



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 - J.D. Strong; Editor - Elysse Ostlund Campbell

CONGRESS/WATER RESOURCES

Weather Act Reauthorization Act

On September 10, the House Committee on Science, Space, and Technology held a full committee markup of the Weather Act Reauthorization Act (H.R. 5089). Chairman Brian Babin (R-TX) highlighted the bipartisan nature of the bill. The bill equips the National Oceanic and Atmospheric Administration (NOAA) with tools to improve severe weather forecasting, specifically by modernizing research programs, developing new research and technology programs, enhancing the speed and effectiveness of communicating emergency alerts to the public, and expanding NOAA's authority to access commercial weather data. He said: "Together, these provisions put NOAA on the strongest path toward a new Golden Age of science and toward fulfilling its most important mission: protecting life and property."

Members proposed and approved by voice vote the following amendments: (1) Rep. Haley Stevens (D-MI), to expand and modernize NOAA's tornado research program; (2) Rep. Pat Harrigan (R-NC), to prohibit NOAA from acquiring uncrewed aerial systems (drones) manufactured by foreign adversaries after October 1, 2029, and to require a report on compliance; (3) Rep. Keith Self (R-TX), to prioritize harmful algal bloom and hypoxia programs; (4) Rep. Laura Gillen (D-NY), to improve understanding and capacity of coastal communities to receive and respond to rip current forecasts; (5) Rep. Laura Gillen (D-NY), to ensure that each of the Central Weather Service Units (CWSU) of the National Weather Service is adequately staffed based on guidance provided by the Director of the NWS; (6) Rep. Scott Franklin (R-FL), to expand the use of artificial intelligence (AI) in weather, water, and space weather forecasting; (7) Rep. Gabe Amo (D-RI), to direct the Commerce Department to brief Congress on the status of ocean observation networks and programs, identify existing gaps, and develop a plan to address them; and (8) Chairman Brian Babin (R-TX), to establish a project to improve forecasts of coastal marine fog to enhance vessel safety and mitigate the economic effects of coastal marine fog events. The Committee approved and ordered the bill reported as amended.

WATER RESOURCES

Corps/Western Water Cooperative Committee

On September 4, the Army Corps of Engineers (USACE) hosted a preliminary meeting of the Western Water Cooperative Committee (WWCC) to discuss some organizational logistics and administrative details. The WWCC was authorized by Congress in the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (H.R. 7776) (P.L. 117-263). Division H contained the 2022 Water Resources Development Act (WRDA), and §8158 directs the Army Corps of Engineers to establish the WWCC and meet at least once a year in one of the Western States.

The purpose of the WWCC is "to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of Corps of Engineers projects and water rights and water laws in such States." This includes both USACE-owned flood control projects as well as reservoir projects constructed or operated by other federal, non-Federal, or private agencies that are subject to USACE flood control and navigation regulations and operational guidance under §7 of the 1944 Flood Control Act. A list of both kinds of projects is available in Engineer Regulation (ER) 1110-2-240, Appendices C and D. See https://www.publications.usace.army.mil/portals/76/publications/engineerregulations/er_1110-2-240.pdf

The membership of the WWCC includes: (1) the Assistant Secretary of the Army for Civil Works or a designee, currently filled by designee Lee Forsgren, Principal Deputy Assistant Secretary of the Army (Civil Works); (2) the Chief of Engineers or a designee, currently filled by designee Ryan Fisher, Acting Deputy to the Deputy Commanding General for Civil and Emergency Operations; (3) two representatives from each Western State appointed by the governor and the attorney general, and (4) one employee from each of the impacted regional offices of the Bureau of Indian Affairs (BIA). Of the Western State representatives, all of the governor appointments have been sent to USACE, with four recent appointees pending affirmation from the

Secretary of Defense (New Mexico, South Dakota, Texas, and Washington). For the attorneys general representatives, three appointees are pending affirmation (Nevada, Oregon, and Utah), and two representatives have not yet been appointed (South Dakota and Texas). BIA regional representative appointments are in progress.

