



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Subcommittee on Water, Wildlife and Fisheries Republican Members  
**From:** Subcommittee on Water, Wildlife and Fisheries Staff: Richie O’Connell ([richie@mail.house.gov](mailto:richie@mail.house.gov)), Doug Levine ([doug.levine@mail.house.gov](mailto:doug.levine@mail.house.gov)), Kirby Struhar ([kirby.struhar@mail.house.gov](mailto:kirby.struhar@mail.house.gov)), and Jackson Renfro ([jackson.renfro@mail.house.gov](mailto:jackson.renfro@mail.house.gov)); x5-8331  
**Date:** Friday, April 24, 2026  
**Subject:** Legislative Hearing on 4 Bills

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The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on four bills: H.R. 7287 (Rep. Johnson of SD), “*Lewis and Clark Regional Water System Expansion Feasibility Study Act*”; H.R. 7331 (Rep. Johnson of SD), “*Dakota Mainstem Water Supply Project Feasibility Study Act*”; H.R. 7515 (Rep. Strickland), To direct the Secretary of the Interior to convey to the Nisqually Indian Tribe the Clear Creek Hatchery infrastructure; and H.R. 8259 (Rep. Bentz), “*Federal Water Projects Consultation Improvement Act of 2026*”.

The hearing will take place on **Wednesday, April 29, 2026, at 2:00 p.m., in room 1324 Longworth House Office Building.**

Member offices are requested to notify Hannah Garrett ([hannah.garrett@mail.house.gov](mailto:hannah.garrett@mail.house.gov)) by 4:30 p.m. on Tuesday, April 28, 2026, if their Member intends to participate in the hearing.

## **I. KEY MESSAGES**

- H.R. 7287 and H.R. 7331 authorize feasibility studies for the Lewis and Clark Regional Water System and the Dakota Mainstem Regional Water System, respectively, to evaluate water supply solutions for growing communities in the Upper Midwest.
- H.R. 8259 strengthens and formalizes coordination between federal agencies and local water contractors during Endangered Species Act Section 7 consultations, which can significantly impede water deliveries to agricultural producers, municipalities, and rural residents.

## **II. WITNESSES**

### **Panel I (Members of Congress)**

- *To Be Announced*

## Panel II (Outside Experts)

- **Mr. Troy Larson**, Executive Director, Lewis and Clark Regional Water System, Tea, South Dakota [*H.R. 7287*]
- **Mr. Kurt Pfeifle**, Executive Director, Dakota Mainstem Regional Water System, Madison, South Dakota [*H.R. 7331*]
- **Ms. Elizabeth Nielsen**, Executive Director, Klamath Water Users Association, Klamath Falls, Oregon [*H.R. 8259*]
- **The Hon. Ken Choke**, Chairman, Nisqually Indian Tribe, Olympia, WA [*H.R. 7515*] [*Minority Witness*]

## III. BACKGROUND

### [H.R. 7287 \(Rep. Johnson of SD\), “Lewis and Clark Regional Water System Expansion Feasibility Study Act”](#)

The Lewis and Clark Regional Water System (LCRWS) is a non-profit organization supplying dependable drinking water to 20 cities and rural water systems across a 5,000-square-mile region covering southeast South Dakota, northwest Iowa, and southwest Minnesota.<sup>1</sup> Established in 1990 and approved by Congress in 2000, LCRWS began operations in 2012.<sup>2</sup> Today, the system uses wells and pipelines drawing from the Missouri River aquifer to serve more than 350,000 people.<sup>3</sup> Expansion and planning for future growth continue with funding from federal, state, and local sources.<sup>4</sup> Federal funds account for 80 percent of construction costs, while the three member states contribute 10 percent and the local members provide the remaining 10 percent.<sup>5</sup> The Bureau of Reclamation (Reclamation) manages federal funds, provides technical guidance, and ensures legal compliance.<sup>6</sup>

LCRWS plans to expand its water capacity from 23.5 million gallons per day (MGD) to 45 MGD by 2028, aiming for 60 MGD in the future.<sup>7</sup> H.R. 7287, introduced by Representative Dusty Johnson (R-SD-At Large), authorizes the appropriation of \$10 million for Reclamation to conduct a feasibility study to evaluate the potential benefits and costs of expanding the existing project.<sup>8</sup> The legislation requires the federal share of carrying out the study to not exceed 50 percent.<sup>9</sup>

### [H.R. 7331 \(Rep. Johnson of SD\), “Dakota Mainstem Water Supply Project Feasibility Study Act”](#)

Mindful of South Dakota’s arid climate, vulnerability to drought, and limited groundwater availability, water leaders from the eastern side of the state convened in 2021 to plan for future

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<sup>1</sup> “About Lewis & Clark,” Lewis and Clark Regional Water System, 2026, [lcrws.org/about-lewis-clark/](https://lcrws.org/about-lewis-clark/).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> “Project Background,” Lewis and Clark Regional Water System, 2026, <https://lcrws.org/about-lewis-clark/project-background/>.

