The national water policy, which has evolved over the past 30 years, exists today as a cumbersome and poorly coordinated effort to manage our nation's water resources. Jurisdiction for federal water projects is scattered throughout agencies of the federal government and committees of Congress. The National Conference of State Legislatures sees a need for clearer, more coordinated and more consistent federal policies. These policies, however, should recognize and build upon the constitutions, statutes, policies and programs of the states as the fundamental basis for a truly national effort toward better water resources management. The federal government should recognize that water resources policy can and must be developed at the state level. The appropriate role for the federal government should be to provide technical, research and financial assistance to the states at their request.

Historically, the states have developed water resources management programs through legislative action, judicial deliberations and financial contributions. Therefore, the primacy of the states' role deserves special recognition in federal policy and the states should have the policymaking prerogative. An effective state-federal partnership cannot be expected to result from a revision of federal policies unless states are given the opportunity to review and develop their own.

However, the nature of federal activities in water resources management, involving direct actions by federal agencies, an array of narrow categorical grant programs for specific management purposes, and a similar range of regulatory programs has been a major barrier to comprehensive management and appropriate action at the state, local and interstate levels.

NCSL believes that there must be more concerted attention to the need for water conservation, both within and between federal and state governments, to the planning and implementation of water resources development and to water quality improvement. If
adequate supplies of this precious resource are to be ensured for future generations, there is
much in current practice and policy that must be improved.

NCSL endorses the following principles:

- The states have the primary authority and responsibility for water resources management. Primary authority and responsibility for water resources management functions, including planning, development and regulation, rest with the states and their delegated interstate agencies. Water resources management, wetland protection, coastal zone management, and soil conservation projects should be clearly delineated by Congress as the primary responsibility of the states and their delegated interstate agencies, with federal oversight.

- A national water conservation initiative should be undertaken to encourage water conservation at the federal, state and local levels. Functions such as navigation and flood control and other issues at the prerogative of the state should continue to be shared with the federal government to the degree appropriate. Federal policy must recognize and respect the rights of the states to administer their individual water laws and to manage their water resources.

- The role of the federal government is four-fold: (1) to establish a framework of national objectives developed in cooperation with the states; (2) to provide assistance to the states in the development of programs to meet state needs within such a framework; (3) to be consistent with such state programs to the maximum extent possible when undertaking direct federal actions pursuant to the national interest; and (4) to coordinate agency activities through a national coordinating entity reporting directly to the President and with provision for adequate state and public input.

- The responsibility of the federal government is to establish, in full cooperation with states and other appropriate interests, national objectives for the protection, management, restoration, development, and use of water and related resources to meet national economic, environmental and social objectives and to assist in implementing such policies in federal actions and through assistance and support for state actions.

- The essential steps toward orderly, efficient and balanced water resources management are to recognize the primary responsibility of the state and to put each
state in the position to secure, in cooperation with local governments, coherent water
management strategies.

Federal policy should be directed toward strengthening the capacity of the state to act as the
integrator and manager of all programs affecting the water resources of the state. To do so
effectively, states need:

- Realistic and dependable financial support to integrate management activities through
  expansion of provisions for state assistance;
- Full funding of authorized programs consistent with congressional intent;
- Capable technical assistance, at state request, from federal agencies such as the U.S.
  Environmental Protection Agency (EPA), Soil Conservation Service (SCS), the Bureau
  of Land Management, the Corps of Engineers, or the Bureau of Reclamation,
  possessing extensively developed expertise;
- Additional research assistance, at state request, (for example, the water resources
  research centers established under the Water Resources Act of 1964, or similar
  legislation) and information on water conserving devices;
- A common platform for compiling and accessing data across programs and agencies
  that is available to local, state, interstate and federal stakeholders; and
- Assurance that direct federal actions will be consistent with state programs,
  responsive to national policy, and carefully evaluated against mutually agreed upon
  standards.
- There must be continuity in federal support for water management programs. Effective
  scheduling of local and state government appropriation processes and personnel
  recruitment is made extremely difficult by sharp variations in federal funding levels and
  by the failure to fully fund authorized programs.
- Federal actions must be consistent with adopted state and interstate water and related
  resources plans and programs. A major frustration among regional, state and local
  water resources decision makers is the problem of securing consistency of federal
  projects with federally-assisted water planning programs.
- There must be greater flexibility in the entire federal support system for water resource
  planning and management.
Federal project evaluation, planning, financing, cost sharing, and cost recovery policies should be reviewed and simplified.

Project evaluation should promote equal consideration of both structural and non-structural solutions.

Existing federal policies present a bewildering array of planning, evaluation, financing, cost sharing, and cost recovery options for direct federal and federally-assisted water projects and programs. Inequities exist among those who pay for and those who benefit from such projects and programs. Moreover, many existing programs create inherent financial biases which favor certain solutions to water problems over others, sometimes resulting in the approval of programs of only marginal utility. Accordingly, NCSL urges that:

- Cost-sharing policies should be consistent among alternative means for achieving the same purpose. This means uniformity among cost sharing policies for both structural and non-structural alternative solutions to a problem under existing agency authorities and broadening some agency authorities to permit consideration of more alternatives.
- Cost sharing policies should be consistent among federal agencies for the same purposes. There should be no financial grounds for non-federal participants to "shop around" for the best deal.
- The public participation requirements of project planning and evaluation criteria should be aggressively carried out.

Water conservation must be a fundamental consideration in all future water management programs.

A national water conservation initiative reflecting regional variations, as defined below, must be the cornerstone of national water policy. Water conservation involves the more efficient use of water in: (1) day-to-day uses; (2) resources allocation including conjunctive uses; (3) drought management and response activities; and (4) effective use of seasonal water including storage where necessary. National policy must be flexible enough to accommodate both environmental and economic differences which may vary region by region.

Accordingly, NCSL recommends:
- A national water conservation initiative implemented by the states as a part of their total water management programs with federal financial and technical assistance including a component for evaluation of the true benefits and costs of conservation;
- Encouraging comprehensive management of intermittently available freshwater resources to maximize the availability of surface and groundwater supplies;
- Examining closely the incentives and disincentives for encouraging conservation, recycling and reuse of water such as the practice of “use or lose” water rights; and
- Examining and promoting where feasible the practices of conjunctive use of water supplies.

Increasing the coordination between programs focused on water quality and water quantity at the various mission oriented agencies such as the U.S. EPA and the Corps of Engineers

The federal government currently supports a wide variety of water research programs, both through the individual federal water agencies and through the state water resources research centers created under the Water Resources Research Act of 1964 and coordinated by the Bureau of Reclamation in the Department of Interior. Through those vehicles, important research has been conducted in all phases of water management. However, little coordination exists among these programs and no specific mechanism exists which can focus the water research establishment on the planning and management concerns of the nation’s principal water managers—the states.

NCSL recommends that:

- At the federal levels, there should be greater coordination among the many mission oriented federal agency research programs by tying them more closely to a national coordination entity housed in an existing federal agency with relevant jurisdiction; and
- At the state and regional level, require that the research agenda of both the federal agencies and the federally-supported water resources research centers be developed in conjunction with the expressed research needs of the state.
- Congress should recognize state primacy over all water rights within each state’s boundaries and bring to closure the debate on the Federal Reserve Water Rights Policy.