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

Opening Statement
Chairman Tom McClintock
Subcommittee on Water and Power
Wednesday, July 17, 2013

1334 Longworth House Office Building

Oversight Hearing on "A Washington, DC-Based Bureaucratic Invention with Potential Water Conservation and Property Rights Impacts: The National Blueways Order"

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Today, the Water and Power Subcommittee meets to take testimony on the Administration's so-called "National Blueways Order," and to hear from communities that have been impacted by this order.

The National Blueways Order appears to have originated through a leftist environmental organization called "American Rivers," whose CEO at the time, Rebecca Wodder, is now Senior Advisor to the Department of Interior spearheading this drive. Ms. Wodder was invited to appear before the sub-committee but has declined to do so.

In a nutshell, the National Blueways Order was never authorized by Congress, but simply imposed by administrative fiat in May of last year through Secretarial Order 3321. Although the Department cites broad general authority under three federal acts, as we shall hear, these claims are dubious and yet to be tested in court.

This sweeping order, whose stated intention is to impose federal designations on waterways that it describes as "a headwaters to mouth approach to rivers management," is asserting authority that Congress has hitherto reserved to itself through the Wild and Scenic Rivers Act.

The Secretarial Order allows "any established stakeholder partnership" -- which would include distant environmental advocacy groups -- to nominate a river and for the Department then to impose the designation.

As we shall hear, the implications of this designation can be economically devastating to local economies.

For example, in January of this year, the Department announced the designation of the White River watershed as a Blueway -- a 17.8 million-acre drainage area spanning 60 counties and 722 miles of mainstem river in southern Missouri and northern Arkansas.

As we shall hear, it did so with no public testimony and despite widespread local opposition. Less than two weeks ago, the Department was forced to abandon this plan in the face of rapidly mounting local and congressional opposition.

Although the Order speaks of coordination and consultation, we have learned there is none. Indeed, in April, this subcommittee heard testimony from a Wyoming conservation director about the process he had witnessed in his own region and asked, "How can a designation that requires no public notice, no comment opportunity and was created without coordination or consultation with affected landowners, local government or States result in increased coordination?"

The implications of this overreach are breathtaking. As a recent letter signed by 79 environmental advocacy groups says, "With 3.5 million miles of rivers across the country, we have only scratched the surface when it comes to establishing Blueways. There is tremendous potential to expand existing trails and create new ones."

To those who suggest that these orders are a precursor to enhancement of recreational opportunities along these waterways, I invite them to look toward Yosemite National Park, in my district, where the Administration is seeking to expel long standing recreational services from the Yosemite Valley, including bicycle and raft rentals, horseback riding, and many other commercial amenities.

This sub-committee has repeatedly invited Ms. Wodder to testify about this sweeping "headwaters to mouth" National Blueways Order and continues to seek answers to many questions, including the legal authority for this order; the process by which the designation is imposed; the regulatory implications of designation and the due process afforded all those directly impacted by it.

To date, the sub-committee has been met by silence.

The Congress and the American People are entitled to forthright answers from this administration, not stonewalling. This is particularly urgent in light of the avowed intention by the programs supporters to turn their sights on all 3.5 million miles of American streams and rivers.

But we can at least shine a light on this practice by those citizens and taxpayers who have been directly affected by it, as we do today.