



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER QUALITY **EPA/CWA**

On July 7, the Environmental Protection Agency (EPA) established a public docket on Implementation Challenges Associated with Clean Water Act (CWA) Section 401. The docket follows EPA's May 2025 memorandum, which clarified that States and Tribes must use CWA Section 401 only to protect water quality (WSW #2662). The docket initiates a series of stakeholder listening sessions and invites written feedback on "regulatory uncertainty or implementation challenges associated with the [CWA] section 401 certification process as defined in the 2023 Water Quality Certification Improvement Rule." EPA will use the input to determine whether new guidance or rulemaking is necessary. The agency is also seeking input related to CWA section 401(a)(2) implementation. Written feedback is due August 6, 2025. See Docket ID No. EPA-HQ-OW-2025-0272.

"The agency specifically seeks feedback on: defining the scope of certification generally and the scope of certification conditions, defining 'water quality requirements,' any data or information about how the agency should consider whether a neighboring jurisdiction's water quality may be affected by discharge for purposes of Section 401(a)(2), any data or information on establishing categorical determinations under Section 401(a)(2), any data or information on stakeholder experiences with the 2023 Rule, including certification procedures, the 401(a)(2) process, and the application of treatment in a similar manner as a state solely for Section 401, and any data or information from stakeholders about the application of the 2023 Rule's scope of certification."

EPA also requested consultation from elected state and local government officials and various intergovernmental associations, including the WSWC, pursuant to the terms of Executive Order 13132. EPA announced it would hold a federalism kick-off meeting on July 22, 2025. Federalism consultation input is due September 7. See <https://www.epa.gov/newsreleases/epa-open-public-docket-and-host-listening-sessions-clean-water-act-section-401>.

CONGRESS

Confirmation Hearings/NOAA

On July 9, the Senate Commerce, Science, and Transportation Committee held a hearing to examine the nomination of Dr. Neil Jacobs to head the National Oceanic and Atmospheric Administration (NOAA). Both Committee Chairman Ted Cruz (R-TX) and Ranking Member Maria Cantwell expressed condolences to the victims, families, and communities affected by the severe flash flooding in central Texas that took place July 4. Sen. Cruz emphasized the need to improve the speed and rate of response to extreme weather warnings, "... we ought to be asking what lessons can be learned, and what can be done to more effectively protect human life."

Sen. Cantwell (D-WA) expressed concern about proposed elimination of the Office of Oceanic and Atmospheric Research (OAR) and budget cuts to NOAA's weather programs. She asked Dr. Jacobs how he plans to preserve and advance the lifesaving core functions of NOAA, including critical research. "You said you supported the 27% budget cut to NOAA. Is that correct? So how do you keep your science mission, and particularly in atmospheric and oceanic areas?" Dr. Jacobs responded that forecasting capability mission requirements would be transferred to the National Weather Service (NWS) and the National Ocean Service.

Sen. Cruz asked Dr. Jacobs how he would improve public awareness and response to emergency weather warnings, particularly those issued overnight. Dr. Jacobs said: "Coming from a background of numerical weather prediction, I always thought naively that if I could improve the forecast skill, I would save more lives, and it turns out it's really the last mile. Even if you have a perfect forecast, if you can't get the information to the people, it's totally useless."

Sen. Cruz also asked about Dr. Jacob's plans to close the gap between U.S. and European numerical weather prediction models. Jacobs said, "Closing the gap is going to require a mix of collecting more and better observations... and data assimilation.... One of the reasons why the Europeans have a better model than the

U.S. is they use four-dimensional variational data assimilation. The U.S. needs to advance its data assimilation work and also consolidate its modeling systems across resolutions of time and space.”

Senator Andy Kim (D-NJ) asked about whether the federal government would help improve hydrologic modeling and invest in LiDAR technology. Jacobs responded: “I agree. I believe this is a federal mission. A lot of it right now, the capability is state by state. So some states have more sophisticated data and flood inundation mapping than others.... The only way I know to get that data as accurate as possible is through LiDAR. So I think having access to LiDAR data to optimize that, and having a nationwide flood inundation mapping capability would be very very helpful.”

CONGRESS/AGRICULTURE **FY2026 Agriculture Appropriations Bill**

On July 10, the Senate Appropriations Committee unanimously voted to report a \$27.1B FY2026 Agriculture Appropriations bill by a 27-0 vote. “This important bill supports our farmers and rural communities, the safety of our food supply, critical federal nutrition programs, and medical research and advancements. This bill also provides much needed investments in rural housing programs to help address a severe affordable housing shortage felt in Maine and states across the country,” said Senator Susan Collins. “As the Chair...I will continue to champion this funding as the appropriations process moves forward.”

“Our farmers and ranchers provide the highest quality, lowest cost food supply in the world, and this legislation makes important investments to ensure they can continue this good work,” said Senator John Hoeven, Chair of the Agriculture, Rural Development, FDA, and Related Agencies Appropriations Subcommittee. “[W]e made it a priority to support our nation’s producers with tools like better access to capital, marketing assistance and funding to prevent pest and disease.... At the same time, we invest in agriculture research, food safety and other programs to strengthen rural America.”

The House Agriculture appropriations plan would cut 4.2% in discretionary spending, targeting climate and conservation programs.

The Senate Committee bill’s Conservation Operations title includes \$895M for Natural Resources Conservation Service (NRCS) technical and financial assistance to farmers and ranchers to support America’s working lands, the same as last year. There is \$52M for Watershed and Flood Prevention Operations. A slight increase in soil survey and water forecasting spending would be offset by a \$1M cut to the Office of Urban

Agriculture, which the Administration would like to eliminate.

Rural Development would receive \$3.7B, including \$1.3B for rural water and waste grants and loans.

The Committee bill includes \$3.6B for agricultural research programs, including \$1.9B for the Agricultural Research Service and \$1.7B for the National Institute of Food and Agriculture, which includes \$445M for the Agriculture and Food Research Initiative, a competitive grants program for agricultural sciences.

WATER RESOURCES **Texas/Flooding**

On July 4, Texas Governor Abbott (R) issued a disaster declaration in response to the heavy rainfall and flooding that caused widespread and severe property damage, injury, and loss of life in Kerr and surrounding counties. President Trump approved federal disaster assistance as part of a Major Disaster Declaration. As of July 10, authorities confirmed at least 120 deaths across six counties, including 60 adults and 36 children in Kerr County.

Overnight torrential rains from July 3 to July 4 (~18 inches over a few hours), sent a flood wave through Kerr County’s Guadalupe River basin at around 4 am. The U.S. Geological Survey streamgauge in the area reported a rise of 26 feet in ~45 minutes, reaching 31 feet before going silent. The disaster triggered one of the largest search-and-rescue efforts in state history, including the deployment of 1750 personnel and more than 975 vehicles and equipment assets.

On July 7, Senate Minority Leader Chuck Schumer wrote a letter to Roderick Anderson, the Commerce Department’s acting inspector general, urging inquiry into whether staffing shortages contributed to “the catastrophic loss of life.” Tom Fahy, legislative director at the National Weather Service Employees Organization, said that vacancies at the Texas offices did not cause any problems during the floods. “The forecasts went out, they communicated the forecasts, they disseminated the watches and warnings. And the dilemma we have is there was nobody listening at 4 o’clock in the morning for these watches and warnings.” *Politico* 07/07/2025

Governor Abbott announced a special legislative session that will begin July 21 and include 18 agenda items, including legislation to: (1) improve early warning systems; (2) strengthen emergency communications; (3) provide relief funding for Hill Country floods; and (4) evaluate and streamline regulations to speed natural disaster preparedness and recovery.

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.