Infrastructure Investment and Jobs Act

FLASH REPORT: THE U.S. DEPARTMENT OF THE INTERIOR'S INFRASTRUCTURE INVESTMENT FOR AGING INFRASTRUCTURE AND DAM SAFETY

The President signed the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117–58, into law on November 15, 2021. The IIJA authorizes a total of $10.8 billion to the U.S. Department of the Interior's (DOI's) Bureau of Reclamation (BOR) for 12 programs and activities during fiscal years (FYs) 2022 through 2026. Specifically, the IIJA authorizes $8.3 billion for water storage, aging infrastructure, rural water projects, water recycling and reuse projects, desalination projects, dam safety, WaterSMART[1] grants, the Colorado River Basin Drought Contingency Plan, watershed management projects, aquatic ecosystem restoration and protection projects, watershed health projects, and endangered species recovery and conservation programs. It also authorizes $2.5 billion to the Secretary of the Interior for the Indian Water Rights Settlement Completion Fund. The IIJA funds for the 12 program areas will be distributed over 5 years using existing and new BOR water programs; the settlement funds remain available until expended.

We are issuing this flash report to provide information on two of the largest critical programs: aging infrastructure and dam safety (see Figure 1). We specifically describe risks, identify how the DOI plans to use the IIJA funding, and discuss the BOR's oversight strategy for the funds.

Figure 1: IIJA Authorized Funds to Address Aging Infrastructure and Dam Safety

Purpose	Amount ($)
Aging Infrastructure	3,200,000,000
Dam Safety	500,000,000
Total	**$3,700,000,000**

[1] WaterSMART grants provide funding intended to conserve and use water more efficiently and to contribute to water supply sustainability in the Western United States.

Definitions

A **channel** is any natural or artificial river or stream for transporting water.

A **dam** is a barrier (typically built across a stream) that obstructs, directs, slows, or stores the flow of water.

A **dam failure** is a catastrophic type of failure characterized by the sudden, rapid, or uncontrolled release of impounded water.

A **diversion** is the removal of water from its natural channel for human use.

Extraordinary maintenance is nonroutine work necessary to keep facilities in good repair and reliably working.

Facilities are structures associated with BOR irrigation projects, municipal and industrial water systems, and power generation facilities.

Leakage is the free-flow loss of water through a hole or crack.

A **project beneficiary** is an entity responsible for a share of reimbursable costs at the relevant BOR facility.

Reserved works are facilities the United States owns that the BOR operates and maintains.

Shear keys are a structural element designed to provide resistance against lateral loads (e.g., earthquakes or sliding forces).

Slopewash is the downslope transport of sediment by an almost continuous film of water.

Transferred works are facilities the BOR owns that a local irrigation district or other entity operates and maintains.

Risk Areas

The Western United States[2] face serious challenges in ensuring that water is available for agricultural, energy, and environmental needs. Widespread drought, aging infrastructure, and environmental requirements all strain existing water and hydropower resources. Adequate and safe water supplies are fundamental to the United States' health, economy, and security.

The BOR is the largest wholesaler of water and the second largest hydroelectric power producer in the United States. Its water and power infrastructure consists of more than 470 storage dams and dikes; 58 hydroelectric plants; and more than 300 associated facilities, consisting of canal systems, pumping plants, tunnels, pipelines, diversion dams, fish facilities, structures, and buildings. BOR projects and much of the West depend on this infrastructure to ensure efficient and reliable water delivery and power generation.

Dams and related structures—as well as other means of water storage—are widely used to ensure predictable water supplies. Hoover Dam and its hundreds of sister dams and reservoirs provide significant water storage capability. As the BOR begins projects that modernize existing dams, its planning and cost estimates will need to consider the increase in prices for key components, including steel, fuel, and concrete.

Photo of Hoover Dam
Source: BOR (https://www.usbr.gov/lc/hooverdam/).

Aging Infrastructure Risks

Deteriorating water distribution systems—which can be attributed, in part, to aging water infrastructure—are prone to a host of problems that can introduce a wide range of microbial, chemical, and radiological contamination and may increase the probability of public health issues.

The BOR has asset management responsibility for a diverse portfolio of water- and power-related constructed assets, but a number of its facilities are more than 100 years old. Approximately 90 percent of the BOR's dams were built before 1970, with approximately 50 percent of the total dams being built between 1900 and 1950. Aging dams increase the risk of dam failures, are increasingly costly to repair and maintain, and overall lead to a loss of dam functionality and effectiveness (for example, through increased sedimentation).

