

RECLAMATION

Managing Water in the West

Public Comments on Draft Title XVI Criteria General Comments



October 15, 2010

Comment submitted by	Comment	Reclamation's Response
<p>Association of California Water Agencies</p>	<p>ACWA supports improving the reliability of water supplies through innovative approaches such as Reclamation's Title XVI, water recycling program, now part of the Bureau's new WaterSMART program. In general, ACWA is supportive of developing funding criteria that will enhance federal-local water recycling partnerships. To do so, ACWA strongly believes the Title XVI Program should be implemented with flexibility. While criteria are important to identify priority projects, they should not be used by Reclamation to limit promising projects, including authorized or ones seeking authorization. Overall, ACWA believes the most significant obstacle to a successful Title XVI Program remains the persistent lack of funding provided for the program, not Reclamation's lack of workable funding criteria....ACWA recommends increasing the Bureau's Title XVI funding to at least \$75 million per year so that Reclamation truly honors water recycling as part of its core mission. Further, ACWA would like the criteria to establish a firm timeline for completion of the review, and specifically cap administrative costs of the review process.</p> <p>Finally, ACWA supports creating a Washington, D.C. based water recycling office to help elevate the program.</p>	<p>The criteria are intended to be flexible so that project sponsors may receive additional points where particular criteria sections are addressed. The criteria are intended to allow for consideration of project phases that do not necessarily receive full scores under each criterion.</p> <p>The FY 2011 funding opportunity announcement will establish a timeline for the review and selection of projects.</p> <p>Concerning the suggestion for a Washington, D.C. based water recycling office: it is Reclamation's understanding that project sponsors are comfortable interacting with Reclamation staff in regional and area offices, who in turn coordinate with Reclamation's program lead as necessary. No new water recycling office is planned at this time.</p>
<p>Defenders of Wildlife</p>	<p>Defenders is please to see Reclamation moving forward with implementation of the SECURE Water Act.</p> <p>Defenders recommends that Reclamation ensure each component of WaterSMART - here, the Title XVI program - place greater importance on ecosystem maintenance and restoration and on climate change adaptation.</p> <p>Elevate the importance of environmental protections in the criteria. The draft criteria background section states that reclaimed water can be used for many purposes, including 'environmental restoration' and 'fish and wildlife.' However, the following paragraph emphasizes only the development of urban and irrigation supplies and the provision of water to communities.</p> <p>Rather than simply repackage an existing program as a means to repond to an emerging problem, Reclamation should take this opportunity to integrate climate change adaptation into an existing program and ensure that hundreds of millions of dollars for the Title XVI projects truly aid in climate change adaptation. By taking this step Reclamation can move forward with integrating climate change adaptation into the remaining components of WaterSMART and other programs....Reclamation should revise the Title XVI criteria to require an explicit assessment of climate change on the affected resources (including river flows for ecosystem maintenance and restoration, water supply, recreation and hydropower), the vulnerability of these resources to climate change and the effectiveness of the proposed project as a means for adapting to climate change. Reclamation could also consider subtracting points for maladaptive proposals.</p> <p>Most of the draft criteria, however, speak to the sponsors of authorized activities, i.e., construction activities. For example, the section on eligibility does not define eligibility for "others," such as feasibility studies, environmental compliance or design studies.... Reclamation should review the criteria and clarify whether certain provisions of the criteria are not applicable to the 'others' category, rewrite the criteria so that all provisions are equally applicable to both categories of projects, or draft another set of criteria for the 'others' category.</p>	<p>Climate change adaptation is a key aspect of the Department's WaterSMART Program. These criteria are intended to provide consideration for project sponsors that can describe specific water supply concerns that will be addressed by the proposed project phase, including climate change adaptation. However, these criteria are intended to provide flexibility and to identify project phases that best address various priorities. Reclamation has no plans to require a new assessment related to climate change adaptation at this time.</p> <p>Based upon this comment and others, the criteria have been revised to include two separate sets of criteria: one set for construction activities and another set for feasibility study development.</p>

