



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN GOVERNORS

Western Governors' Association - Energy

At the recent WGA meetings in Santa Fe, Utah Governor Spencer Cox was selected as the new Chair, and Hawaii Governor Josh Green as the Vice Chair. Governor Cox's WGA initiative for the coming year will focus on Energy Superabundance: Unlocking Prosperity in the West by expanding production, modernizing transmission, and supporting advanced generation technologies. The West is rich in energy – but outdated infrastructure, permitting delays, and rising demand threaten America's energy edge. The West is building the backbone of a more reliable, affordable, and secure grid.

The initiative will focus on examining challenges to and opportunities for expanding production, transmission, and storage options across the energy spectrum. A WGA survey is designed to help frame the initiative by identifying: (1) priority issues for gubernatorial leadership, including regulatory, technical, economic, and market opportunities for States to support energy abundance efforts; (2) best practices for developing energy resources and infrastructure in the West; (3) federal policy issues for potential WGA advocacy; and (4) individuals or organizations interested in participating in this initiative, including workshops and webinars. See <https://westgov.org/news/article/help-utah-governor-spencer-cox-scope-his-new-wga-chair-initiative>

CONGRESS

House/Natural Resources

On June 26, the House Natural Resources, Subcommittee on Water, Wildlife, and Fisheries held a legislative hearing and considered the Snow Water Supply Forecasting Reauthorization Act of 2025 (H.R. 385) introduced by Rep. Jeff Hurd (R-CO). The bill would update and reauthorize the Snow Water Supply Forecasting Program through FY2027-2031. It would include an emphasis on deployment and integrated snowpack measuring and modeling. It would also update the list of example technologies to be used for measuring snowpack to include: airborne laser altimetry, airborne imaging spectroscopy, integrated physics-based

snowpack and hydrologic modeling, and other technologies likely to provide more accurate or timely snowpack data. It would expand the program's focus to include: (1) improving snow and water supply forecasting results to be more responsive to changing conditions; (2) enabling real-time integration of activities into water supply forecasts; and (3) building program partners' capacity to implement and adapt to new capabilities.

Chair Harriet Hageman (R-WY) said: "Mountain snowpack is one of the most important water storage reservoirs in the West. Gathering data regarding our snow conditions throughout the fall, winter and spring is critical for water supply forecasts, relied upon by reservoir operators, farmers and ranchers, municipalities and broader water management in the western United States. The program being discussed today promotes the use of emerging technologies like LiDAR to enhance these efforts."

Rep. Hurd said: "In the West, water is life, and we depend on an adequate snowpack to provide where rainfall cannot. We can say goodbye to the days of determining snowpack depth with a measuring stick. This bill reauthorizes a vital program that uses cutting-edge tools to forecast water supply and move beyond outdated, manual snowpack measurements.... We must give our water managers the necessary tools to ensure that all of our water needs are delivered."

House/Transportation and Infrastructure

On June 11, the Committee approved the Water Resources Technical Assistance Review Act (H.R. 3427), introduced by Rep. Dave Taylor (R-OH), which would direct the Government Accountability Office to review EPA's clean water-related technical assistance authorities, including the Water Technical Assistance (WaterTA) initiative, to evaluate the program's effectiveness.

On June 12, Republican members of the House Transportation and Infrastructure Committee introduced fifteen water-related bills. Water Resources and Environment Subcommittee Chairman Mike Collins (GA) introduced the Promoting Efficient Review for Modern

Infrastructure Today (PERMIT) Act (H.R. 3898), which would codify exclusions from Waters of the United States (WOTUS) for water treatment systems, ephemeral features, groundwater, and prior converted cropland. Collins also introduced the Clarifying Federal General Permits Act (H.R. 3899), which would codify the practice of issuing general permits under the National Pollutant Discharge Elimination System (NPDES) program, requiring the Environmental Protection Agency (EPA) to either reissue NPDES general permits or provide two years written notice if they do not intend to reissue the general permit. Collins introduced the Water Quality Technology Availability Act (H.R. 3900), which would ensure that technology required by EPA for Effluent Limitation Guidelines (ELGs) is commercially available in the United States.

