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U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

Opening Statement of Chairman John Fleming Subcommittee on Water, Power and Oceans

On Tuesday, April 14th, 2015

1324 Longworth House Office Building

"Proposed Federal Water Grabs and Their Potential Impacts on States, Water and Power Users, and Landowners"

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Today, the Subcommittee on Water, Power and Oceans meets to review federal proposals that could increase water and power rates and help perpetuate drought.

Adequate and reliable water supplies are necessary for our continued success as a nation.

Historically, most of our water resources have been managed at the state and local levels – and rightly so. Even federal dams and reservoirs deliver water based on the premise of state –granted water rights.

While the federal Endangered Species Act and some federal laws continue to override some of those state water rights, this Administration has pushed the envelope with proposals aimed at super-ceding historical state and local water actions.

The Administration has a history of rolling out ill-explained and ill-informed Washington, DC-knows-best proposals in recent years only to stand down later after hearing backlash from the public. The so-called Blueways program was the first, followed by the ski areas water clause, then followed by the Forest Service's Groundwater Directive which could have impacted 155 National Forests, including the Kisatchie in Louisiana.

The people who depend on multiple uses of our waters and public lands have felt they've played the Whack-a-Mole game with these Administration proposals. There seems to be no end in sight.

These proposals – and the Waters-of-the-US regulation sitting at the White House now – have been drafted under the guise of quote "clarifying" unquote the authority of federal agencies. Only in Washington, DC would 'clarification' mean federal expansion. The end result could be federal jurisdiction over ditches and other water bodies currently regulated at the state and local levels and regulatory chaos.

These proposals would be a litigant's dream and a private property owner's nightmare....and potentially higher water and power rates which we will hear about today.

Throughout today, we will hear about the Administration's inability to communicate with those most affected by these proposals. The EPA and the Forest Service have reacted with

what some have termed apology tours. It begs the question of why they failed to engage our nation's governors, water users and others in the first place to help avoid this mess.

The witnesses before us today represent some of the stakeholders who were forgotten in the federal agency process. I would especially like to welcome the hard-working folks from the National Water Resources Association, many of which are in the audience today. They see firsthand how these proposals will impact the water customers they serve.

It's telling from what the President called quote "the most transparent Administration in history" unquote that the federal agency NWRA's members primarily work with – the Bureau of Reclamation – refused to show up and answer questions about the potential impacts of these proposals.

I would also like to welcome Mr. Mike Heinen, the General Manager of the Jeff Davis Electric Cooperative in Jennings, Louisiana for being here today. I commend Mike for his efforts to keep the lights on for Louisianaans and for telling his story on how these proposals will make it harder for him to do so.

It's simply time for these federal agencies to start over and do it right. Communication with the American people is the first step.