



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 - Jennifer Verleger; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

ADMINISTRATION/PEOPLE

Department of the Interior

Tanya Trujillo, Assistant Secretary for Water and Science at the Department of the Interior (DOI), has announced her departure, effective July 17, after notifying the Secretary about six weeks ago. She was appointed to the position two years ago. Trujillo said, "It's a normal transition time, either committing to staying to the end of the term or leaving before the [Presidential] campaign really gets fired up. I am really, really proud and happy about all the accomplishments that we made."

Trujillo was over the U.S. Geological Survey (USGS) and U.S. Bureau of Reclamation (USBR), and played an important part in discussions over Colorado River management. Last August, when the DOI announced urgent actions to protect system sustainability, Trujillo said, "Every sector in every state has a responsibility to ensure that water is used with maximum efficiency. In order to avoid a catastrophic collapse of the Colorado River System and a future of uncertainty and conflict, water use in the Basin must be reduced." A native New Mexican, we wish her well.

CONGRESS

California/House – Retirements

On July 8, Rep. Grace Napolitano (D-CA), the ranking member on the House Transportation and Infrastructure's Subcommittee on Water Resources and Environment, announced that she will retire at the end of this term. "I am incredibly grateful for the people of the San Gabriel Valley and the people of Southeastern Los Angeles County for the trust they have bestowed in me to represent them for a quarter century.... As a senior leader on water issues in both the Transportation and Infrastructure and Natural Resources Committees, we have made incredible improvements on water policy and water investments. We have recognized that the way of the future is in groundwater storage, using the incredible aquifer we have in the San Gabriel Valley, cleaning up contamination, and improving groundwater storage operations so that our residents do not depend on imported waters."

She continued, "We have also greatly expanded our water recycling capabilities, making improvements not only in our community but around the country because of the early work on water recycling that leaders at the Los Angeles County Sanitation Districts did over 60 years ago. When we started the Title XVI water recycling program in Congress, it received around \$10 million a year for 17 western states; now water recycling is receiving approximately \$250 million a year. Much of that money is coming back to improve the water recycling capabilities here in Los Angeles County. We have improved water capture at our local dams, such as Whittier Narrows and Santa Fe. We have invested in dam safety improvements and maintenance of our flood basins. And we have supported local control of critical water infrastructure facilities."

CONGRESS/WATER QUALITY

Environmental Protection Agency/WOTUS

During a July 13 hearing on the Administration's Fiscal Year 2024 Budget Request, the House Transportation and Infrastructure Committee's Water and Environment Subcommittee, listened to agency perspectives from Radhika Fox, Assistant Administrator, Office of Water, U.S. Environmental Protection Agency (EPA). Her opening written remarks noted, "Clean and safe water is an essential foundation to protect human health, to ensure thriving ecosystems, and to drive a strong economy. Just over 50 years ago, this Committee wrote and shepherded through Congress the Clean Water Act with broad bipartisan support, establishing the goal that our Nation's treasured waters be fishable and swimmable, and giving to EPA the authority and responsibility to address pollution, protect wetlands and water resources, and improve wastewater and stormwater infrastructure. These goals remain central to President Biden's, Administrator Regan's, and my own values, and to our approach to implementing all of our Clean Water Act programs."

She emphasized, "As we look to FY 2024, we will continue our close partnership with states to implement the Bipartisan Infrastructure Law and look to build on that success with the President's budget. The Budget

provides more than \$4 billion for water infrastructure, an increase of \$1 billion over the 2023 enacted level – including more than \$1.6 billion to the Clean Water State Revolving Fund.... The Budget provides \$493 million in financial support through Categorical Grant Programs to EPA’s Tribal, state, and local partners to support their efforts in implementing key provisions of the Clean Water Act. Within this amount, \$279 million is provided to the Section 106 Grants Program, an increase of more than \$42 million from the FY 2023 enacted budget. These resources would fund state, interstate, and Tribal water pollution control programs to assess and mitigate pollution, and expand and implement water quality programs to protect and restore our Nation’s rivers, lakes, streams, and wetlands. The Budget also includes \$189 million for the Section 319 Grants Program, which is an important tool to reduce nonpoint source pollution and restore impaired waterbodies to meet water quality standards, and protect clean waters.”