<p>Eastern Municipal Water District</p>	<p>The ability to define priorities is critical to the success of the Title XVI program, and with these draft criteria, the Bureau will be able to consider the value of a project to cope with water supply shortages and to establish funding priorities.</p> <p>The Title XVI program establishes a high bar for agencies with the 25/75% match. This ensures that the projects submitted have been stringently evaluated as to value to the agency, but may also limit opportunities, especially for smaller agencies.</p> <p>With financial demands of this magnitude, increased federal funding for infrastructure is needed. Most, if not all, Title XVI projects are bundled into congressional authorizations through introduction of specific bills and congressional 'earmarks.' Earmarks may provide local benefits, but not address regional or watershed issues. Projects are then authorized, but no funds are appropriated and the backlog of authorized projects increases.</p> <p>Specific and substantial funding for Title XVI projects needs to be incorporated into the Bureau of Reclamation's Annual Budget appropriation.</p> <p>EMWD would ask that eligible projects be required to be completed within 24 months from cooperative agreement execution.</p> <p>"More clarity on how the actual points will be assigned is necessary. EMWD recognizes that the allocation of score will be somewhat subjective; however a more detailed protocol for scoring is necessary where scoring can be more factual and objective. An explanation on how the projects will be analyzed would be helpful."</p> <p>"It isn't clear if projects currently receiving Title XVI funding will need to submit new information pursuant to the new mandates. If so, this would create new costs and delays to the project sponsor. We strongly recommend that projects that have already been submitted and are currently receiving funding not be required to comply with new rules."</p> <p>"There exists a conflict in the eligibility for funding and the environmental process. While many categories of environmental review under NEPA can be accomplished in a short period of time, the preparation of an Environmental Impact Statement (EIS) can require on average 3.4 years (Journal of the National Association of Environmental Professionals issue 168, December 2008). Preparation of a NEPA document is only required in the anticipation of federal funding and an agency may not commit to a higher level of environmental review unless federal funding was a certainty. The highest numbers of points under the evaluation are assigned to water supply. In developing a reliable customer friendly delivery system, some projects are required that do not generate a significant amount of new water but allow better utilization of the existing supplies. Such projects may include an expanded distribution system, and booster plants and storage tanks to provide better system pressures to the users. Some consideration and language should address projects that provide better system reliability and operation."</p> <p>"EMWD is generally interested in a more streamlined Title XVI process and expanded program appropriations. Under the current process, the potential result is an ever-growing list of pending Title XVI legislative proposals, and for those gaining congressional approval, a growing list of projects competing for limited appropriations and Administration support."</p>	<p>This comment includes the question whether projects currently receiving funding will need to submit new information. Reclamation plans to issue a funding opportunity announcement to identify projects for FY 2011 funding. Any project sponsors that wishes to be considered for FY 2011 funding must submit an application to Reclamation. The criteria are not intended to establish new rules, but instead to provide an opportunity for project sponsors to submit information so that project phases that most effectively meet the priorities expressed in the criteria may be identified for funding.</p> <p>This comment also notes the high number of points allocated to the amount of water expected to result from completion of the project phase. These criteria are intended to provide consideration for project phases based on not only the number of acre-feet of water expected to be made available, but also based on the project sponsor's description of other ways that the project will reduce demands or postpone development of new supplies.</p>
<p>Metropolitan Water District of Southern California</p>	<p>Metropolitan suggests that the Bureau consider a maximum score of 100 points.</p>	<p>See revised criteria for construction activities, which now include a total of 200 points.</p>
<p>Orange County Water District</p>	<p>OCWD is well aware of the strong federal-local partnership necessary to successfully address the water scarcity challenges of the West. The proposed criteria are a positive step forward towards strengthening this partnership.</p> <p>OCWD supports a Title XVI funding criteria and process that is flexible, unambiguous, fair and executed in a transparent manner. Criteria are important in identifying priority projects, but careful consideration must be given when otherwise outstanding projects suffer unduly because of low scores in one or two areas.</p>	<p>The criteria are intended to be flexible so that project sponsors may receive additional points where particular criteria sections are addressed. The criteria are intended to allow for consideration of project phases that do not necessarily receive full scores under each criterion.</p>

