

**H.R. 215, “WATER FOR CALIFORNIA
ACT”; AND H.R. 872, “FISH ACT”**

LEGISLATIVE FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON WATER, WILDLIFE AND
FISHERIES

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

Tuesday, April 11, 2023 in Tulare, California

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LEGISLATIVE FIELD HEARING ON H.R. 215, TO PROVIDE LONG-TERM WATER SUPPLY AND REGULATORY RELIABILITY TO DROUGHT-STRIKEN CALIFORNIA, AND FOR OTHER PURPOSES, “WATER FOR CALIFORNIA ACT”; AND H.R. 872, TO AMEND THE ENDANGERED SPECIES ACT OF 1973 TO VEST IN THE SECRETARY OF THE INTERIOR FUNCTIONS UNDER THAT ACT WITH RESPECT TO SPECIES OF FISH THAT SPAWN IN FRESH OR ESTUARINE WATERS AND MIGRATE TO OCEAN WATERS AND SPECIES OF FISH THAT SPAWN IN OCEAN WATERS AND MIGRATE TO FRESH OR ESTUARINE WATERS, AND FOR OTHER PURPOSES, “FISH ACT”

**Tuesday, April 11, 2023
U.S. House of Representatives
Subcommittee on Water, Wildlife and Fisheries
Committee on Natural Resources
Tulare, California**

The Committee met, pursuant to notice, at 2:08 p.m., at the World Ag Expo, 4500 S. Laspina Street, #214, Tulare, California, Hon. Cliff Bentz [Chairman of the Subcommittee] presiding.

Present: Representatives Bentz, Westerman, McClintock, LaMalfa, and Duarte.

Also present: Representatives Costa and Valadao.

Mr. BENTZ. The Subcommittee on Water, Wildlife, and Fisheries will come to order. I have found it is always a good idea, after all of us gathering together, to make sure people can hear. So, if you can't hear me, then wave your arms or do something, and we will make sure that Thomas turns up the volume and you can hear us. If at any time during the hearing you can't hear, let us know.

I want to begin with a few thank-yous. First of all I want to thank the Friant Water Authority for the wonderful tour this morning. It was great fun. It looks a lot better than when I was here a year ago, or actually last summer, and there was hardly any water in it. Today, to see 8,000 or 9,000 CFS coming out of it was pretty amazing.

I want to thank John and Vicki Dykstra, from Dykstra Dairy for the tour. I want to thank the World Ag Expo for allowing us to use this beautiful facility. I want to thank the Tulare Sheriff's

Department for providing the security for us this afternoon. And I think that is it.

So, with that, good afternoon everyone. I want to welcome our witnesses, Members, and our guests in the audience to today's hearing.

The Subcommittee is meeting today to hear testimony on two bills, H.R. 215, the WATER for California Act, introduced by Congressman David Valadao, and H.R. 872, the FISH Act, introduced by Congressman Ken Calvert.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time. Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman, the Ranking Minority Member, and Chairman of the Full Natural Resources Committee. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

By way of introduction I am Cliff Bentz, the Chairman of the Subcommittee on Water, Wildlife, and Fisheries. I also represent the 2nd District of Oregon, much of which has irrigated agriculture. That is not quite right. The district is huge and very little of it has irrigated agriculture because we have so little water, but that is one of the reasons I am very happy to be Chair of this Committee.

I am grateful to be joined today by several Members who represent this region but who are not on the Natural Resources Committee. Therefore, I ask unanimous consent that the gentlemen from California, Mr. Valadao and Mr. Costa, be allowed to participate in today's hearing.

Without objection, so ordered.

To begin today's hearing, I will now defer to my distinguished colleague, David Valadao, who represents part of Tulare, for a few introductions, and to begin this hearing.

Mr. Valadao.

Mr. VALADAO. Thank you, Mr. Bentz. Can you guys hear me all right? Thank you all for being here today and thank you to Chairmen Westerman and Bentz for agreeing to host this important field hearing. Since this is a congressional hearing we are going to begin, as we do with every session of the House of Representatives, with a prayer and the posting of the colors, and the Pledge of Allegiance. So, I ask Pastor Nicholas Ferguson to lead us in prayer.

Mr. FERGUSON. Oh, you are going to need a minute here. You gave a pastor a microphone, so I am going to say some things. It is going to be more than just prayer. The good news is I have to pick up my kids from school in a little bit so I won't be that long.

Romans 13:1-2 says this: Let every person be subject to the governing authorities, for there is no authority except from God, and those that exist have been instituted by God. Therefore, whoever resists the authorities resists what God has appointed, and those who resist will incur judgment.

For you who are Representatives of the people of California and your other states, because I understand there are Representatives

from Arkansas and Oregon, if that verse does not drive you to your knees, you are here representing God's authority, and we need you to be like him. To love God and to love people summarizes the entire word.

We just celebrated Easter, and the night that Jesus was betrayed he prayed for every single one of us in this room. And his prayer was that we would be united, that we would be one. His prayer, and to be like God, means to unify and not to divide, and we know exactly what that word "divide" means because everything in this world is trying to get us to divide. A pastor from Georgia challenged his Senate to move to the middle, and I challenge every single one of you to love the people more than your party, to love God more than your party, and to move to the messy middle where you are going to take shots from the front and the back, but that is where the gold is. With that being said, let us pray.

God, I lift up every single person who has a voice in this room to love you and to love the people of this state, to do what is right, to do what you have called them to do. You have appointed them. We lift them up to you. God, give them your wisdom. Give them your clarity. Give them your strength. Help us, as a people, to lift them up, to lift them up toward you, to call them to a higher standard because they are appointed by you.

God, we needed water and you provided it. Help us to use it to the best of our abilities. Thank you for the blessing. Help us, guide us, lead us. In your son Jesus' name we pray, amen.

Mr. VALADAO. Thank you. I now want to recognize the Porterville Military Academy to post colors, and we will have the Tulare Mayor, Terry Sayre, lead us in the Pledge of Allegiance, so please rise.

[Group recitation of Pledge of Allegiance.]

Mr. BENTZ. I will now recognize myself for an opening statement.

**STATEMENT OF THE HON. CLIFF BENTZ, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF OREGON**

Mr. BENTZ. Let me start again by thanking Representative Valadao and Representative Duarte for their help in organizing this important hearing. And for the people of this state let me explain why we are here. California is obviously terrifically important to America—40 million people, 15 percent of the nation's GDP, 70 percent of the nation's fruit and vegetable production, \$22.5 billion in total GDP just a year or so ago. But the terrible drought that California has suffered will be back, and when the water that is so abundant now will be gone.

So, we are holding this hearing to first hear about two bills that address several things that we in Congress could do to improve California's ability to manage and use one of its most valuable resources, and that, of course, is water. Second, we want to hear from Californians what you think Congress should do to help address water supply and management. And third, we want to hear what Californians believe are the obstacles standing between California and the actions that are needed to help make water supply in this state more certain and more reliable.

It happens, as I mentioned, that Congressman Valadao invited me to visit the Central Valley Project last summer. During that visit I learned these things. First, there is a huge lack of storage, be it through designing more efficient means of recharging the astounding amount of storage space in aquifers—I have heard it is as much as 170 million acre-feet of space in aquifers; increasing in size the number of surface impoundments; or improving water production capacity of your millions of acres of forested watersheds. We have an expert here in Bruce Westerman, who is the Chair of our Committee and, of course, a forester and an engineer. He may speak on this issue.

You have lots of dams but many are antiquated. To your levees and your dikes that are essential to reduction of flood risk have not been necessarily maintained. Water courses themselves have not been maintained, exposing towns and cities to catastrophic floods when water tries to escape and cannot. Your forests are overgrown and choked with understory brush, leaving them tinder dry as they wait to burn, and when they do burn essential watersheds are destroyed, leading to ever-worse and more damaging flooding.

I learned that the water originally stored for farmers was now being sent to the ocean. This has resulted in totally predictable overdraft of groundwater, collapsing aquifers, and dramatic subsidence of huge parts of the Central Valley. And I learned that water supplies have been politically redirected to instream uses, fish, with no arrangements for those from whom this water has been taken.

Those are just a few of the problems that I learned about last summer.

What are the obstacles, which I know we are going to hear about today? One, the failure to invest in these systems, and the question is why. I can't think of something that is more important to California than this system of water delivery that is literally the envy of the world. So, why isn't more money being spent keeping that system up, by the entire state?

And why are there what I would call prejudiced, single-purpose allocations of water, which I am all too familiar with since I represent the Klamath area up in Oregon, and have watched much, if not all, of the water allocated to instream uses with no regard for the farmers.

Failure to recognize the collateral impact of forest change in water allocation, litigation based on the Clean Water Act, ESA, NEPA, blocking necessary action. Bureaucratic inertia—it is a lot easier to do nothing than to do something. And, of course, we are here today to listen to you and to, I hope, learn things that we can do to help.

