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U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

Opening Statement by The Honorable Tom McClintock Chairman, House Water and Power Subcommittee Before the Legislative Hearing on H.R. 1837, "The San Joaquin Valley Water Reliability Act" June 2, 2011 at 10:00 a.m.

The tragedy of the man-made drought in California's San Joaquin Valley has occupied a considerable amount of the subcommittee's attention, and today we meet to consider H.R. 1837 by Congressman Nunes.

California's Central Valley was devastated in 2009 and 2010 by the deliberate diversion of hundreds of billions of gallons of water away from Central Valley agriculture to satisfy environmental edicts for salmon and delta smelt. The practical effect of this action was to destroy a quarter million acres of the most productive farmland in America and throw thousands of hard-working families into unemployment.

This occurred:

- Despite the findings of the Northwest Fisheries Science Center that determined the Pacific Decadal Oscillation was the principal factor in salmon migration;
- Despite the California Department of Water Resources analysis of pumping flows that determined the pumps' influence on salmon and smelt migration is negligible compared to natural tidal flows; and
- Despite the findings of the Federal District Court that the U.S. Interior Department's 2006 biological opinion on Delta smelt was "arbitrary, capricious and contrary to law."

I vividly recall Interior Secretary Salazar's testimony to the full House Natural Resources Committee in 2009, in which he admitted that he had the authority to suspend federal restrictions on pumping but chose not to do so because, quote "that would be like admitting failure."

After two years of failed attempts to get this sub-committee to hold a hearing in the Central Valley, the new Republican majority did so earlier this year. Attended by an overflow audience – many of whom were unemployed farm workers – the committee learned that despite one of the wettest years on record – with snowpacks at 165 percent of normal, farms had been guaranteed just 75 percent of their contracted water.

We heard that California's San Joaquin Valley is ground zero for what's gone wrong with our current federal water policy: the deliberate creation of water shortages by governmental fiat and

the abandonment of the government's responsibility to develop our water resources for the prosperity of our nation.

The bill before us today seeks to respond to this government-created disaster with several important steps:

- It restores the original structure of the Central Valley Project Improvement Act, as that act was sold to Congress by its sponsors in 1992 by limiting bureaucratic takings of water by fiat;
- It strengthens our ability to control non-native predators that are decimating native fish populations in the Delta and strengthens our ability to dramatically increase native fish populations with fish hatcheries;
- It brings transparency to the CVP Restoration Fund, a federal slush fund that despite \$800 million of expenditures has had no measurable effect on environmental improvements; and
- It provides Central Valley Project water customers the ability to pre-pay water contracts in the same way that a homeowner can pre-pay a mortgage.

I have found the attacks on this reform wildly disingenuous.

The central complaint is the pre-emption of state water rights authority. The Left never complains when the federal government pre-empts states seeking relief from overly burdensome federal regulations but it becomes selectively offended when the federal government pre-empts "greens-gone-wild" regulations typical of states like California. But in either case they ignore the long-established fact that when the federal government participates in a project it takes supremacy over issues arising from that project.

Like all movements, the impetus for stronger environmental protection of our air and water was firmly rooted in legitimate concerns to protect these vital resources. But like many movements, as it succeeded in its legitimate ends, it also attracted a self-interested constituency that has driven far past the borders of commonsense and into the realms of political extremism and outright plunder and I am hopeful that we are now entering an era when common sense can be restored to our water policy.

Protecting endangered species is a worthy goal and worthy goals need to be pursued with common sense and sound science, not left-wing ideology and junk science. We need to ask whether the enormous wealth consumed by these policies has made any significant contribution to enhancing endangered populations – particularly compared to far more effective and less expensive alternatives, including predator control, increasing overall water supplies and hatchery production.

This bill does so, and as such is the first step in bringing the policy pendulum back toward a sensible balance between environmental and human needs.