<p>San Diego County Water Authority</p>	<p>Significant increased funding for Title XVI is needed over the long term. Because congressional authorization is a gateway to funding, we encourage the Bureau to support new projects for authorization.</p> <p>The criteria states that funding will be available to anyone for conducting a feasibility study. However it is not clear what criteria will be used for selecting feasibility study projects for funding. Many of the criteria used for selecting construction projects would not be applicable.</p> <p>Under 'eligibility' it indicates that expenditures made prior to 2011 will not be eligible for this funding opportunity. There are agencies that have expended funds that are waiting for reimbursement. Please indicate what will be done to provide funding for those agencies.</p> <p>Under 'eligibility', clearly define and state that direct/indirect potable reuse projects and reservoir augmentation projects qualify for Title XVI funding.</p> <p>Under 'eligibility', revise project completion deadline from "within 24 months" to "within 36 months" to more realistically reflect the extensive permitting and regulatory hurdles associated with project inception activities and post project inspections.</p>	<p>Based upon this comment and others, the criteria have been revised to include two separate sets of criteria: one set for construction activities and another set for feasibility study development.</p> <p>The revised criteria also expand eligibility to include construction activities that have been completed without Federal funding.</p> <p>The suggestion that completion deadlines be extended to 36 months has been considered. However, Reclamation has determined that the FY 2011 funding opportunity should be used to identify project phases that are ready to proceed and that can be completed within 24 months.</p>
<p>Bay Area Recycled Water Coalition</p>	<p>The last paragraph under this heading includes the sentence 'Other entities may request funding for planning and design of water recycling projects.' This sentence in the context of the rest of the paragraph implies that non-authorized projects are eligible for Title XVI funding for <i>design</i> activities. Is this correct? The Bay Area Recycled Water Coalition (BARWC) is very interested in securing Title XVI funding for the planning and design of several new projects that have recently joined BARWC. While these projects to date have not been through the lengthy authorization process, it would be great to secure funding to move the projects forward through the feasibility, design and environmental review process (i.e. work the congressional approval process in parallel with the planning and design process). These projects could add significant new water supplies that will help relieve the Delta of its water supply obligations. Please clarify.</p> <p>There is some confusion in this section that could potentially be clarified by simply referencing the current Title XVI Guidelines for project eligibility. Then, additional detail could be added related to the eligible Fiscal Year activities. It is stated that "Expenditures made prior to FY 2011 are not eligible for this funding opportunity". Based on this sentence, it appears that this funding opportunity will not be used to address the often cited "funding backlog." However, this section also contains the following paragraph: "If the amount of Federal funds currently received (including obligated funds) for the project is less than 25 percent of the overall expenses, then the project sponsor may request Federal funds greater than 25 percent for the proposed activity as long as the overall Federal cost share does not exceed 25 percent of incurred expenses." Does this allow a project to essentially be reimbursed for previous fiscal year activity by providing greater than 25% of funding for new/on-going FY 11 activity? Some additional detail on what is meant by a "proposed activity" or "incurred expenses" would help clarify this.