<sup>7</sup> *Id.*

<sup>8</sup> H.R. 7287, 119<sup>th</sup> Congress, <https://www.congress.gov/119/bills/hr7287/BILLS-119hr7287ih.pdf>.

<sup>9</sup> *Id.*

water development.<sup>10</sup> In 2022, the group surveyed South Dakota’s existing water systems and, in 2023, formed the Dakota Mainstem Regional Water System.<sup>11</sup>

The proposed water system would bring water to South Dakota, Minnesota, Iowa, and the Santee Reservation of the Santee Sioux Tribe in Nebraska along the South Dakota border.<sup>12</sup> Today, over 50 independent water providers are supporting this project, which aims to improve community resilience, address health and safety concerns related to water scarcity and quality, support population and economic development, and promote agricultural sustainability in the region.<sup>13</sup> Completed milestones include a 2024 appraisal study that provided an initial estimate of water demand, required system capacity, potential water sources, and project alternatives.<sup>14</sup>

Sponsored by Representative Dusty Johnson (R-SD-At Large), H.R. 7331 authorizes the appropriation of \$10 million for Reclamation to conduct a feasibility study, with a federal share not exceeding 50 percent.<sup>15</sup> The study would evaluate the benefits and costs of options to advance the project.<sup>16</sup>

**[H.R. 7515 \(Rep. Strickland\), To direct the Secretary of the Interior to convey to the Nisqually Indian Tribe the Clear Creek Hatchery infrastructure.](#)**

Since 1991, the Nisqually Indian Tribe has operated Clear Creek Hatchery,<sup>17</sup> from which it annually transports as many as one million Chinook salmon smolts as part of the broader effort to recover salmon populations in the Pacific Northwest.<sup>18</sup> Although the hatchery sits on Nisqually land and is run by the tribe, it is legally owned by the U.S. Fish and Wildlife Service (Service), which limits funding for maintenance and improvements.<sup>19</sup>

H.R. 7515 directs the Secretary of the Interior to transfer ownership of the hatchery infrastructure from the federal government to the Nisqually Indian Tribe.<sup>20</sup> Specifically, the bill requires the conveyance of “all right, title, and interest” in the hatchery’s facilities, such as ponds, wells, pipelines, and related infrastructure, to the Tribe at no cost and within 90 days of the bill’s

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<sup>10</sup> “About Us,” Dakota Mainstem Regional Water System, Inc., 2026, <https://www.dakotamainstem.com/aboutus>.

<sup>11</sup> *Id.*

<sup>12</sup> “A New Way Forward,” Dakota Mainstem Regional Water System, Inc., 2026, <https://www.dakotamainstem.com/>; “Frequently Asked Questions,” Dakota Mainstem Regional Water System, Inc., 2026, <https://www.dakotamainstem.com/frequentlyaskedquestions>.

<sup>13</sup> “A New Way Forward,” Dakota Mainstem Regional Water System, Inc., 2026, <https://www.dakotamainstem.com/>.

<sup>14</sup> “Moving Forward,” Dakota Mainstem Regional Water System, Inc., 2026, [www.dakotamainstem.com/progress](http://www.dakotamainstem.com/progress).

<sup>15</sup> H.R. 7331, 119<sup>th</sup> Congress, <https://www.congress.gov/119/bills/hr7331/BILLS-119hr7331ih.pdf>.

<sup>16</sup> *Id.*

<sup>17</sup> David Norberg, “Billy Frank Jr. Nisqually National Wildlife Refuge and the Nisqually River Watershed.” HistoryLink.org, November 23, 2018, [www.historylink.org/File/20671](http://www.historylink.org/File/20671).

<sup>18</sup> “Nisqually Tribe Returns Chinook Run to McAllister Creek,” Northwest Treaty Tribes, September 19, 2019, <https://nwtreatytribes.org/nisqually-tribe-returns-chinook-run-to-mcallister-creek/>.

<sup>19</sup> Anumita Kaur, “Strickland Bill Could Lift Decades-Old Funding Lockout for Nisqually Fish Hatchery,” The Seattle Times, April 13, 2026, available at [strickland.house.gov/2026/04/13/bill-could-lift-decades-old-funding-lockout-for-nisqually-fish-hatchery/](http://strickland.house.gov/2026/04/13/bill-could-lift-decades-old-funding-lockout-for-nisqually-fish-hatchery/).

