



Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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CONTACT: [Press Office](#)
202-226-9019

Witnesses Agree Proposed Water Rights Regulations Continue the “Obama Knows Best” Water Policies

Letter to USDA Urges Withdrawal

WASHINGTON, D.C. – Today, the House Natural Resources Subcommittee Water and Power held an oversight hearing on *“New Federal Schemes to Soak Up Water Authority: Impacts on States, Water Users, Recreation, and Job's.”* The hearing examined recent actions by the Obama Administration to turn over longstanding water rights and eliminate multiple land and water uses on and off federal lands.

The proposed “Waters of the U.S.” regulation and the U.S. Forest Service’s Groundwater Directive are additional measures proposed by the Obama Administration that many believe are land and water grabs. The U.S. Department of Agriculture (U.S. Forest Service) and Bureau of Reclamation refused the Committee’s invitation to send witnesses to testify and answer questions regarding the proposed regulations. At the beginning of today’s hearing, the House and Senate Western Caucus and Water and Power Subcommittee Chairman Tom McClintock released a [letter](#) from House Members and Senators across the country urging U.S. Department of Agriculture Secretary Tom Vilsack to withdraw the Groundwater Directive.

“I believe that these proposals open a new chapter in executive agencies running amok – seizing powers by their own edicts that have been specifically denied them by the legislation that created them in the first place,” said Subcommittee on Water and Power Chairman Tom McClintock (CA-04). “They fundamentally alter the relationship between the legislative and executive branches and the relationship between the states and the federal government - all in a manner wholly antithetical to the structure and construct of our system of check and balances and of the sworn duty of every official to abide by the laws and Constitution.”

“We can foster water development for people and species if the federal government chooses not to erect hurdles to new projects. Yet, the two proposals in front of us – the EPA’s ‘Waters of the U.S.’ and the Forest Service’s new ‘Groundwater Directive’ do nothing more than make it more difficult to rehabilitate or build new projects that benefit agriculture, municipalities, species and habitat,” said House Committee on Natural Resources Chairman Doc Hastings (WA-04).

Witnesses at the hearing testified on the impacts of the proposed Obama Administration regulations, including higher food, water, and electricity costs, undermining of states' rights; and current and future water supply infrastructure.

Mr. Patrick Tyrrell, State Engineer, State of Wyoming, testified how the Forest Service's Groundwater Directive will fundamentally change federal water management and harm states' rights. *"It changes the Forest Service's national policy on water management and challenges Wyoming's authority over groundwater within our borders, including Wyoming's primacy in appropriation, allocation and development of groundwater. The USFS states that this Proposed Directive does not harm State rights. This is not accurate. The assumptions, definitions, and new permitting considerations contemplated under the Proposed Directive materially interfere with Wyoming's authority over surface and groundwater, and will negatively impact the State's water users."*

Mr. Larry Martin, National Water Resources Association, testified that the Waters of the U.S. rule will create new federal permitting schemes. *"Many geologic and man-made water related features common to the arid West, including ditches, dry arroyos, washes, and ephemeral streams that flow only in response to agricultural return flows or infrequent storm events will now become subject to federal jurisdiction and permitting."*

Mr. Randy Parker, Chief Executive Officer, Utah Farm Bureau Federation, discussed the impacts of the proposed regulations on the agriculture and food production. *"The pervasive culture and attitude of the leaders and employees of the United States Forest Service has become even more confrontational during the Obama Administration. They are seeking to exercise greater control over the System lands that includes reductions in grazing rights, controlling water and challenging access. These detrimental actions are seemingly without regard for the history, culture and economics as required by federal laws including the Federal Land Policy Management Act."*

Mr. Rodger Clark, Director, Engineering and Operations, Associated Electric Cooperative, Inc, demonstrated that the Waters of the U.S. rule could increase permitting costs to ratepayers from the proposed regulations. *"We are concerned that under the proposed rule, transmission rights of way may be considered waters of the U.S. Transmission rights of way are often simple ditches alongside roads. These ditches receive road runoff, which could grow cattails even though they infrequently hold water. EPA and the Corps have said that they are exempting ditches that drain only upland and are constructed in uplands, but the term "upland" is not defined. This gives the federal government the final say on whether or not ditches are eligible for the exemption."*

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