



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / www.westernstateswater.org

Chair - Julie Cunningham; Executive Director - Tony Willardson; Editor - Michelle Bushman

ADMINISTRATION **Corps/NEPA**

On July 2, the Army Corps of Engineers announced that it was updating its implementing procedures under the National Environmental Policy Act (NEPA). The Corps published two interim rules in the Federal Register (90 FR 29465 and 90 FR 29461), with a 30 day comment period that ends August 4. These reforms will apply to permit applications under the Clean Water Act (CWA) and the Rivers and Harbors Act, and to the procedures the Corps follows for Water Resources Development Act (WRDA) projects. The reforms align with both the changes Congress made to NEPA in the 2023 Fiscal Responsibility Act, and with the Supreme Court's recent decision in *Seven County Infrastructure Coalition v. Eagle County* (#23-975). See WSW #2664.

Lee Forsgren, Acting Assistant Secretary of the Army (Civil Works) said that these changes will "reform, modernize, and expedite the Corps of Engineers' environmental reviews, eliminating unnecessary delays, and will help ensure the growth of secure and reliable infrastructure projects across the nation." <https://www.usace.army.mil/Media/News-Releases/News-Release-Article-View/Article/4234001/statement-by-assistant-secretary-of-the-army-for-civil-works-on-the-p-residents/>

ADMINISTRATION/WATER QUALITY **EPA/CWA 401/Federalism**

On July 22, the Environmental Protection Agency (EPA) hosted a federalism consultation call with intergovernmental organizations, titled Implementation Challenges Associated with the CWA Section 401. Some of the organizations expressed concern about the presumption that there are any implementation challenges, noting that their members have found the 2023 Water Quality Certification Improvement Rule (88 FR 66558) to be a good compromise. They also acknowledged the disruption caused by regulatory whiplash as each new Administration makes changes. More recently, concerns have arisen about understaffing among federal agencies and the impact that may have on water quality protection. Several organizations,

including WSWC, expressed the need for the individual States to be involved in the consultation process, and EPA followed up with an opportunity for a consultation call with States. For States interested in participating in this call, please contact WSWC staff.

Mexico/Tijuana River

On July 24, EPA Administrator Lee Zeldin met with Secretary of the Environment and National Resources of Mexico Alicia Bárcena Ibarra at the Council of the Commission for Environmental Cooperation (CEC), to sign a Memorandum of Understanding (MOU) addressing the Tijuana River sewage crisis. For decades, untreated raw sewage from Mexico has flowed into Southern California, polluting the Tijuana River Valley, closing beaches and sickening people on both sides of the border. "The Trump Administration is proud to deliver this massive environmental and national security win for Americans in the San Diego area who have been living with this disgusting raw sewage flowing into their communities for far too long," said Administrator Zeldin.

The agreement achieves three top Trump Administration priorities and milestones: (1) Mexico will obligate the remaining \$93M of Minute 328 funds that they hadn't yet obligated, under an agreement signed in July 2022; (2) completion of the remaining Minute 328 projects will be accelerated (no later than December 31, 2027); and (3) several Mexico projects have been added to account for future population growth in Tijuana and operation and maintenance costs. Administrator Zeldin visited San Diego in April and immediately after began working with the U.S. Department of State to renew negotiating with Mexico.

Zeldin explained, "Since my visit, the Mexican and United States' governments have been working collaboratively to urgently finalize a permanent 100% solution to this longstanding issue. Secretary Rubio and the whole State Department, and the National Security Council at the White House worked hand-in-hand with EPA, and other federal partners, to make this agreement a reality. And, of course, none of this would have been possible without the leadership and direction of President

Trump. This is not just a solution for 2025. We devised this agreement to factor in population growth, operation and maintenance costs, and other variables that would make this solution durable and long term. Grateful to President Claudia Sheinbaum, Secretary Bárcena, and the Mexican Ministry of Foreign Affairs for their partnership, cooperation, and commitment to work with us to clean up the Tijuana River Valley. This is a huge win for millions of Americans and Mexicans who have been calling on us to end this decades old crisis.”

