

**;Statement of Robert Quint, Senior Advisor
Bureau of Reclamation
U.S. Department of the Interior
Before the
United States Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power
S. 684 – Mni Wiconi Project Act Amendments of 2013
April 16, 2013**

Chairman Schatz and members of the Subcommittee, I am Bob Quint, Senior Advisor at the Bureau of Reclamation (Reclamation). I am pleased to provide the views of the Department of the Interior (Department) on S. 684, the Mni Wiconi Project Act Amendments of 2013. The Department recognizes that meaningful changes to this bill have been made since prior related legislation was heard during the 112th Congress. However, if enacted, this updated version of the bill would still expand the scope and authorization ceiling of the Mni Wiconi Rural Water Supply Project, and have significant impacts on the budgets of both Reclamation and the Bureau of Indian Affairs. For the reasons described below, the Department cannot support S. 684.

The Mni Wiconi Rural Water Supply Project is a municipal, rural and industrial project that serves both tribal and non-tribal populations of the Pine Ridge, Rosebud, and Lower Brule Indian Reservations and the West River Lyman-Jones Rural Water System in seven counties of southwestern South Dakota. Responsibilities of the Secretary under the Mni Wiconi Rural Project Act (Public Law 100-516) include the operation and maintenance of existing water systems, including the core treatment plant and pipelines, and appurtenant facilities on the Pine Ridge, Rosebud and Lower Brule Indian Reservations. With the funding requested in the President's FY 2013 budget, the majority of the population of the project will be served. The Lower Brule and West River Lyman-Jones portions of the project will be completed. Generally those not connected to the project (approximately 2.5% of the population on Rosebud and Pine Ridge Reservation) are served by community water systems or individual wells. Reclamation would be happy to facilitate or coordinate action with other federal agencies to address the needs identified by the bill's sponsor. Reclamation has a backlog of authorized but not constructed projects. Therefore, we have concerns about adding to the scope of an existing project that is nearly complete.

Section 2 of S. 684 directs the Secretary of the Interior to develop a plan for completion of the Oglala Sioux Rural Water Supply System, the Rosebud Sioux Rural Water Supply System, and the Lower Brule Sioux Rural Water System. Planning the completion of the systems is dependent on future appropriations as well as Reclamation's need for flexibility in decision-making relative to all authorized rural water projects. Reclamation must constantly assess and prioritize these kinds of projects to maximize the agency's ability to meet its programmatic goals, to maximize water deliveries to rural communities as efficiently as possible, and to reflect the diverse needs and circumstances facing each individual project. The Department would like to work with project sponsors of the bill to discuss plans for completion, and clarifying the roles, responsibilities, and authorities of Federal agencies involved in the project. An interagency agreement, as proposed by Reclamation during the August 8, 2012 Joint Consultation Meeting

with Federal Agencies, has the potential to achieve many of these objectives. Further, Reclamation is continuing to evaluate the facility improvements needed to transfer and incorporate existing community water systems.

Section 2 also directs the Director of the Bureau of Indian Affairs, through the use of existing programs and annual appropriations, to assist the Secretary in completing the Oglala Sioux Rural Water Supply System, the Rosebud Sioux Rural Water System, and the Lower Brule Sioux Rural Water System by constructing, repairing, and upgrading plumbing fixtures, skirting, and other necessary features, such as septic tanks and drainfields, to ensure that houses within the service areas are able to meet the standards for connecting to those systems. The Bureau of Indian Affairs has no existing programs or annual appropriations for the construction, repair, or upgrading of plumbing fixtures or septic systems on private residence. Such function has usually been the responsibility of Health and Human Service or Indian Health Service.

Section 3(a) of S. 684 would increase the authorized Mni Wiconi cost ceiling by an additional \$14,308,000, based on October 1, 2011, price levels. Reclamation has worked closely with the project sponsors to ensure completed features will be functional and provide intended benefits within the currently authorized cost ceiling. The Department continues to believe that the FY 2013 President's request of \$23 million for construction provides sufficient funding to meet the objectives of the Project as authorized. Recently enacted final appropriations for FY 2013 will determine final allocations to the project. In FY 2014, the Department is continuing to meet its longer-term obligation to fund operations and maintenance for the Mni Wiconi project's Indian sponsors features through Reclamation's request for \$12 million in new FY 2014 appropriations.

Section 3(b)(5) would transfer existing public or tribal water systems "in trust to the applicable rural water system" upon requests from the Tribes or owner of such system. This language leaves some uncertainty in ownership as it doesn't identify the nature of the "trust". Language in sections 3A(e) and 3B(e) of the current Act identifies that ownership is to be held in trust for the tribe by the United States. Section 3(b) also authorizes appropriations for operation and maintenance to be used for the improvement, repair, and replacement of existing public or tribal water systems prior to and after their transfer into the respective project system. Reclamation had previously determined that the costs of upgrading existing community facilities should be properly allocated to the construction component of the project. Since these existing systems were originally constructed using funds and authorities of other agencies, Reclamation believes any funding for improvements needed to correct deficiencies in existing systems should be discussed among the various responsible agencies before those systems are accepted into the project.

This concludes my written statement. I would be pleased to answer questions at the appropriate time.