With that, thank you again for being here. I am very, very happy for this opportunity to listen to our witnesses and to listen to the questions that are going to be asked by my colleagues.

With that, I recognize our Full Committee Chairman, Mr. Westerman, for his statement.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Thank you, Mr. Bentz, and thank you for chairing the Committee today. It is a real pleasure to be here in Tulare and to have had a chance to visit parts of the San Joaquin Valley. And after saying two sentences, I took all the mystery out of who the guy from Arkansas is. If anybody needs me to talk slower so you can understand, just raise your hand and I will be glad to do that.

I do want to thank Mr. Valadao and Mr. Duarte for hosting us here and for helping plan the trip. We were in Mr. McClintock's district this morning at Friant Dam. It is very important for Members of Congress to get out and spend time with the men and women whose lives are directly affected by Federal policies. And that is the reason why we have these field hearings.

You will notice some empty seats down at the end of the other table. It is unfortunate that those seats are empty, because we invited people from the Administration. We invited folks from the U.S. Department of the Interior and Commerce and the California Department of Fish and Wildlife to this hearing. Those who could have been attending but chose not to from the Bureau of Reclamation, Commissioner Camille Touton; from the U.S. Fish and Wildlife Service, Director Martha Williams; Dr. Rick Spinrad, who is Administrator of the National Oceanic and Atmospheric Administration; and then Mr. Chuck Bonham, the Director of the California Department of Fish and Wildlife. Unfortunately, they chose not to attend today. Instead, the Interior Department chose to submit testimony in writing and in opposition to both bills without being here to answer questions as to why they are opposed to the legislation. In addition, the Bureau of Reclamation is conducting a congressional staff tour of the Central Valley Project. They had time to do that, but not time to attend this hearing.

This is disappointing, and I will say it is unacceptable and telling of how much they disregard the importance of this hearing, of congressional oversight, and the need to change the status quo. And we have a new policy in place. When we invite folks from the Administration to hearings and they choose not to come, automatically generate a letter to the Appropriations Committee, which Mr. Valadao is on, asking them to consider that when they do the appropriations for those agencies who do not have time for Congress. The only way I have found to get their attention is through the strings of the purse. So, I hope the Appropriations Committee will take the recommendation from the authorizing committees with those agencies.

I am glad that our friend, Jim Costa, is here today. Jim is a Democrat. He used to be on the Natural Resources Committee, and this is not the first time I have been to California and participated in bipartisan meetings with Jim. He does a fantastic job, and talking about working with people to get the solutions, Jim is one of those guys, and Jim, I really appreciate you being here.

The last time I was in the San Joaquin Valley was about 2 years ago, and I can tell you even when we planned this hearing you were in a drought out here, but my, how things have changed. This

area is experiencing record rainfall, snow, and flooding, and it is because of this boom-and-bust cycle is exactly why our country invested in multipurpose dams in the first place. It is why we need to clear the way for more storage to reduce the impact of drought and flooding.

When you talk about Western water, it all kind of starts with California. There are obviously more states in the West that are having water problems as well, but being somebody from a place where we usually get more water than we can use, I just come here and look at what is happening and see the facts and the data. This could be solved. The state of California, God, nature produces enough water to meet all your needs. It is just a matter of managing that water, building the proper infrastructure to use it. And it is frustrating that this problem can't get solved because it could stretch into the neighboring states as well, and we could be very good stewards and very good managers of the resources that we have. We are seeing all the water that is going into the ocean today because of a lack of infrastructure, water that could be saved for those tough times.

Congress has issued funding and approval for projects. There were feasibility studies that were done for new storage that has languished in the bureaucracy have been approved, and water operations had some regulatory certainty because of the WIIN Act that was passed a few years ago. But now the current Administration has put a grinding halt on progress. They propose changing water operations by redoing fish recovery plans on which the operations were based. The proposals to change endangered species plans have delayed construction on two off-stream reservoirs, including Sites.

The Administration, along with some of our colleagues across the aisle, who are not here today, they also stopped the common-sense raise of Shasta Dam. The Shasta raise and Sites combine to capture more than 1 million acre-feet of new storage in this system if they were in place today.

But we have the opportunity to change this situation because of legislation introduced by Mr. Valadao, H.R. 215. It is to restore some balance and to be able to plan for the future. It reauthorizes parts of WIIN that would not only help California but also the entire West. It also helps get the Shasta raise out of the ditch. Also, Mr. Calvert from California has introduced H.R. 872, to ensure that two agencies managing two endangered fish species do not conflict with one another by consolidating those functions into one agency.

I am going to read that again. We need to pass a law to ensure that two agencies managing two endangered fish species do not conflict with one another, by consolidating those functions into one agency. We are in the greatest country in the world, and we have two agencies trying to manage two fish species in two different ways, and it just creates a gridlock and a grinding halt. We can do much better than that.

Again, we will not hear from the Biden administration today. They chose not to provide any witnesses for this hearing. The Committee Democrats chose not to provide any witnesses. And, again, the status quo is not acceptable. But we do have six expert

witnesses and our California Members here at the dais who care deeply about the future and have pushed for the needed change that we will talk about today.

I look forward to hearing each one of them, and I yield back the balance of my time.

Mr. BENTZ. Thank you, Chair Westerman.

As is typical with legislative hearings, the bill sponsors are recognized for 5 minutes to discuss their bill. Mr. Calvert was not able to attend today's hearing but has provided written testimony on his bill, H.R. 872, the FISH Act, and I ask unanimous consent to include his statement in the hearing record.

Without objection.

[The prepared statement of Mr. Calvert follows:]

PREPARED STATEMENT OF THE HON. KEN CALVERT, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA

ON H.R. 872, THE FEDERALLY INTEGRATED SPECIES HEALTH (FISH) ACT

Thank you for the opportunity to submit a Statement for the Record on H.R. 872, the Federally Integrated Species Health (FISH) ACT. The bill would consolidate the protection of fish and the regulation of waterways under the Endangered Species Act (ESA) into a single agency.

Background

In 1966, a federally appointed commission recommended the creation of a national oceanographic program. President Nixon incorporated the commission's recommendation into his Advisory Council on Executive Organization which recommended that this new agency be housed in the Department of Interior (DOI) where the Fish and Wildlife Service (FWS) is located. However, then-Secretary of Commerce, Maurice Stans successfully argued that the program be temporarily housed in the Department of Commerce under the National Marine Fisheries Service (NMFS). Now, 57 years later, the anticipated and generally expected "more consistent realignment" of agency functions to the Department of the Interior has still not occurred.

The agency misalignment over coordinated ESA management decisions has led to numerous instances of directly contradictory federal regulatory agendas across the Pacific Northwest. For example, in 2008 and 2009, the FWS and NMFS issued new biological opinions (BiOp) for the continued joint operation of the Federal Central Valley Project and the State Water Project. FWS has issued a biological opinion that considers how joint operations impact Delta Smelt, and NMFS issued a biological opinion that considers how joint operations impact anadromous species, including several species of salmon. In March 2016, despite an abundance of water in the Shasta Reservoir, NMFS called for reduced releases from Shasta Dam to 8,000 cubic feet per second (cfs) throughout the summer and into the fall to preserve cold water for Winter-run Chinook salmon. While NMFS, sought to limit releases, FWS called for *increased* releases from Shasta for the Delta Smelt during the same period. The two agencies, pursuant to their separate and uncoordinated authority under the ESA, imposed requirements that directly contradicted each other. The result of this confusion amplified the damaging effects of the drought throughout the Central Valley Project service area.

H.R. 872

H.R. 872 would consolidate the management and regulation of the ESA within the Department of Interior's U.S. Fish and Wildlife Service. The FWS primarily has responsibility for terrestrial and freshwater organisms, while the NMFS is mainly responsible for marine wildlife, such as whales, and anadromous fish, such as salmon. Currently, both FWS and NMFS have split authority over many of the *same* waterways under the ESA. This has caused differing—and even contradictory—regulations at times. The FISH Act places the regulatory authority solely within the FWS thus eliminating these types of conflicting requirements. The bill enjoys broad bipartisan support from water managers across the country, including multiple California water agencies.

Conclusion

Thank you for the opportunity to provide a statement on the bipartisan Federally Integrated Species Health Act. My office would be happy to provide any follow-up information requested by Members of the Committee. I look forward to working with the Committee to advance this bill for a vote on the House floor.

Mr. BENTZ. I will now recognize Mr. Valadao for 5 minutes for a statement on his bill, H.R. 215.

Mr. Valadao.

STATEMENT OF THE HON. DAVID VALADAO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. VALADAO. Thank you, Mr. Chairman. Good afternoon, everyone. I am Congressman David Valadao. Thank you all for being here today.