The United States has withheld sending more dollars for projects until Mexico fulfilled their obligations and agreed to release EPA Border Water Infrastructure Program (BWIP) funding to complete the rehabilitation of Pump Station 1 and the Tijuana River collection pipes. Mexico agreed to fund and begin construction on two priority projects this year, the diversion of treated effluent from two wastewater treatment plants, eliminating the discharge of 10 million gallons per day (MGD) of treated effluent entering the Tijuana River, and the rehabilitation of the Parallel Gravity Line no later than December 31, 2025. Further, the U.S. side of the International Boundary Water Commission (IBWC) agreed to complete the expansion of the South Bay International Wastewater Treatment Plant (SBIWTP) from 25 to 35 MGD. Mexico has also agreed to enter into a new Minute with the United States no later than December 31, 2025, to undertake, at minimum, a dozen new actions deemed necessary to permanently end this crisis.

CONGRESS

House/Weather Forecasting

On July 16, the House Space, Science, and Technology (SST) Subcommittee on Environment held a hearing, “Protecting Lives and Property: Harnessing Innovative Technologies to Enhance Weather Forecasting.” Witnesses included Thomas Cavett, Tomorrow.io; John Nielsen-Gammon, Texas State Climatologist; Waleed Abdalati, Cooperative Instituted for Research in Environmental Science; and Jayesh Kumar Gupta, Silurian AI.

Committee Chair Brian Babin (R-TX) said that the recent floods in Texas and New Mexico “underscore the urgent need to improve our weather forecasting.... In both disasters, the National Weather Service (NWS) issued timely and accurate alerts. Emergency communications were activated, and warnings were sent directly to cell phones and weather radios. Still, those alerts were not enough to prevent the catastrophe that unfolded....” He acknowledged the progress of the NWS and National Oceanic and Atmospheric Administration (NOAA) under the 2017 Weather Research and Forecasting Act, but there is “always room for improvement.”

Subcommittee Chair Scott Franklin (R-FL) said: “From my conversations with farmers back home in Florida, I know that seasonal weather predictions are vital to American agriculture. Without accurate forecasts in this sector, decisions about seasonal planting and harvest timing are less efficient, which reduces yields of crops that are the backbone of our economy.” He talked about artificial intelligence, leveraging advanced modeling, and emphasized the need to work with a “robust private sector that embraces and fosters various technologies and techniques....”

Cavett testified on the value of NOAA leveraging commercial weather data: “By tapping into existing private sector innovation, the U.S. Government can escape the multi-decadal cycle of overly complex, cost-plus weather missions that have seen increasing budgets without proportional gains in performance.... NOAA invests nearly as much as all other countries combined, yet its forecasting accuracy consistently trails behind the EU and other global leaders.” Nielsen-Gammon testified on the importance of reauthorizing the Weather Act, describing how Texas uses critical programs such as the U.S. Drought Monitor, the National Integrated Drought Information System (NIDIS), and the National Mesonet Program. Abdalati testified about the importance of developing new technologies and using diverse data sources to improve weather forecasting. Gupta noted that their global and regional forecasts are available hours before other existing systems, and emphasized the invaluable national asset of “decades of high-quality, publicly available weather data.”

ORGANIZATIONS

WSWC/Weather Act Reauthorization

On July 21, the WSWC sent a letter to the House SST Committee in support of various provisions of the Weather Act Reauthorization Act (H.R. 3816). The letter said: “NIDIS reauthorization (§502) with adequate funding is critical. NIDIS coordinates drought monitoring, soil moisture monitoring, forecasting, and research that assists states, tribes, and communities across the arid West to proactively prepare for, mitigate and respond to drought. The WSWC supports the development of improved observing systems for Western extreme precipitation events such as atmospheric river storms, and enhanced soil moisture monitoring capabilities are critical for both drought and flood forecasting and management.” The letter supports the provisions of §501, which directs NOAA to establish two pilot programs to improve subseasonal to seasonal forecasting, and doubles the authorized annual funding. WSWC also supports establishing an atmospheric river forecast improvement program (§204), a NESDIS research-to-operational transition program (§207), and a precipitation forecast improvement program (§603).

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.