

**Written Testimony of Jack Waldorf, Executive Director
Western Governors' Association**

**Submitted to the United States House of Representatives
Committee on Appropriations
Subcommittee on Energy and Water Development, and Related Agencies
March 27, 2023**

Fiscal Year 2024 Appropriations

Chairman Fleischmann, Ranking Member Kaptur, and Members of the Subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide testimony on the appropriations and activities of the federal agencies under the Subcommittee's jurisdiction, including the Department of Energy (DOE), Federal Energy Regulatory Commission (FERC), Bureau of Reclamation (BOR), and U.S. Army Corps of Engineers (Corps). WGA is an independent organization representing the Governors of the 22 westernmost states and territories. It is an instrument of the Governors for bipartisan policy development, information sharing and collective action on issues of critical importance to the western United States.

The agencies within the Subcommittee's jurisdiction wield significant influence over the American West and the development of energy and water resources in the region. Western Governors recognize the importance of a close and productive working relationship between states and the federal government and understand that more effective intergovernmental cooperation depends on federal recognition of states as co-sovereigns and partners. The promotion of a greater partnership between states and the federal government is central to the mission of WGA and is reflected in WGA Policy Resolution 2021-01, Strengthening the State-Federal Relationship. WGA Policy Resolutions 2022-01, Energy in the West; 2021-08, Water Resource Management in the West; 2021-10, Water Quality in the West; and 2022-09,

Radioactive Materials Management, communicate Governors' collective perspectives on energy and water policy priorities and infrastructure needs.

States possess primary legal authority for the allocation, management, protection, and development of water resources in their borders. Congress should recognize the burden federally-mandated standards pose on state and local government resources in meeting those standards. Without undermining states' authority over water resource management, Congress should ensure adequate funding is available for new water projects, as well as improvements to aging water, wastewater and hydropower facilities. Infrastructure investments are essential to our nation's continued economic prosperity, electricity generation capacity, and environmental protection. The Subcommittee should also continue to fully use receipts accruing to the Reclamation Fund for their intended purpose: the conservation, development, and use of resources to meet western water-related needs. Western Governors support the construction of congressionally authorized BOR rural water projects and facilities that are part of congressionally-authorized Indian water rights settlements.

Western Governors emphasize the important functions of BOR's WaterSMART Program and the Corps' Planning Assistance to the States Program, which support investments in modern water delivery infrastructure and comprehensive water resources planning, respectively. The Subcommittee also should recognize the potential of greater private investment in water infrastructure, utilizing and promoting, where appropriate, such tools as loan guarantees, revolving funds, infrastructure banks, and water trust funds. Western Governors urge that capital budgeting and asset management principles be used to determine funding priorities based on long-term sustainability and not annual incremental spending choices.

The scarce nature of water in much of the West makes it particularly important to Western Governors. Western states rely on basic information on the status, trends, and projections of water resource availability to make sound water management decisions. Water users throughout the West and decision makers at all levels of government need the ability to assess drought conditions and respond effectively. Lacking the ability to implement drought mitigation measures when needed can lead to increased wildfires, impaired ecosystems, degraded agricultural production, and threatened municipal and industrial water supplies. For these reasons, Western Governors support strong and dedicated funding to Corps and BOR programs that make water data available to water managers.

Given the numerous federal agency programs, policies, and regulations directly affecting the collective states, agency coordination with states and the integration of state data into federal programs for policymaking is paramount to their success. Western Governors support full and consistent federal funding for agencies to carry out the requirements of the Foundations for Evidence-Based Policymaking Act of 2018 (Pub. L. 115–435) and encourage the Subcommittee to direct federal agencies to improve their internal processes and coordinate with states on federal data policies and procedures, as required in the Act.

The spread of invasive mussels, crabs, and aquatic vegetation continues to be a major threat to western water resources. The containment of these invaders in infested waters in the West depends upon the collaboration and cooperation of federal, state and local agencies. Many state-led containment programs benefit from federal cooperation and funding. Western Governors request that the Subcommittee provide BOR with the necessary funding to collaborate with western states to contain the spread of aquatic invasive species.

Energy generation and delivery systems are undergoing rapid, significant change across the West. Western Governors encourage the Subcommittee to support new and existing programs focused on investments in grid infrastructure hardening and weatherization technologies, vegetation management in utility corridors, the undergrounding of electrical equipment, and enhanced cybersecurity defense systems for electricity providers.

Western Governors support a variety of federal programs that promote energy systems planning, energy efficiency upgrades, and the adoption of innovative energy technologies in rural areas. Western Governors encourage the Subcommittee to provide adequate funding for the State Energy Program, which is key for state efforts on planning for transmission and distribution infrastructure and transportation electrification infrastructure. In addition, Western Governors encourage the Subcommittee to provide FERC with additional support to enhance staff and resource capacity to conduct transmission infrastructure environmental review and permitting activities in a timely manner.

Western Governors emphasize the importance of permitting and completing infrastructure projects on efficient timelines. Leveraging existing rights-of-way or collocating projects along linear infrastructure assets can help support permitting and environmental review efficiencies. Western Governors encourage the Subcommittee to support strategies that improve coordinated permitting and environmental review practices across ownership boundaries.

Western Governors are committed to making make the West an international hub for new energy technology and request that the Subcommittee fund research, development, demonstration, and deployment of advanced energy and energy storage technologies, including geothermal, battery, hydrogen, pumped hydropower, and compressed air. DOE's National Laboratories serve a crucial role in energy research and development across the West. Western

Governors also note the importance of emerging tools and technologies that address barriers to mineral supply chain reliability, including technologies that help recycle or reuse existing critical mineral resources, and encourage the Subcommittee to support DOE programs focused on critical mineral and battery manufacturing, processing, and recycling.

Continued funding for DOE's Waste Isolation Pilot Plant (WIPP) Transportation Safety Program is essential to the cleanup and disposal of transuranic (TRU) waste from U.S. nuclear weapons complex facilities in western states, including Idaho National Laboratory, Los Alamos National Laboratory in New Mexico, Lawrence Livermore National Laboratory in California, and the Hanford Site in Washington. DOE must continue to provide sufficient and timely in-kind, financial, technical and other appropriate assistance to states and tribes through whose jurisdiction TRU waste will be transported. The safe and uneventful transportation of TRU waste is a priority of Western Governors, and WGA encourages the Subcommittee to provide adequate funding to ensure that the important work of the WIPP Transportation Safety Program continues. Furthermore, Congress should refrain from advancing the interim storage of nuclear waste through the appropriations process without the written consent of the current Governor in whose state or territory the facility is to be located.

Western Governors and federal agencies deal with a complex web of interrelated energy and water resource issues. It is an enormous challenge to judiciously balance competing needs and Western Governors appreciate the difficulty of the decisions this Subcommittee must make. The foregoing recommendations are offered in a spirit of cooperation and respect, and WGA is prepared to assist you as the Subcommittee discharges its critical responsibilities.