I want to first thank Chairman Westerman for bringing the Natural Resources Committee to the Central Valley to have this important hearing. I also want to thank my colleague from Oregon, Subcommittee Chairman Cliff Bentz. He was out here in the fall to learn about some of what we are going to talk about here today, and I want to thank him for his partnership working on this critical issue in Washington.

Thank you also to the witnesses here today for taking the time to testify. I know we are going to hear some powerful testimony from people who have firsthand experience with our water issues in California and the Central Valley.

I don't need to tell any of you in this room, but it is an especially important time for the Committee to be here. After years of drought, we have had just one of the wettest years on record, and snowpack is currently sitting at about 300 percent of its typical value. This increased rainfall is welcome news after the severe drought that forced our farmers to turn up pumping groundwater to protect their high-value crops and for communities to meet their needs.

As a result of pumping groundwater just to survive, these communities experienced land subsidence at the expense of critical water infrastructure. In the worst cases, farmers were forced to fallow their fields and dry out valuable orchards due to little or no water access. Now these same fields that were dry just a few months back are flooded, and our communities are preparing for what happens next when record snowpack finally melts.

This situation we are seeing and the devastating flooding impacting our communities emphasizes the urgent need to be proactive about fixing some of our storage and infrastructure issues so that we are better prepared for these kinds of weather events and resilient to periods of drought.

For too long, complex and contradictory laws and regulations that control much of how we are able to pump and what storage projects we are able to move forward have amplified California's water problems. My bill, "Working to Advance Tangible and Effective Reforms," or the WATER Act for California, is one we are here today to discuss, and it would help alleviate some of the water problems by increasing water storage, streamlining operations, and

bringing much-needed accountability to the way our water is managed in this state.

The comprehensive legislation promotes water conveyance through the Sacramento-San Joaquin River Delta consistent with the Endangered Species Act and advances key surface water infrastructure projects, among other things in this bill. It extends authorization of the successful surface water storage program established by the WIIN Act, streamlines operation by requiring the Central Valley Project and State Water Project be operated consistent with the 2019 Biological Opinion, and increases water infrastructure by making additional funding available for the Shasta Dam and Reservoir Enlargement Project, the most cost-effective water storage project in California.

While we cannot control the weather, we can control the laws and the regulations that govern our water, and ensure we are using the most common sense possible. If we don't take steps to address some of the misguided policies that prioritize fish over people here in California, the entire country will be impacted.

The Central Valley is my home, and like many others here today I have grown up working agriculture on my family's dairy farm. With less than 1 percent of our nation's farmland, the Central Valley produces a quarter of the country's food. If California's water supply problems continue to go unaddressed, it will not just affect those in this room but the entire country. Food security is a national security issue, and without reliable water supply our ability to feed the nation will be in jeopardy.

It is devastating what we are seeing right now in our community, completely under water, and we can and must do better so that we are better prepared for both dry years and wet years. The future of our country's food security and the livelihood of thousands of my constituents depend upon us taking action.

Mr. Chairman, thank you, and I yield back.

Mr. BENTZ. Thank you, Mr. Valadao.

I will now introduce our witnesses. Mr. Jason Phillips, the Chief Executive Officer of the Friant Water Authority; Mr. Chris White, Executive Director of the San Joaquin River Exchange Contractors Water Authority; Mr. Jeff Sutton, General Manager of the Tehama-Colusa Canal Authority; Mr. William Bourdeau, Director of the Westlands Water District; Mr. Aaron Fukuda, General Manager of the Tulare Irrigation District; and Mr. Tony DeGroot, of the DG Bar Ranches and DeGroot Dairies.

You will notice that the list I just read does not include anyone from the Biden administration or the Newsom administration, even though we gave both administrations a customary 2-week notice. They have unfortunately chosen not to participate in today's hearing and instead submitted statements for the record that do not support either bill. Had they been here they could have explained their positions.

Moving along, let me remind the witnesses that under Committee Rules, you must limit your oral statements to 5 minutes, but your entire statement will appear in the hearing record.

We use timing lights. When you begin the light will turn green. When you have 1 minute remaining, the light will turn yellow. At

the end of 5 minutes the light will turn red, and I will ask you to please complete your statement. In fact, what I will start doing is tapping on the microphone like this, louder and louder, until finally I drown you out. That is how it is going to work.

[Laughter.]

Mr. BENTZ. I will also allow all witnesses to testify before Member questioning.

I now recognize Mr. Phillips for 5 minutes.

Mr. Phillips.

**STATEMENT OF JASON PHILLIPS, CHIEF EXECUTIVE OFFICER,
FRIANT WATER AUTHORITY, LINDSAY, CALIFORNIA**

Mr. PHILLIPS. Thank you, Chairman Bentz.

Chairman Bentz and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Jason Phillips, CEO of Friant Water Authority. Friant Water Authority operates and maintains the Friant-Kern Canal and advocates on behalf of Friant Division water contractors. The Friant-Kern and Madera Canals, together with Friant Dam and Millerton Lake on the San Joaquin River form the Friant Division, and on average the canals deliver over 1 million acre-feet of irrigation water annually to more than 15,000 farms, on over 1 million acres of the most productive farmland in the world.

Everyone knows that 2023 has been extremely wet here in California. We have experienced flooding, and reservoirs across the state are filling. And now, after several critically dry years requiring severe cutbacks, many people across the nation are asking the obvious question: Does this mean the California drought is over? Unfortunately, the answer is no. See, California water shortages are not due to hydrology. We have always known that hydrology here is volatile, with several dry years followed by extreme wet years and flooding. Our water management system was designed specifically to manage this volatile hydrology and weather through the dry years.

But currently, even our system of dams and canals cannot meet the state's water needs because decades after they were built, the government will no longer allow our water infrastructure to operate the way it was intended. The situation we find ourselves in has been caused by over 30 years of decisions by state and Federal agencies that are not based on any new laws. It is caused by decisions to reallocate water away from communities, away from farms, in increasing quantities to comply with old environmental laws. These decisions continue to be undertaken in many instances because unelected agency staff continue to be delegated the responsibility for being the final decision-makers on probably the most significant public policy issue we face in the state of California—how to best manage the state's limited water resources.

And to add insult to injury, despite all of the water that has been reallocated to comply with old environmental laws, many of our listed species are now worse off than ever. If you take account for all the environmental water and take that into account with other uses, California currently uses significantly more water every year than is sustainably available.

The current patchwork of laws enacted to solve this problem and avoid a crisis are not working. Without additional action by Congress, failure is guaranteed, and California's environment and economy will never be what it was or what most people want it to be.

So, is it worth rediverting all this water, our most precious resource, away from people? Frankly, I am not the right person to ask. But I also don't think the right person to ask is the unelected government employee that has no accountability to the public. People that are elected to represent us need to be the ones held accountable for decisions about how our most important resource is managed and allocated. The laws need to be updated to rightly put the accountability for creating man-made droughts back on elected officials in an open and transparent fashion.

For those reasons and the reasons laid out in my written testimony, the Friant Water Authority supports H.R. 215, the WATER for California Act, and H.R. 872, the FISH Act. The rigid and severely constrained management of the CVP over the last 30 years is not working for our communities or the environment, and the calls for an ever-increasing amount of water diverted from cities and farms to provide additional flows out to the ocean need to be reversed. To be clear, current operational requirements imposed by government, delegated to unelected employees by Congress' inaction will guarantee that our next water shortage crisis is right around the corner. We need to be asking how we can bring balance back to our system and increase available water for all needs in all years.

I again thank the Subcommittee for traveling to the Valley to hold this critical hearing and for the opportunity to testify. I hope that this hearing and bills before the Subcommittee start moving things in a positive direction. I continue working with you all. I respect each one of you.

You have all been of great help in many times, and Jim, specifically, I want to thank you for being here. And also I will mention your CANAL Act you introduced will be very helpful. It is very timely. I hope that can move as well. So, thank you for crossing over the line and being here today. I appreciate it.

[The prepared statement of Mr. Phillips follows:]

PREPARED STATEMENT OF JASON PHILLIPS, CHIEF EXECUTIVE OFFICER, FRIANT
WATER AUTHORITY
ON H.R. 215 AND H.R. 872

Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee: My name is Jason Phillips, and I am the Chief Executive Officer of the Friant Water Authority in California's San Joaquin Valley. The Friant Water Authority (Authority or Friant) is a public agency formed under California law in part to operate and maintain the Friant-Kern Canal, a component of the Central Valley Project (CVP) owned by the Bureau of Reclamation (Reclamation). In addition to that responsibility, the Authority also advocates on behalf of the Friant Division and eastside communities for sound public policy on water management and operations.

Thank you for the opportunity to appear before the subcommittee today. From my perspective, working on a daily basis with the over 15,000 family farms and growers in the Friant Division, the simple reality is that operating a farm and growing food for our nation continues to be more and more difficult every year. While there are many contributing factors that add to the complexity of feeding America, the sad truth is that some of these factors we can control, yet for reasons I can't fully fathom, decision makers choose not to do so.