</p> <p>Page 3 includes "4) an executed cooperative agreement for financial assistance" as a Title XVI pre-construction requirement. There is some confusion with the placement of this information within the "Eligibility" section, such that some are interpreting that a project must already have a Cooperative Agreement in place to be eligible for funding. It appears that this statement is confirming that funding will not be disbursed to the project until....a cooperative agreement has been executed. If this is correct, then this may be more clearly addressed by referencing the Title XVI Guidelines in the "Background and Applicability" section than in the "Eligibility" section. If not, BARWC strongly recommends that having an executed cooperative agreement in place (which we have experienced can take in excess of a year) not be a requirement for funding eligibility. For the benefit of the project sponsors, this section should clearly state what Reclamation is intending to fund with this FY11 money and these criteria. While non-authorized projects seeking feasibility funding are listed as being eligible, it does not seem possible that a project that is seeking feasibility funding can compete with a construction project using these same criteria.</p> <p>The Criteria point system appears to provide a scoring disadvantage for new programs versus extensions of existing systems, because of the cost/acre-foot question. The political reality is that getting a program started can be the most difficult step, and the ability to show Federal cost share helps to move it forward. New projects are in need of a Reclamation WaterSMART grants programs providing 50% federal funding. Because these are highly leveraged local projects, Reclamation should not be ranking projects against each other on a cost/acre-foot basis.</p>	<p>Based upon this comment and others, the criteria have been revised to include two separate sets of criteria: one set for construction activities and another set for feasibility study development. A separate funding opportunity will be available for development of Title XVI feasibility studies.</p> <p>The revised criteria also expand eligibility to include construction activities that have been completed without Federal funding.</p> <p>This comment includes the observation that small projects may be at a disadvantage to larger projects under the criteria. Note that the criteria for funding of construction activities ask project sponsors to provide information about specific project phases, rather than information about a larger authorized Title XVI project. Assessment of project phases is intended to put larger and smaller projects on similar footing, among other aims.</p> <p>This comment also suggests that credit should be given to projects that will save water in a specific geographical area. Under the revised criteria, project sponsors will be asked to describe the specific water supply concerns that may be addressed by a particular project phase. However, to ensure fairness to potential applicants across the West, no specific geographical areas are referenced in the criteria.</p>