Rep. David Rouzer (R-NC) introduced the Improving Water Quality Certifications and American Energy Infrastructure Act (H.R. 3928) which would clarify the scope of Section 401 Clean Water Act (CWA) approvals to be limited to impacts to water quality. It would require that States, when evaluating water quality: (1) only consider discharges that would result from the activity itself; (2) establish requirements for water quality certification requests; (3) make final decisions on whether to grant or deny a request in writing based only on water quality reasons; and (4) inform a project applicant within 90 days. Rouzer also introduced the Reducing Regulatory Burdens Act (H.R. 3824), which prohibits the EPA or States from requiring permits under the NPDES program for discharges of pesticides into navigable waters if the pesticides are registered, used for their intended purposes, and used in compliance with their pesticide label requirements. Rouzer introduced the Nationwide Permitting Improvement Act (H.R. 3927) to extend general permits duration under Section 404(e) of the CWA from five to ten years, and establish general nationwide permits for linear infrastructure projects (communication, electricity, pipelines etc.) impacting less than three acres of navigable waters. It would also remove the need for Endangered Species Act (ESA) consultations when reissuing a general permit.

Rep. Doug LaMalfa (R-CA) introduced the Forest Protection and Wildland Firefighter Safety Act of 2025 (H.R. 3300) to clarify that federal, state, local, and tribal firefighting agencies do not need an NPDES permit to use fire retardant from aircraft when responding to wildfires. Rep. Pete Stauber (R-MN) introduced the Reducing Permitting Uncertainty Act (H.R. 3935) to prohibit EPA from vetoing a Section 404 dredge and fill permit before a permit application has been filed or after a permit has already been issued by the Corps. Rep. Burgess Owens (R-UT) introduced the Water Quality Criteria Development and Transparency Act (H.R. 3888) to require EPA to issue any new or revised water quality criteria by rule.

Rep. Eric Burlison (R-MO) introduced the Judicial Review Timeline Clarity Act (H.R. 3905) to require that any lawsuit seeking judicial review of a Section 404 general or individual permit must be filed within sixty days of issuance. It would also require the court to remand noncompliant permitting decisions back to the Secretary of the Army. The court would not be able to vacate, revoke, enjoin, or otherwise limit the permit or discharge unless the activity would “present an imminent and substantial danger to human health of the environment for which there is no other equitable remedy under the law.” Rep. Jeff Hurd (R-CO) introduced the Jurisdictional Determination Backlog Reduction Act (H.R. 3901) to require the Corps to expedite and increase resources to eliminate the existing backlog, including pending applications for CWA Section 404 dredge and fill permits.

Rep. Jefferson Shreve (R-IN) introduced the Water Quality Standards Attainability Act (H.R. 3934) to require that state water quality standards take into account municipal combined storm and sanitary sewer long-term control plans, as well as attainability through commercially available treatment technologies. Rep. Dave Taylor (R-OH) introduced the Confidence in Clean Water Permits Act (H.R. 3897) to establish that NPDES permits must only include clear, objective, concrete limits on specific pollutants or waterbody conditions, and that adherence to these limitations constitutes compliance under the law, as outlined in *San Francisco v. EPA* (WSW #2651). Rep. Jimmy Patronis (R-FL) introduced the Restoring Federalism in Clean Water Act Permitting Act (H.R. 3902) which would require EPA to review regulations on state Section 404 assumption to streamline the process and encourage delegation. It would also limit judicial review of EPA’s approval of state assumptions to 60 days.

WATER RIGHTS/MEETINGS

NARF Symposium

WSWC and the Native American Rights Fund (NARF) are co-sponsoring a 1-day virtual Symposium on the Settlement of Indian Reserved Water Rights Claims, to be held on August 6, 2025. An abbreviated agenda will include presenters who have been involved in negotiated settlements representing tribal, state, local, federal governments, congressional staff, and others.

The morning session will begin at 8:00 am, Mountain Daylight Time (MDT) with a lunch break at noon. The Symposium will continue after the lunch break at 1:00 pm. There is no registration fee to attend, but prior registration is required. Please register at <https://westernstateswater.org/events/wswc-narf-symposium-on-the-settlement-of-indian-reserved-water-rights-claims/>

The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.