First, I want to underscore the critical importance of maintaining our country's food security and locally sourced foods. The multiple-year drought we have faced here in California and in many parts of the West—coupled with other domestic and global developments—has already affected the availability and price of food for many Americans. Rising food prices and global hunger are linked to the war in Ukraine, extreme climate events like the Western U.S. drought, and other global stressors.

The Western U.S., including the Central Valley of California, is a critical part of what has long been a proud national agricultural powerhouse, where our country consistently has run an agricultural trade surplus. But in 2019, for the first time in more than 50 years, the U.S. agriculture system ran an agricultural trade deficit, importing more than it exported. The USDA forecasts the U.S. will again run a deficit in 2023 for the third time since 2019. This growing deficit is driven primarily by our dependence on imported Mexican fruits and vegetables. Increased reliance on foreign food has never been a policy our Nation has intentionally embraced in the past, but as water availability continues to shrink in the Central Valley, more and more food historically produced here will need to come from somewhere else or not be available at all.

Managing water for multiple benefits has long been a top goal for water managers across the West. For many years, a primary purpose of Bureau of Reclamation projects was to capture mountain snowmelt, store it, and distribute it during the long, dry summer months of the West, primarily to irrigated lands that produced food and fiber. Generations ago, these leaders had the wisdom and vision to plan, design and construct a water delivery system meant to level out the variability in California's hydrology by capturing and storing water in the wet years for use in the dry years. And for many years, this system has worked. But over the past few decades, due to decisions to prevent the ability of the system to function combined with the inability to take necessary action to improve it, the water system is now failing us.

Take this year for example: due to a lack of new or expanded water storage facilities, the incredible hydrology we have been blessed with will simply waste away downstream, causing floods and wreaking havoc on our communities, bridges and roads while flowing to the ocean. Instead, had we collectively taken the bold steps to capture more of this water whether in new facilities, expanded facilities, and in aquifers underground, not only would we be experiencing less flood damage, but we would be able to store water for future use.

Unfortunately, this is not a one-year malaise. Instead, the situation we find ourselves in has been caused by over 30 years of decisions by state and federal agencies that are not based on any new laws or definitive science. These decisions have been taking water away from farms and communities in increasing quantities yet have done nothing to help change the decline in environmental conditions. But these decisions continue to be undertaken, in many instances, because unelected agency staff continue to be delegated the responsibility for being the final decision-makers on probably the most significant public policy issue we face in the state of California: how to best manage the state's limited water resources. And to add insult to injury, despite all of the water that has been reallocated for the benefit of the environment, many of our listed species are worse off now than ever, and native species and migratory birds dependent on the Pacific Flyway are struggling to survive as water is diverted away from refuges and important habitat provided by agriculture.

California currently uses more water every year than is sustainably available. Bold, common-sense action is needed now to avoid a crisis. The current patchwork of laws enacted to solve this problem and avoid a crisis are not working. Without additional action by Congress, failure is guaranteed and California's environment and economy will never be what it was or what people want it to be.

Current laws guiding water decisions, enacted decades ago, have been interpreted to almost unilaterally optimize water for just a small subset of the environment, not for all beneficial uses. It is way past time for those elected to represent the people of the state to provide fresh direction, direction that is clear on how to interpret environmental regulations, clear on who the final decision-makers should be on these multi-generational decisions on how to prioritize our water resources; and provide the tools needed to be successful. Water managers need to be provided the laws and resources necessary to plan for the future so that when the next big water year is upon us, we can capture and store for later the water that is currently causing such damage to our communities.

Additionally, as a member of the board for the Water Blueprint for the San Joaquin Valley, a regional collaboration focused on water solutions, we must work together toward identifying and implementing real progress on projects for the

vibrant communities that make up California's Central Valley. And we will need your help to ensure that these communities can enjoy reliable, clean drinking water and realize the full benefit of some of the most productive agricultural land in the world.

With this backdrop, we stand prepared to work with the Subcommittee and the federal and state administrations to put common sense back into the equation regarding effective management of our water resources. I believe Friant is particularly well positioned to provide technical, policy, and legal input to decisionmakers at all levels of government.

Background on the Friant Division

The 152-mile-long Friant-Kern Canal and the 36-mile-long Madera Canal, together with Friant Dam and Millerton Lake on the San Joaquin River, form the Friant Division of the Central Valley Project. On average, the canals deliver 1.2 million acre-feet of irrigation water annually to more than 15,000 farms on over one million acres of the most productive farmland in the world. Friant Division deliveries also are vital to meeting the domestic water needs of many small communities in the San Joaquin Valley, as well as larger metropolitan areas, including the City of Fresno—California's fifth-largest city.

The Friant Division was designed and is operated as a conjunctive use project to convey surface water for direct beneficial uses, such as irrigation and municipal supplies, and to recharge groundwater basins in the southern San Joaquin Valley. The ability to move significant water through the Friant Division's canals in wetter years to store in groundwater recharge basins is critically important for the project to work as intended, and these operations sustain the primary source of drinking water for nearly all cities, towns, and rural communities on the Valley's East side.

Over the past 30 years, unelected State and federal agency staff have been increasingly imposing stringent environmental requirements on our water projects that have redirected water away from the Valley in an attempt to aid a subset of fish populations dependent on the Sacramento-San Joaquin River Delta (Delta) that are struggling. As these requirements reduce the ability to export water through the Delta as the projects were designed, many San Joaquin Valley water users have increasingly relied heavily on groundwater supplies to maintain economic viability for their communities. The increased reliance on groundwater overdraft has exacerbated impacts to drinking water systems and land subsidence, causing damage to the Friant-Kern Canal, Delta-Mendota Canal, and California Aqueduct and compromised their ability to deliver water in the San Joaquin Valley and Southern California. The southern third of the Friant-Kern Canal has lost 60% of its capacity, which translates to 100,000–300,000 acre-feet of water per year that doesn't flow to farms and communities.

Additionally, by reducing the canal's ability to deliver water to aquifers in the south Valley, the conveyance constriction will also worsen existing water supply and water quality problems in the more than 55 rural and disadvantaged communities within the Friant Division service area, all of which are almost entirely reliant on groundwater wells for their water supplies.

Thankfully, we at Friant are currently in the midst of repairing the Middle Reach of the Friant-Kern canal and future repairs to other reaches of the Canal are being planned, but time is still of the essence as current hydrologic conditions offer significant opportunities to replenish groundwater supplies and allow us to prepare for future water supply challenges.

California's Water Management Challenges

The 2023 water year is off to a tremendous start. This year is shaping up to be one of those years that will be so significantly wet that reservoirs will be full, groundwater recharge will be plentiful, and water will move around the state as the system was designed.

But for most of the past century, we also have experienced "average" water years in which the state and federal water projects, the State Water Project (SWP) and CVP respectively, were operated in a sensible and responsible manner. Even following the passage of the federal and state Endangered Species Acts (ESA) and the Central Valley Project Improvement Act (CVPIA), communities and industries who rely on the SWP and CVP could expect a water supply allocation sufficient to ensure safe drinking water and irrigation needs. But we now worry most about these "average" years, when decisions about conveying and storing water result in the difference between having enough water to supply the cities and farms that depend on it, or not.

Starting in the early 1990s, the interpretation of state and federal laws, regulations, lawsuits, and decisions, both by elected and unelected officials, began to

change how water is managed in California, and not for the better. And as each year has passed, these changes have only gotten worse. This is not hyperbole and is the reason why you often hear the term or see billboards or social media posts deriding the “man-made drought”. And to make matters worse, the single species, flow-only approach to recovering struggling fish populations promised to benefit from these actions is not working. The result is a system that is broken.

In five of the past eight years the Bureau of Reclamation has taken Friant Division water stored in Millerton Lake (the primary water supply for the east side of the San Joaquin Valley) and delivered it down the San Joaquin River to meet the needs of the San Joaquin River Exchange Contractors, who would otherwise receive Sacramento River water through the Delta-Mendota Canal. This is the result of the failure of state and federal water operators to be able to convey water in average years. This has occurred even in what previously would have been considered “normal” water supply years, such as 2019.

Many water users in California blame increased “regulations” that have resulted in more environmental restrictions requiring that less water be delivered to our farms and communities. But no new major environmental laws have been enacted by Congress in over 30 years. The truth is that the last major law passed by Congress that reduced water delivery capability and received any public debate at all was the CVPIA. Enactment of the CVPIA was a major change in the way the CVP was operated, and although it caused significant impacts at a tremendous cost, at least it was a public process that included a lot of thought, debate, negotiation, and ultimately approval by the Congress.