<sup>20</sup> H.R. 7515, 119<sup>th</sup> Congress, <https://www.congress.gov/119/bills/hr7515/BILLS-119hr7515ih.pdf>.

enactment.<sup>21</sup> By transferring ownership, the bill would allow the Tribe to apply for federal funds to continue operating and maintaining the hatchery’s buildings and related infrastructure.<sup>22</sup>

**H.R. 8259 (Rep. Bentz), “Federal Water Projects Consultation Improvement Act of 2026”**

Federal water projects, often located in the western U.S. and operated by Reclamation, are subject to environmental review under Section 7 of the Endangered Species Act (ESA). Section 7 requires federal agencies that are taking an action that may impact an ESA-listed species or its critical habitat to consult with either or both the Service and the National Marine Fisheries Service (collectively, the Services).<sup>23</sup> Under Section 7, the Services must ensure that a federal action will not jeopardize the continued existence of a species or result in the adverse modification or destruction of critical habitat for a species.<sup>24</sup> If jeopardy or an adverse modification is found, the Services may propose reasonable and prudent alternatives to the action that would avoid such jeopardy or adverse modification.<sup>25</sup>

The ESA Section 7 process can impede the delivery of needed water to agricultural, municipal, and rural users. Introduced by Representative Cliff Bentz (R-OR-02), H.R. 8259 would strengthen and formalize coordination between federal agencies and local water contractors during Section 7 consultations.<sup>26</sup> To accomplish this, the bill grants covered local water agencies several rights during consultations.<sup>27</sup> These rights include opportunities to regularly discuss and submit information during the development of biological assessments, early notification and explanation when agencies consider actions that may reduce contracted water deliveries, and access to schedules for preparing biological assessments and biological opinions.<sup>28</sup> Agencies must also provide contractors with draft biological opinions for review and comment, as well as opportunities to engage directly with agencies before reasonable and prudent alternatives are identified or finalized.<sup>29</sup>

Additionally, the legislation requires transparency when federal agencies recommend measures or alternatives intended to protect endangered or threatened species.<sup>30</sup> Agencies must explain how each component of the proposed actions contributes to species protection, which scientific data support these components, and why other alternatives with fewer adverse water supply and economic impacts are insufficient.<sup>31</sup>

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<sup>21</sup> *Id.*

<sup>22</sup> “Strickland Bill Could Lift Decades-Old Funding Lockout for Nisqually Fish Hatchery,” Office of Congresswoman Marilyn Strickland, 13 Apr. 2026, [strickland.house.gov/2026/04/13/bill-could-lift-decades-old-funding-lockout-for-nisqually-fish-hatchery/](https://strickland.house.gov/2026/04/13/bill-could-lift-decades-old-funding-lockout-for-nisqually-fish-hatchery/).

<sup>23</sup> “ESA Section 7 Consultation,” U.S. Fish and Wildlife Service, 2026, <https://www.fws.gov/service/esa-section-7-consultation>.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> H.R. 7287, 119<sup>th</sup> Congress, <https://www.congress.gov/119/bills/hr8259/BILLS-119hr8259ih.pdf>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

## IV. MAJOR PROVISIONS & ANALYSIS

### [H.R. 7287 \(Rep. Johnson of SD\), “Lewis and Clark Regional Water System Expansion Feasibility Study Act”](#)

#### **Section 3. Lewis and Clark Regional Water System Expansion Feasibility Study.**

- Authorizes the appropriation of \$10 million for Reclamation to conduct a feasibility study to evaluate the potential benefits and costs of expanding the existing project
- Requires that the federal share of total costs of carrying out the feasibility study not exceed 50 percent.

### [H.R. 7331 \(Rep. Johnson of SD\), “Dakota Mainstem Water Supply Project Feasibility Study Act”](#)

#### **Section 3. Dakota Mainstem Water Supply Project Feasibility Study.**

- Authorizes the appropriation of \$10 million for Reclamation to conduct a feasibility study to evaluate the potential benefits and costs of project construction
- Requires that the federal share of total costs of carrying out the feasibility study shall not exceed 50 percent.

### [H.R. 7515 \(Rep. Strickland\), To direct the Secretary of the Interior to convey to the Nisqually Indian Tribe the Clear Creek Hatchery infrastructure.](#)

#### **Section 1. Conveyance to Nisqually Indian Tribe of Clear Creek Hatchery Infrastructure.**

- Directs the Secretary of the Interior to transfer, not later than 90 days after enactment, ownership of the Clear Creek Hatchery from the federal government to the Nisqually Indian Tribe.
- Requires the conveyance to be made without consideration and subject to valid existing rights.

### [H.R. 8259 \(Rep. Bentz\), “Federal Water Projects Consultation Improvement Act of 2026”](#)

#### **Section 2. Consultation With Affected Contractors of Federal Water Projects.**

- Requires federal agencies to provide contractors with ongoing opportunities to engage during ESA consultations; increase transparency around biological assessments and biological opinions; clearly explain the scientific and legal basis for actions that could reduce water deliveries; allow affected entities to review and comment on draft biological opinions; and ensure meaningful participation when developing alternatives that impact water supply.

## V. COST

A formal cost estimate from the Congressional Budget Office is not yet available for any of the bills.

## **VI. ADMINISTRATION POSITION**

The Trump administration's position on any of these bills is unknown at this time.

## **VII. EFFECT ON CURRENT LAW**

None of these bills amends current law.