



## **Ensuring Water Security: The Navajo Nation's Support for the WaterSMART Access for Tribes Act**



*Dwight Witherspoon, Attorney with the Navajo Nation DOJ Water Rights Unit testifying before the Subcommittee on Water, Wildlife, and Fisheries.*

WASHINGTON, D.C. - On January 23, 2025, the Navajo Nation provided testimony before the House Natural Resources Subcommittee on Water, Wildlife, and Fisheries, advocating for federal policy changes to address water challenges in Indian Country. The hearing focused on several legislative proposals, including the WaterSMART Access for Tribes Act, which aims to make water management and drought relief funds more accessible to Native American tribes.

Representing the Navajo Nation, Dwight Witherspoon, an attorney with the Navajo Nation Department of Justice's Water Rights Unit, testified on behalf of President Dr. Buu Nygren, expressing strong support for the bill. Witherspoon emphasized the need for federal assistance to address the Nation's ongoing water crisis. He noted that while the bill does not fully resolve the Navajo Nation's water challenges, it is an important step toward improving infrastructure and long-term sustainability.

Approximately 30% of Navajo households lack access to clean drinking water, a rate 67 times higher than the national average. Many families must haul water long distances for drinking, cooking, and bathing. The lack of reliable water access has led to increased rates of waterborne illnesses and other preventable diseases, disproportionately affecting women, children, and elders.

Despite these challenges, the Navajo Nation struggles to secure federal funding for infrastructure projects. Unlike states and municipalities, Tribal Nations lack a traditional tax base due to federal restrictions on property taxation. The remoteness of many Navajo communities further limits economic opportunities, making federal support essential. However, existing federal grant programs like WaterSMART often require cost-sharing contributions that many Tribes cannot afford, preventing access to crucial funding.

The WaterSMART Access for Tribes Act seeks to address this issue by allowing the Secretary of the Interior to waive or reduce non-federal cost-share requirements. This change would significantly improve the ability of Tribes to access WaterSMART funding for vital water projects. For example, the Navajo Nation could use these funds to upgrade drinking water systems in communities like Alamo Chapter, a satellite reservation in rural New Mexico. However, past applications for WaterSMART funding have been unsuccessful simply because the Nation could not meet the financial matching requirements. By easing these restrictions, the proposed legislation would give the Navajo Nation and other Tribes a better chance to secure federal funding for water conservation, efficiency improvements, and infrastructure expansion.

While the WaterSMART Access for Tribes Act is an important step, it alone will not solve the Navajo Nation's water crisis. Broader investments in Indian Country's water infrastructure are urgently needed. The Navajo Nation continues to push for water rights settlements before Congress, which would help resolve outstanding claims in Arizona and New Mexico while addressing critical infrastructure deficits across the reservation.

The WaterSMART Access for Tribes Act provides an immediate, practical solution by eliminating unnecessary financial barriers that prevent Tribes from accessing federal water funds. By allowing greater flexibility in cost-share requirements, this bill would empower Tribal Nations to implement vital water projects that promote sustainability and economic stability. The Navajo Nation urged Congress to pass the legislation and to prioritize Tribal water rights settlements. Together, the efforts can help end water insecurity in Indian Country and fulfill the federal government's trust responsibility to Tribal Nations.