Today, the operations of the CVP and SWP are controlled by federal and state agencies and their unelected government employees who continually add new regulatory requirements and reduce the ability of our vast water management system to actually deliver water, chipping away at water supplies for people and farms in California. But these requirements and reduced water deliveries are failing with no accountability and providing little or no benefit to the very species they are intended to protect. And the biggest losers are Californians—all Californians.

The bipartisan Water Infrastructure Investments for the Nation Act (WIIN Act) signed by President Obama in 2016 and the 2019 Biological Opinions for SWP/CVP operations contained provisions and actions that should have helped our average water years translate into water supply stability for millions of Californians. Unfortunately, those key provisions in the WIIN Act have expired and the 2019 Biological Opinions are in the midst of litigation.

As long as the pattern of using environmental regulations to reduce or eliminate water deliveries from the CVP and SWP to people and farms in California over the past 30 years continues, we will never really be able to declare the drought over, even if we get another good winter next year.

The time has come to build on the success of the WIIN Act and to have additional congressional direction in the management and operation of the water system in California.

H.R. 215—“Working to Advance Tangible and Effective Reforms for California Act”

Friant Water Authority supports H.R. 215, the “Working to Advance Tangible and Effective Reforms (WATER) for California Act (the Act).” We believe that, if enacted, the WATER for California Act would provide some of the “common-sense” solutions to our state’s water management challenges and we thank Rep. Valadao and the co-sponsors for their leadership and vision in introducing the legislation.

Title I of the Act would provide congressional direction in the operation of the CVP and would not conflict with the Preferred Alternative Final Environmental Impact Statement (EIS) on the reinitiation of consultation on the Coordinated Long-Term Operation of the CVP and State Water Project (SWP) dated December 2019, or the Biological Opinions of the Fish and Wildlife Service and NOAA under the Endangered Species Act (ESA) dated October 21, 2019. Congressional direction provided in Title I, if enacted, would allow flexibility for voluntary changes to CVP operations, cut costs, protect native species, limit unnecessary reconsultation under the ESA, and help to improve water supply reliability. This will improve water supply reliability to CVP agricultural, municipal, and industrial contractors, water service or repayment contractors, water rights settlement contractors, exchange contractors, refuge contractors, and SWP contractors. Title I would also extend Section 4004 of the Water Infrastructure Improvements for the Nation (WIIN) Act for an additional 10 years.

Title II of the Act would require the Secretary of the Interior to make every reasonable effort to operate the CVP in a manner that maximizes water deliveries to contractors in the Sacramento River Watershed in certain water year types, with

flexibility given to any changes in operations voluntarily agreed to, approved and implemented by CVP contractors. Title II would also protect water supplies to refuge, municipal and industrial, and other contractors, including settlement contractors, exchange contractors, and Friant contractors.

Title III would modify federal laws to allow for federal financial participation in a project to enlarge Shasta Dam and Reservoir on the Sacramento River. Title III also directs the Commissioner of the Bureau of Reclamation to issue a water deficit report to Congress to identify projected shortages in water supplies in the State of California supplied by the CVP and SWP and recommend infrastructure projects or other actions to reduce or eliminate projected water supply shortages or fulfill water allocations to all water contractors in the CVP and SWP. Title III would extend Section 4007 of the WIIN Act and authorize federal funding for a project to enlarge Shasta Dam and Reservoir on the Sacramento River. We need to look at all opportunities to build new water storage facilities in our Valley to take advantage of years like this to capture and protect our water supplies into the future.

Finally, Title IV would require the Secretary of the Interior to complete the refuge water supply program under the CVPIA and give priority to funding that completion through various federal funding sources identified in the Act. Title IV requires the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of the Central Valley Project Improvement Act be deemed complete by the Secretary on or before September 30, 2025. We understand some of our Central Valley stakeholders may be impacted by this Title in the Act, and we stand ready to work with those entities to find common ground in bringing California's water system back to efficiently and effectively meeting the water supply needs of the state's cities, farms, refuges, and the environment.

H.R. 872—“Federally Integrated Species Health Act” or the “FISH Act”

Friant Water Authority also supports the intent of H.R. 872, the “Federally Integrated Species Health Act” or the “FISH Act.” The FISH Act requires the transfer of all functions vested in the Secretary of Commerce or the National Marine Fisheries Service (NMFS) with respect to anadromous species and catadromous species under the ESA to the Secretary of the Interior. Friant believes the history of having two federal agencies under two federal Departments protecting two vastly different and sometimes competing categories of species under the ESA has been a disaster. Single species management has allowed for vast sections of the once-majestic Pacific Flyway and its wildlife refuges, where millions of migratory birds, reptiles, fish and other non-protected species once flourished, to be dried up for the sake of flushing water to the ocean in the name of protected species protection.

This must stop, and the FISH Act would be a step in the right direction, placing all federal ESA species management in one agency under one federal Department. By placing NMFS' ESA functions into the Fish and Wildlife Service, ESA activities would need to be coordinated in a more comprehensive manner, including analyzing impacts to all species—those protected under the ESA and those that are not. The negative impacts of taking water away from one (or more) species to benefit another would need to be evaluated much more thoroughly and a more holistic approach developed to ensure a vibrant ecosystem remains intact.

Conclusion

I again thank the Subcommittee for traveling to the Valley to hold this critical hearing and for the opportunity to testify. The rigid and severely constrained management of the CVP over the last 30 years is not working for our communities or the environment, and the calls for an ever increasing amount of water being diverted from cities and farms to provide additional flows out of the Delta need to be reversed. We saw examples once again this year when, despite virtually no observed Delta Smelt and massive outflows to the ocean that by all measures precluded their presence, water management policies dictated constrained pumping in the Delta for species protection purposes rather than filling our dwindling reservoirs.

Ultimately, we were lucky to have additional storms come through the state, but this was not a given when these decisions were made, and we can't allow luck to be our water management strategy. Instead, we need to be asking how we can bring balance back to our system and increase available water for all needs in all years. I hope that this hearing and the bills before the Subcommittee will be the start of moving toward some normalcy for CVP operations. I look forward to continuing working with the Subcommittee and the many stakeholders in the Valley on these issues and would be happy to answer any questions.

Mr. BENTZ. Thank you, Mr. Phillips.
I now recognize Mr. White for 5 minutes.

STATEMENT OF CHRIS WHITE, EXECUTIVE DIRECTOR, SAN JOAQUIN RIVER EXCHANGE CONTRACTORS WATER AUTHORITY, LOS BANOS, CALIFORNIA

Mr. WHITE. Good afternoon, Chairmen Westerman and Bentz, and Congressional Members. First we want to welcome you and thank you for holding this hearing in the Central Valley, and thank you for the opportunity to present testimony on behalf of the San Joaquin River Exchange Contractors Water Authority. My name is Chris White. I am the Executive Director for the Exchange Contractors. We are responsible for administering conservation plans, transfer programs, water resources planning, as well as advocating for dependable water supplies for our member agencies and the 240,000 acres that they represent.

I would like to express our great appreciation for Congressman Calvert and Congressman Valadao for their unflagging efforts in the pursuit of water supplies for California during their careers in Congress. I would also place Congressman Costa in that same category.

In just the law few months, record precipitation fell and record snowpack accumulated in this part of the state. This enormous volume of precipitation, which followed a 3-year period of extreme drought, if you look at the historical weather patterns climate extremes are obviously the norm in California. Those extremes, combined with the current regulatory environment make providing reliable water supplies for water users throughout the state very challenging, if not impossible. Environmental, urban, and agricultural water users need more tools to be able to adaptively manage through those extremes if we ever hope to have a truly drought-resilient water supply.

What is needed to manage these weather conditions is the type of regulatory certainty placing focus on investment in water resilience projects and the forward-thinking tools provided in H.R. 215 and H.R. 872. I ask myself, well, what if H.R. 215 had already been in place for a couple of years? Well, today project operations would be more stable for all water users in the state, including environmental, urban, and agricultural interests, in a way that protects the operations of both the state and Federal projects.

That stability would provide the space for development of plans for storage and conveyance and lead to a much more comprehensive drought resiliency plan, a plan that provides more environmental cold water in the north along with the additional ground and surface water storage throughout the CVP.

With respect to H.R. 872, the Exchange Contractors believe that the change in vision under this bill is long overdue. Combining ESA implementation responsibilities of both NMFS and Fish and Wildlife Service within one Federal agency is a win-win for the fish, the environment, the Federal Government, and us stakeholders.

Our region is working on projects that would advance the plans envisioned within H.R. 215. The Exchange Contractors are working with Del Puerto Water District on the Del Puerto Canyon reservoir

project, which we are very grateful for the support we have received from the U.S. Bureau of Reclamation. The Del Puerto Canyon reservoir project, combined with the proposed raising of the B.F. Sisk Dam would provide an additional 210,000 acre-feet of storage in our backyard that could be used for future drought purposes.