Dam Safety Program Risks

The BOR is responsible for more than 360 high and significant hazard[3] storage dams and dikes that form a part of the water resources infrastructure for the Western United States. The BOR has stated that the reliability, resilience, and safety of its dams are among its highest priorities. According to the BOR, it will help ensure continued dam safety by implementing regular use of risk analysis approaches to identify, evaluate, and manage issues involving public safety.[4]

[2] The BOR considers the following States to be the "Western United States": Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

[3] According to the [redacted] high and significant hazards are dams, that upon failure, would cause probable loss of life or appreciable to serious economic damage.

[4] The 1978 Safety of Dams Act, Pub. L. No. 95–578, 91 Stat. 2471 (as amended at Pub. L. No. 108–439, 118 Stat. 2627 (2004)) (authorizing the Secretary of the Interior to construct, restore, operate, and maintain new and modified features at existing Federal BOR dams for safety purposes. The Dam Safety Program focuses on evaluating and implementing actions to resolve safety concerns at BOR dams).

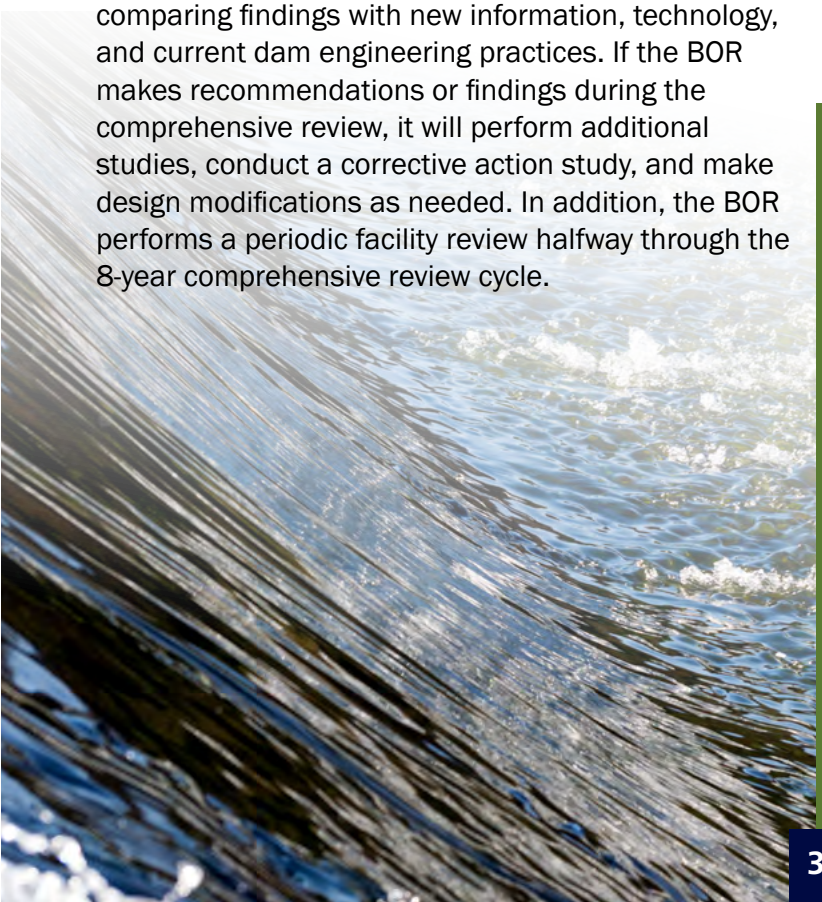
Risk Areas

Teton Dam Failure

On June 5, 1976, the BOR's Teton Dam in southeastern Idaho catastrophically failed, releasing more than 1 million cubic feet per second. Floodwaters carried trees, houses, cattle, and cars through the communities of Sugar City, Rexburg, and Wilford, resulting in 11 deaths and millions of dollars in property damage. The BOR's Dam Safety Program evolved out of this disaster. For more information on BOR dam failures and flood events, see https://www.usbr.gov/damsafety/documents/RCEM-CaseHistories2015.pdf.

Source: BOR.

