

**Opening Statement**  
**The Honorable John Fleming**  
**Chairman**  
**House Water, Power and Oceans Subcommittee**  
**Oversight Hearing on**  
***“Empowering States and Western Water Users Through***  
***Regulatory and Administrative Reforms”***  
**April 13, 2016**

Today’s hearing is about allowing states and water users to help meet the public’s water supply needs.

These water users are charged with the important responsibility of providing water for our taps so that our families can have drinking water. And, they must also provide water for the fields so that the entire American population can have food at the table. But, they have challenges in doing their jobs partly because of a conflicting web of federal regulations and bureaucracy that add costs to ratepayer’s bills and help perpetuate drought.

This Administration has been a poster child for sending conflicting signals. Its proposed “Waters of the US” regulation was supposedly intended to provide uniformity and clarity when it came to the Clean Water Act. It does the exact opposite and adds layers of bureaucracy to put many irrigation ditches under the control of the Environmental Protection Agency. This creates a chilling effect on water conservation practices such as lining or piping open canals. Even though the Federal courts have stayed this rule, it continues to put a cloud over what may occur in the future.

Meanwhile, the existing Clean Water Act’s requirements can be in direct confrontation with the Endangered Species Act. We will hear later today how one water utility complies with the Clean Water Act to kill bacteria in urban runoff yet when it conducts routine operation and maintenance to ensure this the virus-killing technology is working, it may not be in compliance with federal endangered species plans for the Santa Ana sucker fish. This is yet another incident where one federal law contradicts another. Being on the front-lines of this regulatory mess, it’s no wonder that many water managers feel like they are the Dutch boys holding the dyke together.

The federal government continues to build an ever larger maze for those who must navigate through it. Federal command and control policies have a record of stifling innovation and creativity. Instead of tying the hands of states and localities, we must empower them to meet the environmental goals most everyone agrees on.

To that end, the EPA needs to go back to the drawing board on its job-killing Waters of the US proposal. Legislation like Congressman Scott Tipton’s proposals to re-affirm state water rights and end federal extortion of those rights must be law. There needs to be mandated transparency when it comes to federal environmental laws and the public should be able to have

adequate comment periods, especially when their livelihoods and ways of life are at stake. Above all, we must respect the ideas of those who deal with the federal government every day in their lands and waters. They – not desk jockeys in federal bureaucracy – are the ones who usually know what works and what doesn't when it comes to intended or un-intended federal authorities. The federal bureaucracy may actually learn something when it works with and listens to people who are on-the-ground and in-the-water.

For this reason, we have brought together many of the West's best and brightest minds today to better understand how we can help fix this federal morass and unshackle creativity so that our water supply and environmental goals can be met together. I welcome you and welcome the audience, many of which are members of the National Water Resources Association. Your participation and hard work will help guide our deliberations.