In addition, our region is working on a number of regional and small groundwater storage projects. The Exchange Contractors are working with our neighbors on conversion of existing Los Banos Creek detention dam, which is a flood control project, converting it into a water storage project, with water supply benefits for wildlife, for agriculture, and for the city of Los Banos. We are also working on groundwater banks in both Los Banos and Orestimba Creeks.

Also, as the current flood circumstances demonstrate, maintenance and re-establishment of conveyance capacities of our local flood channels and water conveyance infrastructure is vitally needed to be able to save water for future droughts.

Again, thank you for the opportunity to appear here today and share some of our thoughts with the Subcommittee. We will be happy to provide more information and details on the topics that we just discussed. Thank you.

[The prepared statement of Mr. White follows:]

PREPARED STATEMENT OF CHRIS WHITE, EXECUTIVE DIRECTOR, SAN JOAQUIN RIVER
EXCHANGE CONTRACTORS WATER AUTHORITY
ON H.R. 215 AND H.R. 872

Good Morning Chairmen Westerman and Bentz, Ranking Member Huffman and all other congressional members. First, let me welcome all of you and thank you for holding this hearing here in the Central Valley. And thank you for this opportunity to present testimony on behalf of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors). My name is Chris White and I am the Executive Director of the Exchange Contractors. Our organization is a joint powers authority formed under California law in 1992 by four member agencies, the Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District, and Columbia Canal Company. We are responsible for administering conservation plans, transfer programs, and resource planning, as well as advocating for dependable water supplies for our agencies and the 240,000 acres of agricultural land they represent.

Before I talk about the bills on the agenda for this hearing, I would like to express our great appreciation to Congressman Calvert and Congressman Valadao, the authors of the bills we are discussing today, for their unflagging efforts to pursue water supplies for California during their careers in Congress. We understand how difficult it can be to shepherd legislation through the U.S. Congress. We thank them for their tireless efforts and for the efforts of their excellent staff. I also greatly appreciate the newest member of our valley delegation, Congressman Duarte, and his knowledge and deep interest on our water issues.

California's Climate Extremes—The need for more water supply adaptive management tools

This has been an extraordinary three and a half months in California. In that short time frame, record precipitation fell, and record snowpack accumulated in this part of the state. This enormous volume of precipitation followed a three-year period of extreme drought, during which time were all fearful of a continued drought with the limited tools available to us. The 2022 drought was broken with an extraordinary string of precipitation events, and we went from one extreme to the present, with flood flows now expected to extend well into the summer. Looking at historical weather patterns, climate extremes are obviously the norm in California. Those extremes, combined with the current regulatory environment, make providing reliable water supplies for all water users throughout the state very challenging, if not impossible. Environmental, urban and agricultural water users need more tools

to be able to adaptively manage through these extremes if we ever hope to develop a truly drought resilient water supply.

H.R. 215 and H.R. 872

What's needed to manage between these weather conditions is the type of regulatory certainty, investment in water resilience projects, and the forward-thinking tools provided in H.R. 215 and H.R. 872.

The Exchange Contractors support advancing the two bills which are the focus of this hearing: H.R. 215, the "Working to Advance Tangible and Effective Reforms for California (WATER) Act" and H.R. 872, "Federally Integrated Species Health Act (FISH Act)"

H.R. 215

I would first note that H.R. 215 is the product of countless hours of work by a wide array of stakeholders in the last Congress. The Exchange Contractors were closely involved in these efforts, and we appreciate the opportunity to be included. The end product that we see in this Congress, H.R. 215, reflects a tremendous amount of negotiation and compromise. It is a common-sense and much needed approach to the management of water here in the Central Valley.

This bill would help provide long-term water supply and regulatory certainty to California. The certainty afforded to the project operators of both the Central Valley Project (CVP) and the State Water Project (SWP), and ultimately their customers, would provide the opportunity for better water management planning for a changing climate. It would also allow for investments in water resilience projects such as water use efficiency, groundwater banking, increased surface water storage, and conveyance projects.

The bill would provide the flexibility for voluntary agreements to continue to be developed and implemented, which we all recognize could serve a very important role in the operation of both the CVP and the SWP in the years ahead.

H.R. 872

With respect to H.R. 872, Congressman Calvert's bill, the Exchange Contractors believe the change envisioned under this bill is long overdue. Combining ESA implementation responsibilities of both NMFS and FWS within one federal agency would be a win-win for the fish, the environment, the federal government, and all stakeholders. The current two-agency approach makes the management operations of the Central Valley Project cumbersome and inefficient. One key example in our region is the Delta Smelt Biological Opinion prepared by FWS, which requires releasing flows from storage to manipulate habitat, while the NMFS Biological Opinion for salmon requires keeping water in storage for temperature control. Even a person with little expertise in water management can see that this leads to a confusing and dysfunctional approach, which is harmful for all stakeholders.

Storage and Conveyance

So what do we believe should be the takeaway from the last three and a half months? We suggest at least two intertwined concepts should be prioritized: storage and conveyance. Regarding storage, the important point is we do not need larger storage projects with multibillion-dollar price tags. Instead, we believe we need, and could make very good use of, strategically positioned smaller-size storage projects. Also, as our present flood circumstance demonstrates, we need to enhance direct groundwater recharge through the use of smart multi-benefit floodplain habitat projects that provide fish and wildlife habitat while increasing transitory storage of flood flows to reduce downstream flood damage.

With respect to conveyance, we need to invest in the best maintenance and improvement possible for conveyance capability. When I use the word "conveyance," I mean all forms of conveyance—from canals to our rivers and flood control systems. An investment in conveyance will pay off greatly, for it will open channels so that more water can be moved when needed but can also be stored until that time of need. I would be happy to go into more detail on this point if anyone would like me to do so.

That leads me to make some comments on a project I am very familiar with, the planned storage facility in Del Puerto Canyon. Let me first note we are immensely grateful for the support this project has received to date from the U.S. Bureau of Reclamation. It would have been very difficult to reach the point of planning we have reached without that vital financial support.

We believe the planned storage reservoir in Del Puerto Canyon is precisely the kind of above-ground storage project that is needed in California. It will provide off-stream storage in a location that will not hinder fish passage or migration in any

way. The reservoir, when completed, will allow for the storage of up to 82,000 acre-feet of water in a year such as this one. That water will help to replenish groundwater, as well as provide water that can be transported and delivered to farmers and municipalities in the region. It will also solve the recurring issue of flooding on Del Puerto Creek. This flooding, when it occurs, has a negative impact on neighboring farms, residential areas, and commercial activity. The reservoir will also provide important habitat for a variety of species of migrating birds. We started the planning in earnest for this project in 2019; we are hopeful construction will begin in 2028.

We believe there are numerous additional locations in California where similar projects could be built.

Additional Projects Underway

I also want to briefly describe two of the projects the Exchange Contractors are working on, on different stretches of the San Joaquin River. These are innovative, relatively low cost, and intended to provide a range of multiple benefits. They are:

1. Orestimba Creek Recharge and Recovery Project: This project will receive water to be stored for future use, by creating a series of storage basins and recharge ponds, with the necessary infrastructure. This project should accelerate the recharging of groundwater in the underlying aquifer.
2. Los Banos Creek Detention and Diversion Projects: In the Detention project, the current dam, which is used only as a flood control facility, would be repurposed to serve also as a water storage (and release) facility. In the Diversion project, a structure would be installed to allow water to better move through Los Banos Creek and the Delta-Mendota Canal, recharging creek flows. This would allow for better management of flood control and increase the reliability of the water in the creek, as well as improve the recreational possibilities of the creek.

The Exchange Contractors also continue to work, as we have since 2006, on projects under the umbrella of the San Joaquin River Restoration Program. These include a control structure and fish screen at Mendota Pool, as well as a fish screen and fish passage project at Arroyo Canal. These projects, once complete, will allow fish to survive and make their journey to the Delta. The projects also include building a well-designed flood plain habitat/transitory storage project with benefits accruing to fish rearing, flood control, and groundwater recharge. It includes the installation of control structures which will ensure that the floodplain benefits will occur across a wide range of river flows.

Again, thank you for the opportunity to appear here today and share some of our thoughts with the Subcommittee. We will be happy to provide more information and details on any of the points or projects I have mentioned today.

Mr. BENTZ. Thank you, Mr. White.
I now recognize Mr. Sutton for 5 minutes.

STATEMENT OF JEFF SUTTON, GENERAL MANAGER, TEHAMA-COLUSA CANAL AUTHORITY, WILLOWS, CALIFORNIA

Mr. SUTTON. Chairman Bentz, members of the Subcommittee, Congressman Costa, thank you for joining us as well, and Chairman Westerman, thank you for coming out here from Arkansas. And thank you to all the folks here in the crowd. I think folks would rather be out this time of year, farming and growing the food that feeds our nation and the world, but unfortunately, because of some of the challenges we are trying to address here today, we are in this room trying to fix problems. But thank you for being here.