The first formal meeting is tentatively scheduled for the week of December 1-5 in Bismarck, North Dakota. The duration of the meeting will depend on the topics WCCC members would like to discuss. WWCC members are invited and encouraged to submit their topics to the WWCC Chair, Chris Brown, and copy the WSWC Deputy Director, Michelle Bushman, no later than September 17.

Other administrative details on the call included the roles of the USACE designated federal officer Sean Smith and alternate federal officer, Virginia Rynk; the need for timely information from all representatives for travel orders to ensure reimbursement of travel costs to the December meeting; and the importance of having a quorum present in person at the meeting (which will be a majority of approved members). The WWCC will develop recommendations to ensure flood control projects align with congressional directives, with a focus on minimizing conflicts with water rights and laws.

The USACE has created a WWCC website: <https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/Western-Water-Cooperative-Committee/>

Additional information is also available at the WSWC website: <https://westernstateswater.org/topical-resource/s/western-water-cooperative-committee/>

WATER QUALITY

Federalism/§401 Certification Authority

On September 7, WSWC sent a letter to EPA to engage in the federalism consultation triggered by the establishment of the public docket on Implementation Challenges Associated with Clean Water Act (CWA) §401. WSWC referenced the policies in Position #521, including lands of exclusive federal jurisdiction and reopener clauses, and emphasized State authority under the CWA. The letter expressed concerns due to frequent regulatory changes. It noted WSWC's support of infrastructure and energy development, as well as streamlining permitting processes, while respecting State authority to manage and protect their water resources. The letter urged meaningful engagement with States on these issues and stated: "As EPA considers feedback, we urge the agency to engage meaningfully with individual states as co-regulators, to cooperatively

assess the implementability of the 2023 CWA Section 401 Water Quality Certification Improvement Rule (2023 Rule) and the needs of state regulators moving forward. Should the Administrator determine to promulgate a policy change to the operating rule, changes should materially reflect these discussions." <https://westernstateswater.org/policy-letters/2025/wswc-letter-401-federalism/>

PEOPLE

Western States Water Council

The WSWC is pleased to announce the appointment of **J.D. Strong** as its new Executive Director, effective September 1, 2025, following the retirement of longtime Executive Director **Tony Willardson**. Tony's retirement comes after 46 years of dedicated service to the WSWC. Tony was appointed Executive Director in July 2009 having served the Council in various roles since 1979. We extend our sincerest gratitude to Tony for his leadership, expertise, and tireless advocacy for western water resources. His influence will continue to be felt for many years to come. We are going to miss him and wish him all the best in a well-deserved retirement.

J.D. Strong represented Oklahoma at the WSWC from 1999 to 2016, during which time he served as WSWC Secretary/Treasurer, chaired the Water Quality Committee, was an active member of the Executive Committee, and contributed to numerous subcommittees. Strong most recently served as Director of the Oklahoma Department of Wildlife Conservation and previously as Director of the Oklahoma Water Resources Board (OWRB), giving him decades of leadership experience in natural resources at the state, regional, and national levels. We congratulate JD on his new role and warmly welcome him to our team.

J.D. said: "I'm honored and excited to step into this role. The Council has always been a special organization to me—where states come together to find practical, collaborative solutions to western water challenges. I'm also eager to work alongside the talented and dedicated WSWC staff, who are already doing great work. Together, we'll build on Tony's incredible legacy and continue supporting our member states as they protect and manage this most precious resource in the West."

WSWC Chair Julie Cunningham said: "J.D. brings a unique blend of deep experience and energy to this role. Having started our careers at OWRB around the same time, I have long admired J.D.'s leadership and commitment to advancing sound water policy. The Council is fortunate to welcome him back in this new capacity." <https://westernstateswater.org/announcements/2025/wswc-welcomes-new-ed-jd-strong/>

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.