Additionally, please describe in detail the design, capacity and estimated cost of the proposed groundwater infrastructure project that was studied.
5. You testified that the Department has a trust responsibility to protect a tribe’s groundwater and you criticized a provision in the Hualapai settlement in which the Tribe waives its right to object to off-Reservation groundwater pumping. Can you please detail the legal underpinnings of your concerns with respect to this aspect of the settlement?
6. You testified that the Administration “could support” a settlement with a cost “somewhere between \$60 to \$80 million.” What is the basis for your statement and please describe how the Department arrived at the level of funding that it “could support.” Do you believe that this amount of funding is sufficient for the Tribe to deliver water from the Colorado River to the Reservation?
7. You stated that the Department “does not believe” that the contribution of a private corporation to a water settlement “is the same” as a contribution by a state. Please explain the Department’s understanding of section 5(d)(1)(B) of the Bill Williams Settlement Act of 2014, Pub. L. 113-223, which specifically provides that a contribution by Freeport Minerals Co. to the Hualapai Tribe economic development fund “shall be considered to be a non-Federal contribution that counts toward any non-Federal contribution associated with a settlement of the claims of the Tribe for rights to Colorado River water.” In light of this language, does the Department believe that the Freeport contribution referenced in section 5(d)(1)(B) should count as a non-Federal contribution to the settlement to be ratified by H.R. 2459? If not, please explain why not.