My name is Jeff Sutton. I am the General Manager of the Tehama-Colusa Canal Authority. We manage the Sacramento Canals Unit, the CVP, serving 17 water districts through 4 counties on the west side of the Sacramento Valley. Our service

area is 150,000 acres and provides about \$1 billion annual to our local and regional economy.

And I should say where we are, and similar to where we are sitting here today, agriculture is our economy. When that goes bad, our communities suffer greatly. And we saw that just recently through this drought, from 2020 to 2022, but I want to actually back up to 2017 and 2019. The CVP was built—they modeled this to get through the drought of the late 1920s and early 1930s. It is supposed to provide 5 years of drought protection. In 2017, we were spilling 85,000 CFS over Shasta. The ground was shaking below the dam. It was awesome. In 2019, again the same thing happened. It would have sure been nice to have an extra additional 18.5 feet to store an extra 680,000 acre-feet of water and also have that added flood protection, not to mention—and I will talk more about this in a minute—the Sites Reservoir downstream to capture some of that water as well.

Five years of protection, 2020, turn around and we dropped a lot of water for delta smelt habitat. Water service contractors, the very next year, in Northern California, we were at 50 percent, the very next year, spilling water over Shasta. South of Delta it was even much worse than that. Then we experienced 2021 and 2022, 2 years of zero allocation for our entire service area, and also the service areas of the San Luis & Delta Mendota Water Authority.

The year 2022 was extremely—we have never experienced in the history of our valley. The Sacramento River Settlement Contractors, the most senior rights that predate the Central Valley Project, the back upon which the Central Valley Project was built, in drier years that are supposed to get not less than 75 percent. That promise had never been broken in history. They received 18 percent for single species management, for winter-run salmon below Shasta Reservoir. It crippled our communities.

Glenn-Colusa Irrigation District, one of the oldest and biggest water right holders on the Sacramento River—my great-great-grandfather signed the document and chaired the meeting that created that organization—they typically planned 100,000 acres of rice. The district is 150,000 acres. They planted 1,100 acres in 2022. Several districts at 18 percent, it was so inefficient they could not even operate, which actually allowed us to purchase some of that water and keep our permanent crops alive to avoid even a bigger disaster. Those are expensive transfers, and to add insult to injury, it occurred during a time they got a freeze and they had no income coming in from those trees as well.

And I am looking at my time and I am talking too long, so I want to say the system is broken. We have to fix it. Both of these bills are a step in the right direction.

I am also the Vice Chairman of the Sites Joint Powers Authority, a \$4 billion, 1.5-million-acre-foot reservoir, that we are working feverishly, and have been since our organization was started in 2010, to build that. We are making progress, but we need to make these projects a lot easier to implement. It is incredibly challenging.

These crises are predictable. It is going to stop raining again. We are going to experience droughts. But they are preventable if we make the right investments.

I also want to say regarding the FISH Act, what we are doing now lacks common sense. It is inefficient. It is ineffective. It is in constant conflict. You have one fish against another, release all the water out of Shasta for the delta smelt, hold it for the winter-run salmon. And I want to say, moreover, when you are not providing water to those working landscapes, you are hurting a whole host of other species that rely on that habitat. And what we are going to do is result in having more listed species when we are not helping the fishery species either.

I will close. Thank you so much.

[The prepared statement of Mr. Sutton follows:]

PREPARED STATEMENT OF JEFFREY P. SUTTON, GENERAL MANAGER, TEHAMA-COLUSA
CANAL AUTHORITY
ON H.R. 215 AND H.R. 872

Introduction

Chairman Bentz, Ranking Member Huffman, and members of the subcommittee, thank you for the opportunity to provide testimony to the House Natural Resources Subcommittee on Water, Wildlife, and Fisheries. My name is Jeff Sutton, and I am the General Manager of the Tehama-Colusa Canal Authority (TCCA).

The TCCA is a Joint Powers Authority, a public agency created under California law, that delivers water to 17 water agencies throughout a four county (Tehama, Glenn, Colusa, Yolo) service area along the westside of the Sacramento Valley. Pursuant to a contract with the United States Bureau of Reclamation (Reclamation), TCCA operates and maintains a large dual canal water delivery system commonly referred to as the Sacramento Canals Unit of the Central Valley Project (CVP). These facilities provide irrigation water to approximately 150,000 acres of prime farmland, generating over \$1 billion of regional economic benefit annually. Throughout our rural agricultural region, farming is the foundation of our economy, and any interruption in the ability to deliver water to these crops could have significant and long-lasting impacts.

Peak irrigation season in the TCCA service area typically occurs from early May through early September. Post-harvest irrigation typically continues throughout the months of September, October, and November, and sometimes longer until the rains set in. Also, post-harvest water plays an important role in our region, both to decompose rice straw and to provide critical habitat for a variety of wildlife, waterfowl, and shorebirds.

2020–2022 Drought Impacts

The recent drought experience, from 2020–2022, put a spotlight on the flawed management approach we experience in the CVP. Constantly increasing regulatory pressure and the lack of investment in new surface and groundwater storage to offset the resulting impacts to our water supply, has served to cripple the reliability and operational flexibility of the CVP. This has negatively impacted the communities and farms reliant on this important water infrastructure and caused significant harm to wildlife species dependent on the habitat provided by the working landscapes that make up the Sacramento Valley. And most frustrating, we have seen scant, if any, progress toward recovery of fisheries, the stated purpose of these impactful regulatory actions. In many cases, we continue to see further declines in the fisheries as misguided and off target regulations focus on single species management and water cutbacks, ignoring the habitat needs and other stressors on these endangered fish.

California weather has always been variable, a dynamic that has intensified in recent years. However, weathering such fluctuations in hydrology was the very purpose for the construction of the CVP which was designed and built to provide flood control, power generation, and water storage sufficient to weather a five-year prolonged drought period. Unfortunately, we have lost sight of these important goals, rendering our water management system more and more ineffectual to accomplish its intended and authorized purposes.

2019 was an extremely wet year—our reservoirs and groundwater aquifers filled to the brim. Huge quantities of water spilled from the reservoirs that year and we lost an opportunity to capture them for future use. However, just one year later, after experiencing only one very dry winter in 2020, the CVP water service contracts

held by the TCCA water agencies were reduced by 50%, with even deeper water cuts for contractors south of the Delta. This was followed by two more dry years, 2021 and 2022, where TCCA water agency allocations were 0% each year. This resulted in the fallowing of approximately 40% or 60,000 acres of our service area. This led to a greater reliance on groundwater pumping and expensive water transfers causing more fallowing throughout the region as growers tried to protect and preserve high value permanent crop plantings.

Moreover, the CVP was unable to even meet obligations to the Sacramento River Settlement Contractor, the holders of the most senior water rights that predate the creation of the CVP, in 2021 and 2022. In 2022, for the first time in history, the Sacramento River Settlement Contractors were allocated a mere 18%, despite holding contracts that legally require the delivery of a 75% water supply. The entire west side of the Sacramento Valley was laid barren of annual crops. Likewise, the accompanying seasonal habitat created by rice fields and wildlife refuges ceased to exist. Glenn-Colusa Irrigation District, which typically plants 100,000 acres of rice, saw a total of 1,100 acres planted. Several water districts were unable to even operate at all under these conditions, idling entire districts because they could not assure growers they had sufficient water to get them to harvest. This resulted in unparalleled devastation to the Sacramento Valley economy and environment, causing great hardship to farms, businesses and communities throughout the region, as well as the array of wildlife, waterfowl, and shore bird species reliant on the non-existent habitat due to the water cutbacks.

Increased investment in new surface and groundwater storage and a more thoughtful and holistic approach to resource and species management is desperately needed to restore the operational flexibility, water supply reliability, and climate change resiliency of the CVP and California's water management system as a whole. If we do not alter our current trajectory, which has eroded our ability to meet the water demands of our state, we are doomed to experience increasingly intractable and impactful resource and species conflicts into the future.

The impacts experienced during the 2013–2015 and 2020–2022 crises were unfortunate but are now in our rear view mirror. These events were both predictable, and preventable. We are all fully aware that Mother Nature will continue to bring periods of wet and dry to California in the future. However, the responsibility to prepare and plan for such events, to minimize and mitigate the impacts associated with these occurrences, is within our abilities. It requires dedication, foresight and leadership to make the commitments and investments necessary to accomplish this goal. It is now on us.

Opportunities in Wet Years

The severity of the boom-and-bust hydrologic cycles that we continue to experience should serve as a wake-up call to all of us that we must continue to invest in innovative projects that increase California's drought resilience and provide an insurance policy against future drought conditions.

