

**Opening Statement by Congressman Tom McClintock
Ranking Member, House Natural Resources Committee, Sub-Committee
on Water, Oceans and Wildlife
January 28, 2020**

Although the west faces an on-going water crisis, the Water Subcommittee has not held a hearing to address it since July of 2019. Equally disappointing is the fact that after six months of inactivity on the subject, the best the majority can offer is a hodge-podge of New Mexico earmarks and legislation that duplicates in California's Central Valley what the WIIN Act of 2016 is already accomplishing, but desperately needs to be reauthorized.

H.R. 4891 by Ms. Torres Small breaches the beneficiary pays principle that assures local water projects are paid by local users. In this case, it includes a multitude of hand-outs to benefit specific communities in New Mexico at others' expense. This is the "Robbing St Petersburg to pay St. Paul" approach that the beneficiary pays principle protects us from. Worse, this bill makes the highly ineffective WaterSMART program even worse by expanding its scope to non-water related objectives.

WaterSMART is the dubious grab-bag that subsidizes things like low-flow toilets and barren front yards in an attempt to reduce water consumption. In other words, it consumes dollars that could be INCREASING water supplies and instead uses them to manage the resulting water shortages. The changes in this bill expand the program to ANY nonprofit conservation organization, regardless if it has any direct connection to water delivery. Further, it would divert WaterSMART grants to objectives such as benefitting proposed or listed species under ESA, or increasing ecological resilience to climate change.

More disappointing are the two bills by Mr. Cox.

H.R. 5347, creates a new nation-wide grant program under the Department of the Interior for disadvantaged communities that have experienced a significant decline in quantity or quality of drinking water.

We already have that program – it's called the Safe Drinking Water Act, which authorizes the Environmental Protection Agency to award grants to states to assist underserved, small and disadvantaged communities that are unable to finance activities needed to comply with the law. If the program is not working, we should either change it or scrap it – but not simply pile one bureaucracy on top of another.

His other bill, HR 5316, purports to address the dire crisis afflicting California's Central Valley, which includes four of the five top agricultural producing counties in the United States.

For many years, the Central Valley suffered from groundwater overdrafts. In response --- using the beneficiary pays principle --- the federal government fronted the money for the Central Valley Project to use surplus water in wet years to recharge the aquifers. The users of the water have since entirely paid off the project. And it worked – until so-called environmental laws in the 1970s set in motion severe restrictions in the ability of the project to deliver water.

The result: groundwater overdrafts returned and have now created significant subsidence, which in turn has further reduced the ability of the project to deliver water for replenishment. The aqueducts are largely gravity fed, which means that just a little subsidence can dramatically reduce water flow.

The WIIN Act, passed with a bipartisan majority in both houses and signed by President Obama in 2016 addressed the need to re-engineer the aqueducts, for which \$2.3 million has already been appropriated. Meanwhile, President Trump has brought some sanity to the abuse of biological opinions that caused the damage in the first place, as well as ordering critical updates to ESA, NEPA and WOTUS.

But the WIIN Act will soon expire and we are beginning to despair the majority has any intention to reauthorize it so the work can continue.

There are two ways to restore the capacity of the Friant-Kern Canal: One is to ignore the work that has been done and earmark money for the repairs paid by taxpayers who get no benefit from the project. The other is to reauthorize the WIIN Act so the engineering work already underway can be completed and then proceed under the beneficiary pays principle, assuring the project is ultimately paid by the users of the water.

We are now more than half-way through the 116th Congress. The Water Sub-Committee has not held a single hearing on the western water crisis since July of last year and now has brought forth three mice.

The WIIN Act expires next year, and the sooner we reauthorize it, the sooner we can see through to genuinely addressing the crisis that bad public policy has created in the Central Valley. And there is no substitute for completion of the Shasta Raise, the Sites and Temperance Flats reservoirs – all of which would be moving forward today if the Democrats would get behind them.