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Testimony Before the Subcommittee on Water and Power
Committee on Natural Resources
United States House of Representatives

Legislative Hearing
On
"The Bureau of Reclamation Surface Water Storage Streamlining Act"

September 10, 2014

Chairman McClintock, Ranking Member Napolitano and Members of the Subcommittee:

Thank you for the opportunity to appear before you to discuss the "*The Bureau of Reclamation Surface Water Storage Streamlining Act,"* legislation that provides a critical first step towards addressing current regulatory and bureaucratic challenges that many times will delay or even halt the development of new water supply enhancement projects in the Western United States. My name is Dan Keppen, and I serve as the Executive Director of the Family Farm Alliance. The Alliance advocates for family farmers, ranchers, irrigation districts, and allied industries in seventeen Western states. The Alliance is focused on one mission – To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers.

The Family Farm Alliance is in full support of *"The Bureau of Reclamation Surface Water Storage Streamlining Act"* and encourages the Subcommittee to move the legislation forward to enactment.

I have over 25 years of experience working on water resources engineering, planning and policy matters in the Western United States. I am a registered professional engineer in California and a past registered engineer and certified water rights examiner in Oregon. For three years, I managed the Tehama County Flood Control and Water Conservation District in California. I was appointed by the State of California to serve on the Department of Water Resources Offstream Storage Advisory Committee. Most pertinent to the focus of today's hearing, is my personal experience in working with envisioning, designing, permitting, and finally building new water storage projects in the West, including conception-to-construction management of three small dams and reservoirs in Oregon's Willamette Valley.

With much of the West blanketed by moderate to severe drought conditions, there has been heightened recent interest expressed for the need for additional water storage facilities. The call for more water storage only makes sense when one considers the paradigm shift of more conservative water operations coupled with the added water supplies necessary to meet demands for water that, in many basins in the West, have simply outgrown the existing supply. Earlier this year, the Alliance released a report that provides detailed answers to 20 frequently asked questions about new water storage projects. I have provided hard copies of this report to the Subcommittee, and extra copies are available at the press table.

Family Farm Alliance members rely on the traditional water and power infrastructure built over the last century to deliver irrigation water supplies vital to their farming operations. Our membership has been advocating for new storage for over twenty years, and we have provided specific recommendations to Congress and the White House on how to streamline restrictive federal regulations to help make these projects happen. While water conservation and water transfers are important tools for improving management of increasingly scarce water resources, our members believe these demand-management actions must be balanced with supply enhancement measures that provide the proper mix of long-term solutions for the varying specific circumstances in the West.

Regardless of cause, climate variability is one critical factor that underscores the need to develop new water storage projects in the Western U.S. There are several reports[1] that suggest existing reservoirs will not be capable of safely accepting the earlier, more intense snowmelt that has been predicted for many Western watersheds. A report released in 2006 by the State of California predicted that climate change would result in a drastic drop in the state's drinking and farm water supplies, as well as more frequent winter flooding. The report suggested that warmer temperatures will raise the snow level in California's mountains, producing a smaller snowpack and more wintertime runoff. This means more floodwaters to manage in winter, followed by less snowmelt to store behind dams for cities, agriculture and fish. Water resources experts in other parts of the West also realize that new surface water storage projects may be necessary to capture more snowmelt or rainfall.

Some Western water managers believe there will likely be a "rush" to re-operate existing multi-purpose water storage projects to restore some of the lost flood protection resulting from the changed hydrology. These projects were designed to provide a certain level of flood protection benefits that will be reduced because of more "rain-induced flood" events. There will be a call to reduce carryover storage and to operate the reservoirs with more flood control space and less storage space. If this is done, it will even further reduce the availability and reliability of agricultural and urban water supplies.

Further, many water users are located upstream of existing reservoirs. These users must then rely on direct or natural flows that typically have been primarily fueled by snowmelt. In the Rocky Mountain West, snowmelt traditionally occurs over several months during the onset of the irrigation season, and thus the snowpack is an important type of water storage. Since irrigation water conveyance systems are never 100% efficient, water is diverted, conveyed and spread on the land in excess of the net irrigation demand. This surplus returns to the stream and recharges groundwater aquifers, which augments water supplies for all users located downstream from the original diversion. It also supports valuable habitat used by migrating waterfowl. If more runoff were to occur during warm cycles in winter before the onset of the irrigation season, this not only would impact water supply availability to these producers by decreasing the storage capacity usually provided by the tempered melting of the snowpack, but would also impact the utility associated with the return flows from their irrigation practices. As the snowpack is reduced by early melting, this reduced storage capacity must be replaced by new surface water storage just to stay on par with our currently available water supplies.

