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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Opening Statement By
Congressman Paul A. Gosar
At the Subcommittee on Water and Power
Legislative Hearing on H.R. 470, H.R. 489 and H.R. 818
May 12, 2011 - 10:00 a.m.

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Good morning:

First, I would like to take this opportunity to thank Chairman McClintock and Ranking Member Napolitano for holding a legislative hearing on H.R. 489, a bill aimed clarifying the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir. It is not often Congress gets the opportunity to focus on the details of infrastructure, but it is dams like this, which provide power and water, that form the backbone of our communities. This legislation is a common-sense solution to the bureaucratic wrangling that has occurred between the Department of Interior and Agriculture that compromises routine maintenance of critical water infrastructure in my district.

The C.C. Cragin project, formerly known as Blue Ridge, consists of a number of facilities, including a dam and reservoir, diversion tunnel and pump shaft, pumping plant, priming reservoir, pipeline, electrical transmission line, and a generating plant. The majority of the project is located on federal lands in the Coconino and Tonto National Forests.

This critical water infrastructure project is an important aspect of Salt River Project Federal Reclamation Project. It is integral to providing a water supply for Phoenix, the fifth largest city in the country, and is instrumental in making 3,500 acre-feet of water a year available to the Gila County. The Town of Payson and the neighboring communities in the county rely on the pipeline to supply municipal drinking water to their residents, my constituents.

In 2004, at the request of the SRP and with the support of Reclamation and the former owner of the project, the Arizona Water Settlements Act authorized the title transfer of the C.C. Cragin Project from SRP to the Bureau of Reclamation. Under this language, the federal government would own the Project, but SRP would still operate and maintain it.

Once that legislation was implemented, it became clear that there was a disagreement between the U.S. Forest Service and the Bureau of Reclamation over who had the responsibility for approving requested operation, maintenance and repairs related to the C.C. Cragin Project. Specifically, the Bureau of Reclamation argued that it should approve SRP's work plans, environmental compliance, and other regulatory permitting requirements associated with the

project. The U.S. Forest Service asserted that Reclamation was required to obtain a special use permit to operate, maintain, and repair the water project.

This simply isn't a tenable situation for short-term or long-term management of the C.C. Cragin project. The bureaucratic wrangling has delayed much needed repairs to the Cragin facilities, increased repair costs, and placed the economic development project of the Town of Payson at-risk.

On January 26th of this year, I introduced H.R. 489 to settle this jurisdiction issue once and for all. I appreciate the committee moving this important legislation forward in an expeditious manner. This is not the first time this Congress, and this Committee, has been forced to address this type of bureaucratic dispute and I hope that future situations can be resolved in a more timely and efficient manner.

The language in this legislation reflects a compromise reached by the relevant parties in thorough negotiations. It grants the Department of Interior exclusive jurisdiction to manage the Cragin Dam Project and grants the Department of Agriculture administrative jurisdiction over land management activities that do not conflict or adversely affect the operation, maintenance, or replacement/repair of the project.

The bill meets the needs of SRP and Reclamation to ensure the infrastructure can be maintained, while accommodating the Forest Service, ensuring they continue to manage the lands underlying the utility corridor with respect to recreation, wildfire, law enforcement, and other activities consistent with its authorities, responsibilities, and expertise.

It is important to note, this legislation does not relieve the Bureau of Reclamation or SRP from compliance with all requirements under federal law including the National Environmental Policy Act (NEPA). In addition, the implementation of this legislation has no cost to the taxpayer.

I look forward to hearing today's testimonies, and ultimately moving this bill forward through the legislative process. It is critical to my community that a solution is met that ensures the future management of the C.C. Cragin project.