The BOR has established what it terms a risk-informed framework to meet Dam Safety Program objectives, the Safety of Dams Act, and the Federal Guidelines for Dam Safety. According to its Dam Safety Program, the BOR regularly monitors, examines, and evaluates the performance of dams in its inventory to ensure facilities do not present unreasonable risks to the public, property, or the environment. The BOR Dam Safety Program evaluates for issues related to loading conditions, structural response, and the potential consequences of dam failure. Every 8 years, the BOR is required to perform a comprehensive review, which includes examining the dam, related construction reports, and documentation, and comparing findings with new information, technology, and current dam engineering practices. If the BOR makes recommendations or findings during the comprehensive review, it will perform additional studies, conduct a corrective action study, and make design modifications as needed. In addition, the BOR performs a periodic facility review halfway through the 8-year comprehensive review cycle.



Other Risks to Dam Safety

Dams are susceptible to seismic events, especially in the West. Earthquakes or fault displacements can cause cracks in dams or disrupt internal filters, either of which could lead to erosion and dam failure. The extent of seismic activity a dam can withstand depends on the dam's materials and foundation.

Human behavior is another element of dam failure risk; mistakes, operational mismanagement, oversights, or destructive intent can interact with other hazards to compound the possibility of failure. Human hazards, taken separately or in combination with other risks, increase the probability of dam failure and injury to people and property.

Interagency Safety Partnerships

The BOR is part of the **Interagency Committee on Dam Safety**, which was founded in 1980 to encourage establishing and maintaining effective Federal programs, policies, and guidelines to enhance dam safety and security. The committee also serves as a forum for coordinating Federal dam safety and security activities.

The DOI is one of the Federal agencies that serves on the **National Dam Safety Review Board** alongside the Federal Emergency Management Agency (FEMA), the U.S. Department of Agriculture, the U.S. Department of Commerce, and the U.S. Department of Homeland Security. The board advises FEMA's Administrator in setting national dam safety priorities and considering how national policy issues affect dam safety.

Use of Funds

Pursuant to its spend plan, the BOR will provide $3 billion in funding for major rehabilitation and replacement activities related to aging infrastructure and resources; the BOR refers to these activities as "extraordinary maintenance." These funds will be provided to project beneficiaries and transferred works operators to proceed with projects that may have been stalled or delayed due to lack of funding. In addition, the spend plan states that the BOR will provide $100 million to address the critical failure of St. Mary Diversion Dam and canal in Montana to support developing and resolving significant transferred and reserved works failures that occurred in FYs 2020 and 2021 and prevented irrigation water delivery. Finally, the BOR will provide up to $100 million in additional funding for the rehabilitation, reconstruction, or replacement of a dam constructed on or after 1905 and developed pursuant to the Carey Act.[5]

In addition, the spend plan states that the BOR's Dam Safety and Infrastructure Directorate[6] and the Program and Budget Office will coordinate selection criteria and allocate $500 million for the Dam Safety Program. According to the BOR, the Dam Safety Program will not need FY 2023 IIJA funding because all ongoing activities will be funded through other allocations. See Figure 2 for a breakdown of BOR funding for aging infrastructure and safety.[7]

Figure 2: FY 2022 and FY 2023 Spend Plan for Aging Infrastructure and Dam Safety

Program Area	Total IIJA Appropriation ($)	FY 2022 Spend Plan ($)	FY 2023 Spend Plan ($)	Remaining Appropriation ($)
Aging Infrastructure	3,000,000,000	200,000,000	649,000,000	2,151,000,000
Critical Failures	100,000,000	2,500,000	85,000,000	12,500,000
Carey Act Dams	100,000,000	0	5,000,000	95,000,000
Dam Safety	500,000,000	100,000,000	0	400,000,000
Totals	**$3,700,000,000**	**$302,500,000**	**$739,000,000**	**$ 2,658,500,000**

Funding Decisions and Allocations

According to the BOR's *Aging Infrastructure Account Report*, when considering projects, the BOR will evaluate the relative level of risk of not completing each project in a timely manner; the impact of the project, as measured by size of investment; the ability to complete the project, the acceleration of the completion timeline, or both; and the impact of a project on equity, the economy, and the climate.

[5] Congress enacted the Carey Act (43 U.S.C. § 641) in 1894, which authorized land grants to States to construct irrigation dams and other water management facilities. The BOR allocated $5 million of the $100 million for FY 2023.

[6] The directorate's organizational structure is available at https://www.usbr.gov/damsafinf/about.html.

[7] The BOR may use up to 3 percent of the amount provided by the IIJA for administrative costs.

Use of Funds

The BOR has three methods to select projects: internal formulation, external application, or a hybrid approach.