“We are also working to ensure that EPA fulfills its statutory responsibilities, included under the Clean Water Act, to protect the health of the American people and the integrity of our waters. As we do so, we are committed to grounding our regulatory and rulemaking approaches on a foundation of science, the law, and partnerships with our state and Tribal co-regulators – and informed by robust stakeholder engagement. The Budget includes \$268 million for the Surface Water Protection Program, an increase of \$43.5 million over the FY 2023 enacted level, to support efforts to protect, improve, and restore the quality of our Nation’s coastal waters, rivers, lakes, wetlands, and streams.”

During questioning, Democrats and Republicans pressed Fox on EPA’s actions in response to the U.S. Supreme Court’s *Sackett v. EPA* decision limiting the definition of Waters of the United States (WOTUS) and EPA’s jurisdiction. Subcommittee Chair David Rouzer (R-NC) said he was “encouraged” by the ruling, but expressed alarm by the Administration’s timeline for amending the related regulation, “While I appreciate the agencies’ endeavor to quickly provide a rule consistent with *Sackett*, I have concerns whether this will be done correctly and through the right procedures.” Fox responded EPA intends to follow the law, as it moves to release a new final rule by September, asserting there is no need to reopen the public comment period, “as we are simply amending the rule.”

Rep. Napolitano queried Fox, “Will you commit to helping us define how the court’s conservative majority has radically undermined historic clean water protections?” On July 10, Rep. Rick Larsen (D-WA), the Committee’s Ranking Members, and Napolitano, wrote asking EPA and the U.S. Army Corps of Engineers (Corps) to “...systematically document the individual and

cumulative impacts of the U.S. Supreme Court’s (Court) misguided decision in *Sackett*...on efforts to protect the nation’s water quality and to safeguard the strength of the nation’s economy, the health and safety of American families, and the sustainability of the nation’s environment.... In its *Sackett* decision, the Court dramatically limited the scope of federal protections over the nation’s waters and wetlands provided by the Clean Water Act (CWA).... These new criteria are likely to result in greater adverse impacts to the nation’s waters than the Trump administration’s 2020 rulemaking – a rulemaking that a prior Federal court characterized as causing serious environmental harm.” <https://transportation.house.gov/calendar/eventsingle.aspx?EventID=406754>

CONGRESS/WATER RESOURCES **House/WaterSMART - Tribes**

On June 23, Rep. Melanie Stansbury (D-NM) re-introduced the WaterSMART Access for Tribes Act with cosponsors Sharice Davids (D-KS), Leger Fernández (D-NM), and Grace Napolitano (D-CA). H.R. 4356 amends the Omnibus Public Land Management Act of 2009 and gives the Secretary of the Interior the authority to waive or reduce cost-share requirements for tribes to implement drought and water projects under the Bureau of Reclamation’s WaterSMART program.

The text of the bill reads: “With respect to a grant or other agreement entered into under paragraph (1) between the Secretary and an Indian tribe, the Secretary may reduce or waive the non-Federal share (and increase the Federal share accordingly) of the cost of any infrastructure improvement or activity that is the subject of that grant or other agreement if the Secretary determines that contribution of the non-Federal share would result in a financial hardship for the Indian tribe.”

“Water is life,” said Rep. Stansbury. “I’m thrilled to reintroduce this bill to address the extensive barriers Indian Country has in accessing crucial water infrastructure dollars from federal programs like WaterSMART. Addressing these needs is critical to responding to the lasting impacts of climate change and decades of underinvestment in Tribal water needs.”

To date, fewer than five percent of the projects funded under WaterSMART since its inception in 2010 have been led by tribes or pueblos. Rep. Stansbury first drafted the legislation in response to testimony submitted before the House Committee on Natural Resources from several witnesses on the need to make these funds more accessible to address tribal water needs, including testimony from the National Congress of American Indians, the Colorado River Indian Tribes, and the Ute Indian Tribe of the Uintah and Ouray Reservation.

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