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

Opening Statement by
Chairman Tom McClintock
House Subcommittee on Water and Power
At the Oversight Field Hearing on
"Questionable Fish and Environmental Lawsuits:
Jobs and Water Supplies at Risk in the Inland Empire"
Highland, California
October 18, 2011

In the 112th Congress, this Subcommittee has focused on restoring abundance as the principal objective of federal water and power policy. A generation ago, the West was blessed with engineering visionaries who recognized that the prosperity and quality of life in states like California depended on harnessing their enormous resource potential.

These giants had the foresight to construct the dams, hydroelectric facilities and canal systems that laid the foundation for the thriving industry and commerce that made this state truly golden. At the same time, these projects greatly improved the environment by providing flood control that tamed the devastating cycle of floods and droughts that regularly ravaged the environment and devastated the region, while making possible year-round cold-water fisheries that did not exist without the dams.

Unfortunately, a generation ago, a radical and retrograde ideology seeped into our public policy, which its practitioners called the "era of limits." These ideologues abandoned projects in mid-construction, erected impossible bureaucratic barriers to further development of these resources and began the process of diverting vast amounts of water and power away from human use for such pet causes as the Delta Smelt, and as we will hear today, the Santa Ana Sucker Fish.

Throughout the West, there is a growing litany of heart-breaking stories of the human suffering this has caused.

One example is the diversion of 200 billion gallons of contracted water from the Central Valley for the enjoyment of the Delta Smelt. This policy has laid waste to a quarter-million acres of the most fertile farmland in America and destroyed thousands of jobs. It is no accident that four of the ten metropolitan areas with the highest unemployment in the nation are all in California's Central Valley.

Earlier this year, the sub-committee held a similar field hearing in Fresno so that the local community could tell its story directly to those responsible. This sub-committee heard tearful

testimony of how a region that once prided itself on producing a sizeable portion of the nation's fruits and nuts now imported food from China to stock its food lines.

Today's hearing involves a similar situation that threatens to permanently damage the economy of this region – in the name of a six-inch fish called the Santa Ana Sucker. Once again, it appears we face a taxpayer-financed environmental litigant blissfully unconcerned about the economic suffering it is causing to a region of millions of people, while attaining little, if any, advantage to the fish.

They seek to destroy the usefulness of the Seven Oaks Dam to provide desperately needed water supplies for the people of this region by invoking the Endangered Species Act in a manner that the science simply does not support. Even the notorious State Water Resources Control Board, hardly a bastion of water development, recognized the need to appropriate water rights from the dam to help provide local water for local use.

No doubt, the next step, having rendered the Seven Oaks Dam functionally useless will be to advocate its destruction, as we are watching in other regions, most notably on the Klamath and Columbia Rivers.

They have found willing accomplices in this administration. In so doing, the federal agencies involved have deliberately ignored the economic and scientific arguments and insist on designating critical habitat that has never supported the suckerfish before.

I note that Congressmen Lewis and Calvert, who are here today, along with Congressman Joe Baca and others, have asked this Administration to withdraw its flawed regulation. I applaud them for their efforts and I thank them for their leadership on this issue.

In the Central Valley, a federal court has already declared that these agencies are acting in an arbitrary and capricious manner, and using what can only be described as "junk science" to support political objectives that are causing vast economic damage and hardship to millions of Americans struggling to survive in a difficult economy.

Meanwhile, this matter is also now in litigation. I want to make it clear that when a court rules that an agency has acted not because of an honest difference of opinion, but has abused its authority in an arbitrary and capricious manner, and has caused enormous damage as a result, this sub-committee must take notice.

If I have anything to say about it, this sub-committee will act to identify the specific officials responsible – up and down the chain of authority – hold them accountable for the damage they have done and seek to separate them from the power that they have abused.