INTERNAL FORMULATION

The BOR uses a ground-up formulation approach for internal discretionary appropriations. This includes soliciting information from the regions and program offices to identify and prioritize recommendations using their knowledge of and input from stakeholders that might be participants in projects (especially where a cost share is required).

Example: dam safety projects.

EXTERNAL APPLICATION

Several program categories receive public funding opportunities via grants or financial assistance. Most programs will use an existing process to solicit applications, apply criteria, develop recommended spend plans for submission, and prepare and submit recommendations to the Deputy Commissioners and Commissioner for final approval.

Examples: WaterSMART Water and Energy Efficiency Grants and Title XVI water recycling projects.

INTERNALLY FACILITATED WITH EXTERNAL APPLICATION

Some program areas require the BOR to collaborate with operating partners to fund extraordinary maintenance work on BOR-owned facilities. For example, implementation of the IIJA § 40904 funding for Critical Maintenance and Repair will follow this process.

Example: aging infrastructure projects.

The BOR's aging infrastructure funding includes its extraordinary maintenance account for reserved and transferred works. Approximately one-third of the BOR's water and power facilities are reserved works, and two-thirds are transferred works. Prior to receiving IIJA funding, in each application period for projects to address aging infrastructure, the BOR collaborated with operators and beneficiaries to determine the initial scope and costs of qualifying work to develop each application package that requested funding. The projects were evaluated and prioritized for funding based on three overarching principles:

- The ability to complete the extraordinary maintenance project in a timely manner.
- The beneficial impact of the project (as measured by size of investment, ability to complete the project, and the acceleration of the completion timeline).
- The degree to which the project would further one or more of Congress' and the administration's priorities.

Similarly, the BOR would evaluate existing and future dam safety projects using the three overarching principles and base recommendations on the strategic benefit, project readiness, and available funding.

As described in the 2023 spend plan, the BOR modified this process to allocate aging infrastructure IIJA funding to projects based on eligibility, increased collaboration, and increased IIJA reporting requirements. To accomplish this, the staff in the BOR regions continued to collaborate with operators and beneficiaries of transferred and reserved works to develop applications. Next, the BOR made an initial determination of eligibility, scope, and funding needs for each applicant to submit to the BOR Commissioner for decision. Finally, the BOR transmitted to Congress a report of IIJA aging infrastructure funding allocations.

Use of Funds

Over the past two fiscal years, the BOR has funded $925 million in projects for aging infrastructure and dam safety in 15 States. Specifically, in FY 2022, the BOR allocated $240 million in IIJA aging infrastructure funding for 46 projects, and in FY 2023, it allocated $585 million for 83 projects (see Figure 3). The BOR also allocated $100 million in IIJA dam safety funding to California in FY 2022. The projects range from the planning, design, and construction of a new mine drainage water treatment facility to replacement of a concrete spillway at a dam in Kansas. Other projects include studies on issues affecting water storage and liner installation in canals to protect against water loss. Additional projects are described in the "Project Highlights" section below.

Figure 3: IIJA FY 2022 and 2023 Funding of Aging Infrastructure Projects by State as of March 22, 2023

	FY 2022		FY 2023	
State	No. of Projects	Funding Amount ($)	No. of Projects	Funding Amount ($)
Arizona	8	5,699,210	4	27,742,055
California	20	83,019,247	24	307,848,627
Colorado	2	6,300,000	3	68,350,000
Idaho	3	15,000,000	3	6,080,000
Kansas	1	14,000,000	–	–
Montana	1	2,941,926	3	19,590,069
Nebraska	1	450,000	–	–
North Dakota	–	–	27	80,235,800
Nevada	1	35,000,000	1	2,432,220
New Mexico	–	–	6	30,375,000
Oregon	1	60,000	4	12,963,000
South Dakota	–	–	6	22,170,000
Utah	4	70,128,200	–	–
Washington	2	1,760,000	2	7,125,000
Wyoming	2	6,000,000	–	–
Totals	**46**	**$240,358,583**	**83**	**$584,911,771**

Project Highlights

According to the BOR, IIJA funding will enable it to make significant progress in addressing repair and replacement needs and ensuring safety of its dams and investments. Below, we highlight selected IIJA aging infrastructure and dam safety projects.

Aging Infrastructure

According to the BOR, the Putah South Canal in California is an example of aging infrastructure repair. The canal was completed in 1959 and serves approximately 400,000 people, making it an important asset for the water supply of California. The canal starts at the Putah Diversion Dam and extends for approximately 33 miles, ending near the town of Cordelia, California. The estimated cost of the project is $20 million for seismic upgrades to a 3-mile-long portion of the canal where the liner is severely cracked. The BOR provided $3 million of IIJA funds for a planning study for this project in FY 2022.