	<p>The Criteria seemingly puts small projects at a disadvantage to larger projects, due to the acre-foot question. Once again, projects that are seeking Title XVI funding cost share for construction have already invested considerable time and effort to receive congressional authorization. Regardless of the size of the Title XVI project, they are all highly leveraged local projects, subject to the same Title XVI criteria, and deserve the same opportunity for funding.</p> <p>The Criteria should give credit to projects that will save water supplies specifically from the California Bay-Delta watershed because of the critical condition of that system. DOI/Reclamation is one of the Federal agencies involved in the Six Federal Agency Memorandum of understanding regarding Bay-Delta issues, so this should be recognized.</p> <p>These Criteria do not appear to allow a project seeking feasibility funding to compete with a construction project. A project that would be seeking feasibility funding in Fiscal Year 2011 may be unable to provide answers with the same level of detail as a project seeking funding for a construction activity. This would appear to put these projects at a significant disadvantage and may warrant separate criteria.</p> <p>While criteria are important to help determine allocation of a limited funding source when there is a large funding need, it is also important that the Title XVI program be implemented with flexibility. Reclamation should use criteria as a tool to enhance federal-local water recycling partnerships, not limit promising projects, including ones authorized or ones seeking authorization.</p> <p>We believe that time is of the essence. There are many projects that are ready to move forward if funding is made available. Therefore, any final criteria or funding opportunity announcements need to establish a firm timeline for completion of review and disbursement of the funds.</p> <p>We recommend that a workgroup consisting of representatives from the administration, (DOI, USBR, and OMB); members of Congress; and various stakeholders (states, local Title XVI project sponsors, etc.) be convened to review the current situation with respect to all aspects of Title XVI with a view toward meaningful reform in the program. Additionally, there may be benefit in elevating the program to a Washington, D.C. based water recycling office.</p>	
<p>City of San Jose</p>	<p>Continue to acknowledge the need to fulfill funding obligations to completed phases of previously authorized projects. The City of San Jose is one of a number of programs authorized by Title XVI in which local investment still exceeds 75% of costs. By allowing programs like ours to receive federal funding above 25% for a proposed activity (provided that the overall Federal cost share does not exceed 25% of incurred expenses) Reclamation provides incentive to local agencies to reinvest their federal funding in additional water recycling projects, further leveraging the federal share.</p> <p>In addition to acknowledging the energy conservation aspect of water reuse, describe one or more methods for calculating the energy value of proposed projects. Although the 'water-energy' nexus is becoming increasingly understood, local agencies would benefit from additional guidance in calculating the energy savings resulting from using recycled water. For example, Reclamation could supply information about the energy associated with the storage and transport of federal water that would be reduced if locally produced recycled water were provided in its place.</p> <p>Add a criterion for 'Innovative Uses and Advanced Technology (25 points)' to acknowledge the value of projects that demonstrate new uses of recycled water or applications of new technologies in its production, distribution or use. While use of recycled water for irrigation is becoming increasingly common in drought-prone areas of the West, there are many other appropriate applications that have not been fully developed. Projects that include novel industrial or commercial applications that have not been fully developed. Projects that include novel industrial or commercial applications, or that use new technologies can expand the use of recycled water well beyond their service areas. This value can be recognized through the inclusion of an additional criterion for 'Innovative Uses and Advanced Technology.' Setting the value of this criterion at 25 points and increasing the total point value to 200 points would seem to provide an appropriate weighting (12.5%) comparable to the value used in earlier federal programs (e.g. the 10% bonus for 'Innovative and Alternative Projects' in Clean Water Act grants).</p> <p>We would like to suggest that should Reclamation decide to apply the proposed criteria in future years it would be appropriate to offer stakeholders the opportunity to re-evaluate their effectiveness in sponsored workshops and to re-open the public comment period at that time.</p>	<p>Based on this comment and others, the revised criteria expand eligibility to include construction activities that have been completed without Federal funding.</p> <p>This comment suggests an additional criterion to provide consideration for innovative technology. Reclamation has considered this comment. However, revisions do not include additional criteria to address this point. Reclamation will continue to encourage development of new technologies and innovative use of existing technologies through WaterSMART Grants for Advanced Water Treatment and the Desalination and Water Purification Research Program.</p>