As you are all aware, actually developing new storage projects is much easier said than done. For many reasons – political, economic and social – the construction of traditional surface storage projects is undertaken on a much more limited basis than in decades past. Even if authorization and funding is secured for a new storage project, the existing procedures for developing additional water supplies can make project approval incredibly burdensome.

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[1] Including: California Climate Change Center, 2006 - *Our Changing Climate – Assessing the Risks to California, Summary Report*. Tanaka et al. 2007, *Climate Warming and Water Management Adaptation for California.* Department of Civil and Environmental Engineering, Department of Agricultural and Resource Economics, University of California, Davis. May 3, 2007 Testimony Submitted on Behalf of The Western Governors' Association to U.S. House Committee on Science and Technology.

The President of the Family Farm Alliance – Wyoming rancher Patrick O'Toole – has testified before this Subcommittee several times, and two years ago his testimony detailed the permitting challenges he encountered in building the Little Snake Supplemental Irrigation Supply Project (High Savery Project) in Wyoming. That project was built in less than two years, but took more than 14 years to permit.

Clearly, the existing procedures for developing additional water supplies need to be revised to make project approval less burdensome. By the time project applicants approach federal agencies for permits to construct multi-million dollar projects they have already invested extensive resources toward analyzing project alternatives to determine which project is best suited to their budgetary constraints. However, current procedure dictates that federal agencies formulate another list of project alternatives which the applicant must assess, comparing potential impacts with the preferred alternative. These alternatives often conflict with state law or are simply not implementable in the first place yet valuable resources are required to be expended to further study of these additional alternatives in the federal permitting process. We appreciate that this Subcommittee had explored opportunities and introduced legislation to expedite this process and reduce the costs to the project applicant. Our organization is on record for formally supporting the *"Water Supply Permitting Coordination Act",* which was the subject of a hearing before this Subcommittee last February.

Likewise, the Family Farm Alliance strongly supports the *"Bureau of Reclamation Surface Water Storage Streamlining Act"*, which would accelerate studies, expedite completion of reports, accelerate implementation of projects, and authorize the development of an annual report to Congress on future surface water storage development. The Act would provide the same streamlined water project development process for Bureau of Reclamation projects that the Water Resources Reform and Development Act (WRRDA) of 2014 provided for U.S. Army Corps of Engineers projects, a law that was passed earlier this year in both the House and Senate on a bipartisan basis and signed into law by President Obama. The Act would insert stronger accountability into Reclamation's surface storage study process, enhance transparency associated with interim and final storage project studies and engage local stakeholders. All of these actions would improve the status quo, in our view. We have some very minor, specific suggestions that we believe would improve the current bill:

- First, we believe provisions should be added to "Expedited Completion of Studies" that require the Secretary of Interior to submit to the appropriate congressional committees an estimate, to the extent practicable, of the federal, non-federal and total costs of proposed projects and a recommendation of the level of funding required in each fiscal year to complete the project on the most expedited basis. Anything that would encourage Reclamation to address the cost issues would be very helpful in moving these projects forward and determining Reclamation's capacity to execute on favorable reports.

- Secondly, we recommend that the bill include language with specific reference to non-federal state and local projects that could be integrated with the operation of federally owned facilities. We want to ensure Reclamation is the lead agency in the case of permitting a non-federally built storage project that has a direct federal nexus with a

Reclamation project – i.e. Sites Reservoir (California) - where it will be integrated into the Central Valley Project operations but (as proposed by the local Joint Power Authority) remain a non-federally developed and owned facility.

The Family Farm Alliance will continue to work with this Subcommittee, the Congress and other interested parties to build a consensus for improving the federal regulatory and permitting process. A major reason the Alliance continues to push for improved and expanded water storage and conveyance infrastructure is not to support continued expansion of agricultural water demand (which is NOT happening in most places), but to mitigate for the water that has been reallocated away from agriculture towards growing urban, power, environmental and recreational demands in recent decades. If we don't find a way to restore water supply reliability for Western irrigated agriculture through a combination of new infrastructure, other supply enhancement efforts and demand management – our country's ability to feed and clothe itself and the world will be jeopardized. Thank you again for this opportunity to testify before the Subcommittee, and I stand ready to answer any questions you may have.