Putah South Canal

Image of Putah South Canal with arrows identifying the location of patched cracks along the canal. The cracks are due to seismic activity and pressure from ground water—creating major leakage events that can potentially affect the water quality of other facilities located below the canal and the foundations of the homes that reside at the foot of the canal. The patches are not a permanent solution.

Source: OIG.

Extraordinary Maintenance for Critical Failures

The BOR operates, maintains, and rehabilitates the St. Mary Diversion Dam and associated canals. In FY 2022, the BOR allocated the Milk River Project in Montana $2.5 million for final design of extraordinary maintenance efforts to repair the St. Mary Diversion Dam. The project covers about 200 miles of canals, 220 miles of laterals,[8] and 300 miles of drains—which provide water for municipalities, Tribes, and irrigators before emptying into the Missouri River near Fort Peck Dam.

For FY 2023, the BOR allocated the Milk River Project $85 million for a new structure that will include a large fish bypass intended to accommodate upstream and downstream movement and prevent fish getting into the canal. The BOR stated that it will award the construction contract in FY 2023; it explained that the funding will be used to award the contract and fund staff time for contracting action and project support. According to the BOR, staff time will be focused on acquisitions, project management, contract submission review, site preparation, and general coordination and collaboration with the Blackfeet Tribe[9] and other stakeholders.

[8] In piping systems—especially for utilities such as water, storm, and sanitation—the "lateral" refers to the piping systems that run from the property to the primary systems, which are normally located within the street.

[9] Some of the Milk River Project facilities are located within the boundaries of the Blackfeet Reservation.

Project Highlights

Extraordinary Maintenance for LaPrele Dam

As previously noted, the Carey Act authorized land grants to States to construct irrigation dams and other water management facilities; irrigation districts own and operate many of these dams. The BOR stated that it is prioritizing dam rehabilitation, repair, or replacement projects that advance the Carey Act, can be initiated quickly, and will create local jobs at project locations.

For example, LaPrele Dam, which is owned and operated by LaPrele Irrigation District, was built in 1909 in Douglas County, Wyoming, and is the oldest and tallest open-front dam in the Nation. If the dam fails, it could potentially threaten the lives and homes of an estimated 600 people, destroy a key bridge along a major interstate, and demolish Ayres Natural Bridge (a local landmark).

The engineering firm hired by the LaPrele Irrigation District determined that—due to extensive damage such as precarious cracks in the concrete, ongoing leakage, and falling boulders from the canyon walls that could hit the dam and cause a breach—the best course of action to ensure safety is to build a new dam. The BOR allocated $5 million to design the new dam; construction funding will be provided through the BOR's application process.

LaPrele Dam in Wyoming

The image on the left shows falling boulders (circled in black) near the dam. The image on the right shows the dam at low capacity, which the BOR attributed to its poor condition.

Source: OIG.

Dam Safety

The B.F. Sisk dam was built between 1963 and 1967 to provide supplemental irrigation water storage for the Federal Central Valley Project and municipal and industrial water for the California State Water Project (see Figure 4 on the next page). It is more than 3½ miles long with a total capacity of more than 2 million acre-feet of water (an acre-foot of water equals about 326,000 gallons).

Project Highlights

Figure 4: B.F. Sisk Dam in California

Source: OIG.

The B.F. Sisk Dam Safety Project in Merced County, California, is the BOR's largest project under the Safety of Dams Act, with a total estimated project cost of $1.1 billion over 10 years. When complete, it will have modernized the structure to reduce risk to water supply and downstream communities in the event of an earthquake. The BOR allocated $100 million in FY 2022 IIJA funding to (1) construct shear keys and berms at three slopewash locations along the dam, (2) remove a portion of the spillway chute (used to pass safely around the dam) and extend the conduit section (used to pass water through an embankment), and (3) develop the Basalt Hill Quarry and Burrow Area to provide material for construction.

Shear Key Construction at B.F. Sisk Dam

Shear keys are vital for the dam because the dam is located near the Ortigalita Fault Zone, which has the potential to produce a magnitude 6.75 earthquake. The area recently experienced a 3.7 earthquake.

Source: OIG.