<p>County of Hawai'i</p>	<p>Based on the draft criteria, only construction projects which start after October 1, 2011 and completed by October 1, 2013 will be eligible. Will extensions be granted and for what time periods?</p> <p>Please define 'pre-construction activities'. Does 'pre-construction activities' include preliminary engineering and design work? We note that Title XVI of P.L. 102-575, as amended, provides for the Secretary of the Interior to provide up to the lesser of 25 percent of, or the Federal appropriations ceiling (typically \$20 million) for, the cost of planning, design and construction of specific water recycling projects.</p>	<p>To clarify, construction activities proposed for an FY 2011 funding opportunity should begin during FY 2011, which began October 1, 2010 and which ends September 30, 2010.</p>
<p>Goleta Water District</p>	<p>In general the greatest challenge facing cities and water districts these days in funding replacement of aging infrastructure. We request that the criteria be adjusted to favor this type of work a little more.</p> <p>We further suggest revising the criteria as follows:...4) Local Need - 20 points (for projects that address a local priority)</p>	<p>This comment includes the suggestion that local priorities be considered. The criteria are intended to provide an opportunity for project sponsors to describe specific water management concerns to be addressed by the proposed project phase, including any local priorities that can be highlighted.</p>
<p>Natural Resources Defense Council</p>	<p>First, we note that the Draft Criteria should specify the metric that should be used by applicants for all criteria. For instance, while the Water Supply criterion specifies that answers should be given in acre-feet, the Renewable Energy Efficiency criterion include no such metric (e.g. kilowatt hours/gallons of water). Where appropriate, the Draft Criteria should specify all metrics that applicants should use in order to more easily compare grant applications.</p> <p>Second, it is not clear from the Draft Criteria how applicants should handle a situation whereby a treatment plant is producing more than one quality of output. For instance, some treatment plants produce lower-quality treated water for irrigation customers and higher-quality treated water for industrial customers. Attendant energy requirements and costs will be different for each stage of the process and the Draft Criteria should be clear in how applicants should handle such a situation.</p> <p>The Bureau should be concentrating grant money on projects that demonstrate new technologies, especially those that maximize energy efficiency and cost-effectiveness. Therefore, the Draft Criteria should include a separate criterion, awarding a minimum of 10 points for projects that will demonstrate such new technologies.</p>	<p>Criteria related to renewable energy and energy efficiency have been revised to provide more detail, in response to this comment and others.</p> <p>This comment also suggests an additional criterion to provide consideration for new technology. Reclamation has considered this comment. However, revisions do not include additional criteria to address this point. Reclamation will continue to encourage development of new technologies and innovative use of existing technologies through WaterSMART Grants for Advanced Water Treatment and the Desalination and Water Purification Research Program.</p>
<p>Rep. Grace Napolitano, Chair, Subcommittee on Water and Power</p>	<p>Cumbersome Calculation - the total allowable points of 175 is puzzling. It would be mathematically more appropriate to have a total of either 100 or 200. In this way a clear percentage could be easily calculated.</p> <p>Number of jobs created? In my opinion, job development for planners, designers, engineers, water managers, construction workers and ultimately for businesses that depend on water is an important component of the Title XVI program. These jobs may be part-time or full time and often include the hiring of consultants on various aspects of the assessment and construction.</p> <p>How will the water be used? In my opinion, identification of how the water is to be used is important. If the water is for speculative water development that clearly would be of a lesser value. Replacement water and or new water to support existing projects or efforts should be more valuable.</p> <p>Funding sources? In my opinion, it is important where possible to identify potential funding sources for the 75 percent non-federal share of the Title XVI program. Identifying where the sources of funding is coming from, would allow all to determine whether the program has a high potential for financial support and therefore would be more likely to be constructed if federal funds were authorized.</p> <p>Legal Challenges? Are there legal issues associated with implementing the local water development effort? Title XVI proposals that have no legal issues or challenges should score higher than those that may have legal questions.</p> <p>Affected Parties? Have you been working with all the local parties and stakeholders that would be impacted by the project? Have you already implemented a public involvement and outreach program to ensure the community is aware of your activities and anticipated schedule? If not, are you planning to?</p>	<p>The total number of points has been revised from 175 to 100.</p> <p>This comment includes the note that identification of how the water to be used is important. The revised criteria are intended to highlight the opportunity for project sponsors to describe the specific concerns that will be addressed by the proposed project phase. Under the criteria, a project phase that provides water for speculative development would receive less consideration than a project phase that uses water to address a specific water management concern or otherwise demonstrates the relationship of the project to other program priorities.</p> <p>Funding sources for the required non-Federal cost-share are assessed as part of a financial capability determination which must be made for any project prior to construction funding.</p>

