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February 18, 2020

The Honorable Lisa Murkowski  
Chairman  
Committee on Energy and Natural Resources  
United States Senate  
304 Dirksen Senate Building  
Washington, D.C. 20510

The Honorable Joe Manchin  
Ranking Member  
Committee on Energy and Natural Resources  
United States Senate  
304 Dirksen Senate Building  
Washington, D.C. 20510

Dear Chairman Murkowski and Ranking Member Manchin:

Western Governors write to commend the introduction of [S. 1932](#), the Drought Resiliency and Water Supply Infrastructure Act. This bipartisan legislation, sponsored by Senator Cory Gardner and cosponsored by Senators Dianne Feinstein, Martha McSally, Jacky Rosen and Kyrsten Sinema, would promote drought resiliency through investments in critical water storage and supply projects in the West and the promotion of modern water infrastructure technologies and innovative financing mechanisms for non-federal projects.

Western Governors recognize that the conservation and delivery of clean and reliable water supplies are critical for communities, industries, habitat conservation and agriculture throughout the nation, but particularly in the arid West. Robust federal investment in water infrastructure is essential to our nation's continued economic prosperity and environmental protection, and to assist states in developing drought-resilient communities.

Specifically, Western Governors support provisions in S. 1932 that would:

- Authorize and fund additional surface water and groundwater storage projects;
- Authorize and fund new water recycling, reuse, and desalination projects;
- Promote innovative water infrastructure financing mechanisms, such as the Reclamation Infrastructure Finance and Innovation (RIFIA) Pilot Project;
- Authorize and fund restoration and environmental compliance projects, including forest, meadow, and watershed restoration projects; and
- Require that the Act be implemented in a manner that will not preempt or modify "any obligation of the United States or an eligible entity under Federal law to act in accordance with applicable state law, including applicable state water law."

A prior iteration of water infrastructure and drought legislation referred to the Committee – S. 2563, the Water Supply Infrastructure and Drought Resilience Act of 2018 – included language that would have codified EPA's Water Transfer Rule (40 C.F.R. §122.3(i)). The Rule exempts certain trans-basin water transfers from National Pollutant Discharge Elimination System permitting requirements of the Clean Water Act and is critical to satisfy domestic, agricultural, environmental, and industrial water supply needs of the arid West. Affirming the Rule in federal statute would add a needed measure of stability and certainty to western water planning and drought mitigation efforts. We ask that you consider adopting similar language in S. 1932.


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Western Governors thank you for your efforts to promote federal investment in critical water infrastructure projects in the West through S. 1932. We encourage the Committee to expeditiously consider and approve this important legislation, which will help to diversify and protect our critical water sources and to help to build drought-resilient communities.

Sincerely,



Doug Burgum  
Governor of North Dakota  
Chair, Western Governors' Association



Kate Brown  
Governor of Oregon  
Vice Chair, Western Governors' Association

cc: The Honorable Cory Gardner  
The Honorable Dianne Feinstein  
The Honorable Martha McSally  
The Honorable Jacky Rosen  
The Honorable Kyrsten Sinema