



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **CONGRESS/WATER QUALITY** **Hearings/Clean Water Act**

On February 11, the House Transportation and Infrastructure Water Resources and Environment Subcommittee held a hearing titled "America Builds: Clean Water Act Permitting and Project Delivery." The hearing examined the Clean Water Act (CWA) and how Congress can ensure it "balances the goals of protecting water quality and timely project completions, reducing supply chain challenges, and promoting commerce." Subcommittee Chairman Mike Collins (R-GA) acknowledged the success of the CWA to improve water quality, but noted that it sometimes has been used to slow or stop important projects. He said: "States, manufacturers, energy producers, cities, farmers, builders, homeowners, utilities, and many others rely on a [CWA] permitting process that is easy to understand, easy to follow, and easy to implement. In short, to let America build, the [CWA] needs to work.... Now is the time to revisit the [CWA], to ensure that it puts America first." Transportation and Infrastructure Ranking Member Rick Larsen (D-WA) said: "For decades, Republicans and Democrats shared these bipartisan principles to defend clean water: maintain a strong federal-state partnership to protect our waters; stop pollution from entering the system in the first place; and support a robust federal floor of protections while allowing states to do more, but not less.... Step one to keep the progress going is ensuring that states and local government leaders can continue to depend on federal investment."

Robert Singletary, Executive Director of the Oklahoma Department of Environmental Quality, said that Oklahoma is a fierce proponent of cooperative federalism, but expressed concern that the §401 certification process has been and could still be applied too expansively, particularly under the Environmental Protection Agency's (EPA) current rule (88 FR 66558). He said the rule, which limits review to "water-related impacts," is "still ambiguous and potentially subject to misapplication." He added: "We don't anticipate that the current EPA administration will seek to broaden such review; however, if statutory changes are ever considered, we would advocate for clarifying language that would ensure that future EPA administrations would

not seek to promulgate regulations expanding the use of this process beyond the protection of water resources or beyond those water quality impacts clearly attributable to the project at issue" (WSW #2592). In regard to Waters of the United States (WOTUS), Singletary said applicants in Oklahoma are still experiencing delays in receiving Applicability Determinations from federal agencies: "We believe it would be useful if there was a joint Federal/State effort (employing the best available data and tools, of course) to map jurisdictional waters."

Shawn LaTourette, New Jersey's Commissioner of Environmental Protection, stressed the importance of cooperative federalism from the perspective of a State that has assumed §404 authority. He said: "The beauty of cooperative federalism as seen through the [CWA] lies in how the law empowers and supports state regulatory programs in taking local conditions into account while meeting minimum federal standards. This enables states to integrate their more discrete natural resource and economic considerations when determining how best to improve water quality." He explained that §404 assumption has provided consistency for the regulated community, even across changing administrations. It has also allowed New Jersey to integrate management of wetlands, water resources, and watersheds into one comprehensive program. "We have assumed responsibility for critical sections of the Clean Water Act, enacted additional state-based water quality laws, and continued to grow our economy as we improve and protect public health and the environment. New Jersey is proof that a dynamic balance is possible without upending the [CWA].... Let us not make false choices between a healthy environment and a healthy economy. Let us work instead to unite the forces of economic development and environmental improvement to promote the public good."

### **Senate Commerce, Science & Transportation**

On February 5, the Senate Committee on Commerce, Science, and Transportation held an Executive Session to consider the nomination of Howard Lutnick as Secretary of Commerce and pending legislation. The Committee voted to advance Lutnick's nomination in a 16-12 vote, mainly along party lines.

Chairman Ted Cruz (R-TX) urged his colleagues to support Howard Lutnick's nomination to be U.S. Secretary of Commerce and highlighted the importance of advancing the bipartisan legislation being considered by the committee. In her opening remarks, Ranking Member Maria Cantwell (D-WA) expressed concern about Lutnick's commitment to supporting NOAA: "[NOAA] makes up more than 60% of the Commerce budget. When asked for the record if NOAA should be dismantled.... Mr. Lutnick would only say if confirmed, he would 'figure it out.' Given how central NOAA is for providing accurate weather forecasting.... I was looking for a stronger commitment."