	<p>I would recommend that you apply the final Funding Criteria retroactively to the backlog of projects and appropriately re-evaluate the funding level effective from the date of initial project authorization. Where work needs to be done to bring these initial projects up to the present funding level, including costs related to inflation, identify the needs and work with the locals to achieve the needed revisions. This reassessment should be done to determine if the 53 backlogged projects should still be considered viable. Develop a revised table that would identify the ranking of the individual, already authorized, projects. Work with the Subcommittee so that we understand where you are at in the process and what issues you are dealing with. The sooner we are included in the loop, the more effective we can be in assisting you in solving problems.</p> <p>I believe that the Title XVI program would be most helped if the Department of the Interior implemented the following: 1. Create a consistent and transparent approach to Title XVI. Implement the funding criteria and requirements of feasibility reports. 2. Apply the final Funding Criteria retroactively to the backlog of projects and evaluate them appropriately. Where work needs to be done to bring them up to the appropriate level, identify the effort and work with locals to achieve the needed revisions. 3. Work with Congress to get more funds into the program to support local water development. 4. Develop a one office/one-cordinator approach for Title XVI and desalination programs within the Bureau of Reclamation. This person would be responsible for consistency and coordination of the programs.</p> <p>I firmly believe that the Department should work directly with EPA and other water agencies to develop and implement water treatment programs that can ultimately result in water that could be used for potable purposes.</p>	
<p>WateReuse Association</p>	<p>WateReuse is supportive of the effort to develop funding criteria. WateReuse also believes that any Title XVI program must be grounded in flexibility. Criteria are important to identify priority projects, but at the same time we believe that such criteria, while providing a useful tool, must not limit the ability to support promising projects simply because one or two of the criteria are inapplicable or register low scores.</p> <p>WateReuse also believes it is vital that a timeline be incorporated into the Title XVI review process. The ability to have an agreed-upon time for actions is an important element of any transparent review process. Therefore, it would be appropriate to incorporate a timeline for Bureau review and project approval.</p> <p>WateReuse would like to recommend that the Bureau of Reclamation give strong consideration to establishing an 'Office of Water Reuse' of 'Office of Water Reuse and Desalination' in the headquarters office in Washington, DC. Over the past decade, our member agencies have consistently commented on the difficulties in obtaining approvals from area offices and receiving final project approvals from the Denver office. We believe a headquarters office would: a) elevate the stature of the Title XVI program; and b) provide a clear identity and accountability center for the program.</p>	<p>The criteria are intended to be flexible so that project sponsors may receive additional points where particular criteria sections are addressed. The criteria are intended to allow for consideration of project phases that do not necessarily receive full scores under each criterion.</p> <p>The FY 2011 funding opportunity announcement will establish a timeline for the review and selection of projects.</p> <p>Concerning the suggestion for a Washington, D.C. based office of water reuse: it is Reclamation's understanding that project sponsors are comfortable interacting with Reclamation staff in regional and area offices, who in turn coordinate with Reclamation's program lead as necessary. No new water recycling office is planned at this time.</p>
<p>Southern Nevada Water Authority</p>	<p>The proposed eligiblity criteria state that 'construction and pre-construction activities that can be commenced in FY 2011 and completed within 24 months may be included in applications for funding.' Twenty-four months to complete both pre-construction and construction may be inadequate for large projects. The Authority recommends that the 24-month completion period be eliminated.</p>	<p>This comment has been considered. Reclamation has determined that the FY 2011 funding opportunity should be used to identify project phases that are ready to proceed and that can be completed within 24 months.</p>

