

## **Report to the House and Senate Committees on Appropriations**

### **Distribution of Additional FY 2023 Funding for Water and Related Resources, Bureau of Reclamation and Discussion of Criteria**

The Consolidated Appropriations Act, 2023 (P.L. 117-328) provided the Bureau of Reclamation with a total of \$1,787,151,000 for its Water & Related Resources account. The accompanying Explanatory Statement includes language regarding \$325,255,000 in funding provided for “Additional Funding for Ongoing Work” in five categories within the Water and Related Resources account: Rural Water (\$50 million); Fish Passage and Fish Screens (\$11 million); Water Conservation and Delivery (\$229.255 million); Environmental Restoration or Compliance (\$31 million); and Facilities Operation, Maintenance, and Rehabilitation (\$4 million). The Explanatory Statement requested that “Reclamation shall provide to the Committees on Appropriations of both Houses of Congress a report delineating how these funds are to be distributed, in which phase the work is to be accomplished, and an explanation of the criteria and rankings used to justify each allocation.”

Consistent with the Explanatory Statement, the Bureau of Reclamation has allocated additional FY 2023 funding to projects “...to advance and complete ongoing work, including construction and preconstruction activities and where environmental compliance has been completed; improve water supply reliability; improve water deliveries; enhance national, regional, or local economic development; promote job growth; advance Tribal and non-Tribal water studies and activities; or address critical backlog maintenance and rehabilitation activities.” This information is provided in the FY 2023 Distribution of Additional Funds for Ongoing Work list.

Reclamation based its decisions on a thorough review at the regional, program and national levels to ensure a balanced approach that considered projects and programs consistent with the Joint Explanatory Statement, while adhering to existing authorizations and mission priorities. In many cases, the additional funding allows Reclamation to accelerate the selected projects to meet priority needs sooner than would otherwise be the case. Reclamation’s distribution of funding applied the following general criteria and considerations:

- Consideration of Departmental priorities, such as conservation of public lands and waters, strengthening government-to-government relationships with sovereign Tribal Nations, and support of equity and environmental justice.
- Consideration of Reclamation’s ability to complete or accelerate projects or discrete segments of projects that could produce probable cost reductions and an earlier realization of project benefits.
- Continued focus on public safety as well as maintenance requirements.
- Consideration of Federal or court ordered requirements.
- Support for priority programs and activities, and program requirements.
- Consideration of positive economic impacts to communities, and support for programs that through cost sharing or partnerships could leverage these Federal dollars (—see Rural Water section below).

In addition, Reclamation applied the following specific background information and criteria when making allocations:

### Rural Water Construction (\$50 million)

To allocate the additional \$50 million of funding in this category, Reclamation utilized the previously developed criteria for allocating rural water construction funds, which provide greater transparency in the allocation of these funds. Reclamation's prioritization criteria incorporate factors such as time and financial resources committed, urgent and compelling need, Tribal members served, economic impacts, and water use efficiency. The availability and allocation of other funding sources, such as funding provided by the Bipartisan Infrastructure Law, was also considered in these project allocations. As specified in the Explanatory Statement, Reclamation did not use the existence of voluntary funding in excess of legally required cost shares as a criterion for allocating the additional funding.

### Fish Passage and Fish Screens (\$11 million)

Reclamation distributed funding in this category consistent with the Explanatory Statement guidance to provide a total of \$6 million in support of the Anadromous Fish Screen Program, and \$5 million for the Yakima River Basin Water Enhancement Project for Cle Elum Fish Passage.

### Water Conservation and Delivery (\$229.255 million)

The Explanatory Statement specifies that of the \$229.5 million in additional funding provided under the heading Water Conservation and Delivery:

- \$134 million shall be for water storage projects as authorized in section 4007 of the Water Infrastructure Improvements for the Nation (WIIN) Act (Public Law 114-322). Section 4007 provides, "Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to this section and transmits such recommendations to the appropriate committees of Congress." Reclamation is in the process of developing a list of recommended projects for this portion of the additional funding, which will be provided to the Committees at a later date.
- \$50 million shall be for implementing the Drought Contingency Plan in the Lower Colorado River Basin to create or conserve recurring Colorado River water that contributes to supplies in Lake Mead and other water reservoirs in the Lower Colorado River Basin, consistent with the Secretary's obligations under the Colorado River Drought Contingency Plan Authorization Act (P.L. 116-14) and related agreements.
- \$17.5 million shall be for construction activities related to projects found to be feasible by the Secretary that are ready to initiate for the repair of critical Reclamation canals where operational conveyance capacity has been seriously impaired by factors such as age or land subsidence, especially those that would imminently jeopardize Reclamation's ability to meet water delivery obligations.

The remaining portion of the funding in the Water Conservation and Delivery category has been allocated among specific projects in accordance with the above-stated general criteria.

### Environmental Restoration or Compliance (\$31 million)

The Explanatory Statement also provides that of the additional funding provided under the heading Environmental Restoration or Compliance, "not less than \$20 million shall be for activities authorized under sections 4001 and 4010 of Public Law 114-322 or as set forth in Federal-state plans for restoring

threatened and endangered fish species affected by the operation of the Bureau of Reclamation's water projects." Accordingly, Reclamation has allocated \$25 million of the additional FY 2023 funding towards such efforts, and \$6 million among three projects in Washington (Yakima River Basin Water Enhancement Project & Columbia/Snake River Salmon Recovery Project) and California (Salton Sea Program).

#### Facilities, Operation, Maintenance & Rehabilitation (\$4.0 million)

Reclamation will use these funds across nine projects in seven states to address infrastructure needs for maintaining system reliability, resilience, and safety, as well as for supporting sustainable water management by promoting established asset management practices. Responsible fiscal management requires innovative procedures and incentives be explored to provide a means of prioritizing funding to address the most urgent of these needs. Reclamation has allocated the additional funding in accordance with the following Extraordinary Maintenance (XM) prioritization criteria, that take into consideration two fundamental factors—risk and benefits:

- **Engineering Need** - The extent to which engineering analyses demonstrate the facility faces existing or potential conditions that could severely impair its ability to continue delivering project benefits or that could lead to failure of the facility. The effective age of the facility is also factored in.
- **Consequences of Failure** - The value of project benefits that would likely be lost in the event of failure of the facility, as well as population at risk and potential property damages resulting from such failure.
- **Financial Considerations** - The extent to which the project beneficiaries responsible for the reimbursable share of the work demonstrate the ability to repay the reimbursable share of the work.
- **Efficiency Opportunities** - The extent to which the proposed work demonstrates a significant opportunity to substantially reduce future routine Operation and Maintenance costs associated with the facility and improves the Facility Condition Index.
- **Scheduling** - The duration of the project activities for design and construction.