

**COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON WATER, OCEANS, AND WILDLIFE
REMOTE OVERSIGHT HEARING**

October 20, 2021

11:00 a.m. ET

Oversight Hearing on “*Colorado River Drought Conditions and Response Measures – Day Two*”

Responses to Questions for the Record for Ms. Anne Castle, Senior Fellow, Getches-Wilkinson Center for Natural Resources, Energy and the Environment, University of Colorado

Thank you for the opportunity to testify to the Subcommittee on this critical topic. My responses to your excellent questions are provided here.

Questions from Rep. Melanie Stansbury, NM

1. In your testimony, you noted that at least seven federal agencies provide some type of funding for Tribal drinking water or sanitation projects through over twenty different programs. How can the federal government better consult with Tribes and improve programs to address Tribal water needs?

2. How can Reclamation make programs such as WaterSMART more accessible to Tribes and Pueblos and small rural communities where the local cost share requirement is prohibitive?

Castle response: A coordinated federal approach to deploying the unprecedented funding provided by the [Infrastructure Investment and Jobs Act](#) is essential to effective use of these resources and achieving the goal of universal access to clean drinking water in Tribal communities. A [report recently released by the Water & Tribes Initiative](#) (Admin Reform Report) describes in specific detail the barriers to optimal deployment of funding to support universal access to clean water in the programs of the Indian Health Service, EPA, USDA-Rural Development, and the Bureau of Reclamation and provides recommendations for operational, administrative, policy and regulatory reforms.

The Admin Reform recommends a “whole of government” approach to maximize the capabilities of each of these agencies and provides a roadmap for implementing that approach, including the establishment of a Cross-Agency Priority Goal by the Executive Branch and reinvigorating the [Federal Tribal Infrastructure Task Force](#) established in 2007 but dormant during the last Administration. Tanya Trujillo, Assistant Secretary for Water and Science at the Department of the Interior, also recommended the use of this task force in her [testimony](#) to this Subcommittee on Nov. 4. In October 2021, the EPA Office of Water issued its report on [Strengthening the Nation-to-Nation Relationship with Tribes to Secure a Sustainable Water Future Action Plan](#), which also indicates its support for this task force (which EPA heads) and for renewing the Memorandum of Understanding that created the task force.

The Admin Reform Report provides specifics on appropriate changes to the federal agency programs that will enhance the agencies’ abilities to effectively utilize the new funding made available by the IJA and eliminate constraints on assistance that are no longer necessary. The Report also makes recommendations for the enhancement of Tribal consultation in connection

with identifying appropriate solutions to lack of access to clean water in the Tribal communities and improving Tribal capacity to operate and maintain these systems over the long term.

The requirements for a local cost share in many of the federal programs addressing safe and clean drinking water have presented prohibitive barriers to Tribal use in the past. The report referenced above recommends elimination of at least some of those cost share requirements. With respect to the WaterSMART program, authority for this program is provided by Section 9504 of P.L. 111-11, 42 U.S.C. 10364. That law provides that the federal share of the cost of any infrastructure improvement or activity supported by a WaterSMART grant may not exceed 50 percent of the cost of the infrastructure improvement or activity. Reducing the cost share requirement for WaterSMART grants to Tribes would require a statutory amendment. This should be considered as it is unfortunately true that funding available to Tribes for water infrastructure may frequently go unused because the associated cost share requirements cannot be met.