The Committee advanced the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2025 (S. 93), introduced by Senator Dan Sullivan (R-AK), which seeks to create a more robust framework for understanding and controlling harmful algal blooms and hypoxia through enhanced research, coordinated federal actions, community participation, and dedicated funding.

The Committee also advanced the Fire Ready Nation Act of 2025 (S.306), introduced by Cantwell and Tim Sheehy (R-MT), which would formally establish a permanent Fire Weather Services program within the National Oceanic Atmospheric Administration (NOAA) and authorize funding for new technologies to forecast weather conditions that cause and impact wildfires. Regarding S.306, Cruz said: "Safety is also at the heart of the bipartisan Fire Ready Nation Act, which will improve forecasts needed to help fight wildfires. It's a particularly timely piece of legislation from Senators Cantwell and Sheehy given the Los Angeles wildfires. This bill, which I am a cosponsor of, will establish a Fire Weather Services program at NOAA, equipping scientists and meteorologists with the resources they need to help prevent the next disaster. So much of the legislation we're considering is simply about providing the right authorities with what they need to better protect our communities." Cantwell celebrated the bipartisan support for S. 306, saying: "I think we probably have at least a 10-year run on everybody else already on dealing with this problem."

## **WATER RESOURCES**

### **Colorado Water Plan**

On January 28, the Colorado Water Conservation Board (CWCB) released a progress report on the 2023 Colorado Water Plan. The report outlines agency efforts to meet Colorado's water challenges including 50 agency-led and 50 partner-led actions. According to the report, the CWCB has achieved 20% progress on the State's planned actions and is on track to reach its 2033 goals. The report said: "Given the anticipated future water supply gap of up to 740,000 acre-feet per year by

2050 and the projected \$20 billion required for necessary projects, an increased mobilization of resources and public engagement is imperative."

The report noted that the 2023 Water Plan "outlines a vision that the CWCB can help advance through its own agency actions, while also depending on efforts beyond the agency's scope." In FY23 and FY24, CWCB's grant and loan programs awarded nearly \$38M as Water Plan Grants, \$232.7M in Water Project Loans, \$97.8M in Projects Bill Grants, and \$20.5M in Water Supply Reserve Fund Grants.

The report highlights the work done by recipients of those funds, listed as case studies and including: (1) turf removal combined with landscape conversion; (2) exploring the viability of alternative forages and crops that are less water-intensive; (3) reconnecting the Colorado and Fraser rivers to allow fish and sediment passage, bypassing the Windy Gap Reservoir, while also firming up water supplies for growing communities; (4) developing an Airborne Snow Observatory to provide water users with high-accuracy snowpack measurements using LiDAR (Light Detection And Ranging) technology surveyed by plane; (5) shifting agriculture in a groundwater-dependent basin to a low-water winter rye crop to support producers that are increasingly taking their lands out of production to meet compact obligations and stabilize groundwater levels; (6) removal of a defunct diversion structure to open up connectivity for fish and sediment on approximately 45 miles of the South Platte River and 35 miles of contributing tributaries; (7) workshops for local water providers, producers, land use planners, elected officials, and others to collaboratively build their capacity and strategies for integrated water and land use planning; and several other similar projects.

The report noted: "Throughout the Water Plan, Partner Actions are organized into seven categories: thoughtful storage, meeting future water needs, wise water use, healthy lands, effective engagement, robust agriculture, and thriving watersheds. These categories are not independent of each other; in fact, there is significant overlap and dependency between and among them. The most important aspect of the Water Plan is the vision it provides for how Coloradans will meet water challenges."

CWCB Director Lauren Ris said: "While our agency is at the forefront of water policy, what makes water in Colorado work is the collective efforts of multiple agencies, organizations, and community water leaders moving ideas forward and putting them into action." See <https://dnrweblink.state.co.us/CWCB/0/edoc/225567/Water%20Plan%20Progress%20Report%202025.pdf>

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