Oversight of the Funds

With the BOR preparing to allocate an unprecedented $739 million in a single fiscal year (FY 2023) to address aging infrastructure, oversight of these funds is paramount. BOR officials identified a number of anticipated risks and mitigation strategies shown in Figure 5.

Figure 5: BOR Risks and Stated Mitigation Strategies

Risk	Mitigation Strategy
Human capital	Using flexible hiring mechanisms such as direct hiring authority, increasing the length of time job announcements are open, and reducing the application processing time.
Adequate Tribal awareness and participation	Using proven, existing processes wherever possible, such as conducting Tribal engagement sessions to gain an understanding of Tribal concerns and needs.
Newness of some programs	Seeking outside perspectives from the DOI Program Management Office and other internal and external stakeholders.
Availability of performance/ award data from non-Federal participants	Conducting frequent outreach to increase understanding of non-Federal participants on procurement requirements and processes, BOR policies, DOI initiatives, and emerging issues.

According to the BOR, for the programs and activities governed by the relevant regulatory provisions, it will ensure it screens all financial assistance recipients for risk prior to awarding funding. In addition, the BOR stated it will screen recipients to ensure they meet all statutory eligibility requirements as part of the review process, have an active registration in SAM.gov, and are verified by a unique entity identifier. Organizations that register in SAM.gov are required to complete a process to certify their address, employer identification number, points of contact, and other relevant data.

The BOR stated it will use the pre-award budget review process to reduce the risk of recipients incurring improper payments. Additionally, BOR officials stated that it will require financial assistance recipients to submit regular financial and performance reports at the frequency identified in the grant agreement.

According to BOR senior management, the BOR has established planned oversight of acquisitions and awards through monitoring and evaluation measures at the regional and national levels.

Planned Monitoring and Evaluation Measures

REGIONAL LEVEL

- Project managers, program managers, regional Program Management Implementation Team (PMIT) representatives, financial managers, and budget officers will monitor project accomplishment and fund status.
- Coordination of services will occur internally within the regions and with the Technical Service Center in Denver.
- Acquisitions planning sessions will occur.
- Project Management principles will be applied to standard and complex projects.
- Regions will collaborate with BOR policy offices as needed to ensure appropriate application of Reclamation Law.

NATIONAL LEVEL

- The PMIT will hold regular status meetings for the infrastructure program, will conduct regular programmatic and obligation status monitoring, and will provide a monthly update to the BOR Leadership Team.
- The BOR Program and Budget Office will monitor fund status and provide monthly obligation reports to the appropriation committees in accordance with the law.
- The PMIT will establish performance metrics, identify risk elements associated with each category of funding, and include metrics in future reporting.
- Regional PMIT representatives will update the BOR Leadership Team on any immediate concerns with program execution.

We have not evaluated the BOR's implementation of these practices, and we may conduct additional oversight work as the BOR expends funds. We note that we have, in the past, identified circumstances in which the BOR did not appropriately oversee grants and contracts.[10]

[10] See, *e.g.*, *Improvements Needed in the Bureau of Reclamation's Oversight of Tribal Rural Water Projects* (Report No. 2016–WR–026), issued July 2017; and *Audit of Contract Nos. R11AV60120 and R12AV60002 Between the Bureau of Reclamation and the Crow Tribe* (Report No. 2017–FIN–040), issued September 2018. These past reports also provide lessons learned that may be useful in addressing current projects.

Scope and Methodology

We conducted our inspection in accordance with the *Quality Standards for Inspection and Evaluation* as put forth by the Council of the Inspectors General on Integrity and Efficiency. To accomplish our objectives, we identified the IIJA's aging infrastructure and dam safety program risks; obtained prior and current work related to the BOR; gathered data about BOR dams; and discussed program details with DOI management to determine how it plans to spend funds and manage data.

LOOKING AHEAD

Our planned oversight efforts of the BOR's 12 IIJA program areas and activities include the following:

Planned Oversight Efforts

- We will review program information and plans related to the IIJA.
- We will review contract and grant cost oversight and compliance with Federal regulations, award terms, and the IIJA.
- We will review potential lost revenue from uncollected fees for water delivered under California's Central Valley Project.

To prevent fraud, waste, and abuse, our office anticipates that we will regularly:

- Host discussions and provide training to DOI employees, grant recipients, and contractors.
- Enhance detection through data analysis and the development of sources of investigative information.
- Improve oversight through focused training of investigators, auditors, and inspectors.
- Coordinate oversight efforts throughout the Inspector General community and share results, trends, and best practices.

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How Does it Help?

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