<p>Will & Carlson, Inc.</p>	<p>Currently the National Academy of Sciences (NAS) Water Science and Technology Board has a study underway (a final report anticipated in January 2011) with the project title: <u>Assessment of Water Reuse as an Approach for Meeting Future Water Supply Needs</u> (WTSB-U-08-02-A)...If this is a Program and a technology that has been authorized and funded by the Bureau of Reclamation Budget, why is the Department of the Interior/Reclamation not a part of the study team? And why have you not sponsored the study and helped fund it out of your Water Reuse program, or your Science and Technology program?...I'm wondering why the Draft Funding Criteria document does not acknowledged the NAS study effort and forthcoming report?</p> <p>If, after Congressional action on your FY 11 Energy and Water Appropriations there is any unallocated funding for the program, apply that funding to 'the oldest in line by way of authorization' projects that may be in need of pre-construction funding. And consider funding a 'Needs Assessment' document as suggested above. [The reality is that congress is likely to have allocated the Bureau's proposed money for this selection process to projects that are already on the Title 16 list of an earlier enacted FY appropriation bill.]</p> <p>Hold off on any other FY 11 announcements and decisions until the completion of the NAS report and Congressional and public review of its contents and recommendations.</p> <p>In January 2011, take the information from that scientific review (I believe there is an EO on the use of science in decision-making) and measure it against the comments that you receive on this document.</p> <p>Engage in a public process after getting a preliminary briefing from the NAS on their report, and discuss the new criteria: convene a meeting of project (authorized and pending authorization) sponsors at the annual Colorado River Water Users meeting in December of this year [Yes, I recognize a state like Texas isn't a part of the Colorado River but that doesn't mean they can't find Las Vegas for a meeting]. Ask project sponsors to bring their construction schedules and finalization of your FY12 request and ask project sponsors to abide by the arrangement. There is precedence for this at Reclamation.</p> <p>It appears to me vital for you to outline a 'Needs Assessment' approach to fully address the elements being reviewed in the NAS report and the criteria you that have asked for comment upon. Developing that document would also present a unique opportunity for Reclamation to partner with the states - through an 'umbrella' collaboration such as the Western States Water Council.</p> <p>It seems, from the authorized list of backlog projects that have not received Federal funding for construction, you can array those projects by the proposed criteria that you have provided for comment. Your Regional or Area Offices should be able to take that list and provide an initial point-ranking based on the project applications. This is the troubling aspect of what you have already done in not considering the information that will be gained from the NAS report. That report may suggest other more useful criteria than what you have initially provided here.</p> <p>I would also suggest that Reclamation consider other changes to the program: Reclamation has turned into a pass-through agency for purposes of grant making. The question has to be asked if that is in the best long term interest of the Bureau and the Reclamation program? Your O&M program has currently been exceeding your construction program. At the same time the aging of Bureau infrastructure has created a series of pieces of legislation and an idea on what to do in that regard.</p> <p>Why not consider this effort of funding criteria as the opportunity to ratchet down the Federal cost-sharing money for the projects? Say, 5% per year starting 6 fiscal years from now, and end the Title 16 program and simply look at the issue of water supply in the context of climate adaptation. As one way to address the issue of climate adaptation, create a storage partnership with state and local government on a 50/50 cost share basis for any remaining unfunded Title 16 projects if they can be funded within the climate change context. The NAS report may provide additional information in that regard.</p> <p>Part of the agreement in Las Vegas ought to be to fund the program at \$50 million to \$100 million a year under a 'rosy scenario' for the next five fiscal years, recognizing the Federal government can not legally provide that guarantee. And there would be no more authorizations.</p>	<p>Although Reclamation is not part of the referenced NAS study team, Reclamation continues to coordinate with the team to provide requested information. These funding criteria have been developed prior to the issuance of any NAS report. Reclamation intends that these criteria will be revised periodically to reflect any new information, including changes to incorporate aspects of the NAS report if necessary. However, Reclamation intends to move forward at this time to identify project phases for FY 2011 funding.</p> <p>This comment includes the note that new criteria may in effect penalize existing projects. The criteria are not intended to establish new rules, but instead to provide an opportunity for project sponsors to submit information so that project phases that most effectively meet the priorities expressed in the criteria may be identified for funding.</p>
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Whether the project appears in a states' water plan, or has the support of the state water engineers, or the equivalent thereof. There are other programs in Reclamation that require the functional sign-off of the governor of that state. If the project isn't in the state water plan then it falls to the bottom of the list.

What is the ability of the District to fund the completion of the project without Federal funding and possibly get another Federal benefit in return? And would they be willing to take their Federal money faster, but not take as much as a result?

Whether the sponsoring entity is receiving any other Federal water or power resource funding in their service area.

Page 3 of the Draft Funding Criteria indicates a 25% cost-share arrangement that either defies logic or has yet to be clearly written, and seems to call into question the authorized purpose of the project.

And I must again raise the issue of 'fairness': if these projects didn't have this perspective when they were first authorized they shouldn't be penalized by some new criteria. They shouldn't be made to go back and provide it in the hope of receiving the Federal funding that was to be provided by the authorization. Plainly: if the Federal government did not intend on living-up to their legislative authorization without imposing future stipulation they should not have signed the bill into law in the first place.