I have the honor of serving as the Vice-Chairman of the Sites Project Authority (Authority), a Joint Powers Authority formed in 2010 for the purpose of permitting, designing, constructing and operating a new 1.5 million acre foot reservoir. Sites Reservoir is a multi-benefit, off-stream water storage facility, located north of Sacramento in rural Colusa and Glenn counties. Sites will capture and store stormwater and flood flows from the Sacramento River, after all other water rights and regulatory requirements are met, for release primarily in drier years, such as 2022. Recent analysis by the Sites Project Authority illustrates that had the project been operational today, it could have diverted and stored nearly 494,000 acre feet of water from the severe storms that California experienced during January, February, and March. And we would likely continue to add to that total for weeks to come.

Sites is a 21st century water storage facility which will utilize existing state-of-the-art screened, fish friendly water diversions on the Sacramento River and existing water conveyance facilities (Glenn-Colusa Canal, Tehama-Colusa Canal, and the Colusa Basin Drain). It provides a new off-stream water storage facility that integrates perfectly into our current water management system. In fact, the project dedicates a significant portion of its water supply and operational benefits to the enhancement of terrestrial and aquatic environments, while also providing significant flood control and recreational benefits.

The project is a federal, state, and local partnership that strictly adheres to the "beneficial pays" principal as each participant is required to invest in the reservoir at an amount that is equal to the benefit that they will receive from the project. As an investor in the project, Reclamation utilizes funding from the WIIN Act storage account to fund its share of the project. TCCA greatly appreciates Section

304(b) of H.R. 215, the WATER for California Act, which would extend the authorization for the WIIN Act storage account.

In California, we have relied on the Sierra Nevada snowpack and the spring/summer runoff to fill our reservoirs and recharge our groundwater aquifers—which in turn provides water for agricultural, environmental, and urban uses. However, this snowpack has become increasingly unreliable because of changed hydrology. At present, most of California’s precipitation now comes from intense storm events that produce extreme amounts of stormwater that runs off before it can be captured for maximum benefit.

This fact is why Sites is so important. Moreover, Sites Reservoir’s operational, environmental and water supply benefits are amplified under a climate change scenario.

Here in the Sacramento Valley, we do not face the regulatory challenges that other CVP contractors south of the Delta experience when trying to export water through the Delta to their service area. However, TCCA does support additional operational flexibility during wet years to make it easier for our friends south of the Delta to utilize the additional water in the system. Because of that, TCCA strongly supports the language in Title III of H.R. 215, which would ensure that TCCA’s contractors are not negatively impacted during situations where additional exports through the Delta are warranted.

H.R. 872, The FISH Act

H.R. 872 would transfer authority for management of anadromous fish species from the National Marine Fisheries Service (NMFS) to the U.S. Fish and Wildlife Service (USFWS). TCCA believes that if enacted, this legislation would improve management coordination for fish species listed under the Endangered Species Act (ESA) and could prevent conflicting water management directives, something we have previously experienced within the CVP. Currently, ESA consultations require Reclamation to work with two independent agencies that, despite their best efforts, often lack coordination which can cause disparate and conflicting directives. This dynamic has dominated ESA consultations and water management in recent years.

The transfer of this authority to a single agency is a practical, common-sense proposal that would serve as the catalyst for the departure from the current single species management paradigm, causing a much-needed shift to a more holistic, efficient, effective, and coordinated, ecosystem-wide resource management approach.

In the CVP today, we have NMFS, which is singularly focused on Sacramento River temperature concerns related to Winter Run Chinook Salmon. NMFS regularly requires increased water storage and restrictive release patterns from Shasta Reservoir. At the same time, USFWS seeks significant storage releases to augment outflow for Delta Smelt. The result of these conflicting requirements is an inherent and intractable conflict which greatly impairs the ability of the CVP to serve its congressionally authorized purposes. This has negative water supply and economic impacts to communities and farms. Meanwhile, this circumstance further ignores the significant effects on terrestrial species, waterfowl, and other wildlife that rely on the habitat created by water deliveries to the agricultural working landscapes throughout the Sacramento Valley.

Without change, the dynamic we experience today will continue to prevent more thoughtful and effective resource management strategies. It is likely to result in the continued downward trend we see for ESA listed aquatic species and is likely to result in additional ESA listing caused by the unintended consequences of single species management. Continuing with this inefficient, duplicative, and imprudent regulatory structure is a recipe for future conflict, frustration, and failure.

TCCA appreciates the opportunity to provide insight and perspective into the ongoing water management challenges that we face in California and looks forward to working with the Committee and Congress to implement the change we so desperately need.

Mr. BENTZ. Thank you, Mr. Sutton.
And I now recognize Mr. Bourdeau for 5 minutes.

**STATEMENT OF WILLIAM BOURDEAU, DIRECTOR, WESTLANDS
WATER DISTRICT, FRESNO, CALIFORNIA**

Mr. BOURDEAU. Good afternoon, Chairman Bentz and members of the Subcommittee. It is an honor to appear before you. My name is William Bourdeau. I bring 26 years of experience in business, agriculture, and public service to the Subcommittee. Today, I am testifying as the Westlands Water District Director.

My family has lived on the west side of the San Joaquin Valley for over 100 years, and in the early days I was told there was nothing but tumbleweeds and alkali. Now it is one of the most productive farming regions in the world. Pioneering individuals built these projects that moved water from where it is abundant to where it is needed. We are all beneficiaries of the immense foresight and the incredible infrastructure that has been built.

Westlands farmers are extremely productive. We are blessed with fertile soil, a Mediterranean climate, and the Sierra Nevada mountains that capture a significant amount of snow, as highlighted this year. Farmers in Westlands are able to grow approximately 60 different crops with a value of \$2 billion, generating around \$4.7 billion in farm-related economic activity each year, supporting nearly 35,000 jobs, and benefiting the local communities and across the state. Growing up in Coalinga, when I was young, I would have never imagined being involved in something so impactful.

The Central Valley Project and the State Water Project are two truly feats of human ingenuity and engineering. They are designed to deliver reliable water supplies to support the people and industries that now call California home. But our water management system needs to be adapted and to be improved. We need to modernize the state's water infrastructure, particularly storage, so that we can capture more water when it is plentiful and preserve it for when it is dry. We also need smarter, science-based, regulatory approaches that will allow for biological-based management that achieves environmental goals, adaptively manages resources to optimize overall benefits, and encourages cooperation rather than conflict.

Both the WATER for California Act and the FISH Act reflect common-sense approaches to real issues facing California. These bills are timely, especially if we want the next generation of Californians to pursue farming as a career. We need to address the challenges that are driving people away. Farmers are leaving California. Some of them I know well. And their decisions to leave are at least, in some part, related to the lack of adequate and reliable water supply. Without sufficient water, it is impossible to have the crop production that is needed to run a business, employ people, and contribute a necessity to society.

The WATER for California Act includes important provisions to advance water storage in California. We need to store more water to improve reliability. When farmers do not receive their allocations, they fallow the land and rely more heavily on groundwater, with the Sustainable Groundwater Management Act making this even more complicated. The results are serious. People lose jobs. Food banks are strained. Schools lose attendance. The tax base takes a hit. And the human impacts are severe.

I am also concerned about the food security implications of reducing the ability for farmers to farm in the San Joaquin Valley. As a Marine, I know disrupting supply lines are key to military success. If this country does not produce its own food, we will become vulnerable. It is good public policy to support farming communities. It is in our national interest.

Communities in the Central Valley have, at times, run out of water or have been unable to provide safe drinking water. Quite simply, the lack of reliable water threatens the economy and public health. The Federal Government plays an important role in operating key water infrastructure in California, and it should be a partner in ensuring that the projects are able to satisfy their multiple purposes, including delivering an adequate and reliable water supply to people and farms.

There have been many times when requirements imposed by the U.S. Fish and Wildlife Service have conflicted with requirements imposed by the National Marine Fishery Service. Having two different Federal agencies consulting over operations of Federal water projects also adds to the complexity of ESA compliance.

In conclusion, I fully acknowledge the immense challenges involved in managing California's water resources. The state continues to grapple with rapid hydrological changes as atmospheric rivers deliver much-needed rainfall and snowpack following 3 years of the driest in California's recorded history. Efficiently capturing and transporting this water to where it is needed remains a daunting task.

However, infrastructure improvements alone are insufficient to achieve water supply reliability. In the Central Valley, we aspire to foster thriving ecosystems and fish populations alongside flourishing businesses and farms. To realize this vision in California, we must maintain operational flexibility and implement improvements in the regulatory landscape. Regulations ought to be grounded in scientific evidence, with regulatory action only when they address specific biological needs. I believe the two bills under consideration today would help to accomplish these important goals.

I again thank the Subcommittee for allowing me to testify today at the field hearing, and I look forward to answering questions.

[The prepared statement of Mr. Bourdeau follows:]

PREPARED STATEMENT OF WILLIAM BOURDEAU, DIRECTOR, WESTLANDS
WATER DISTRICT

ON H.R. 215 AND H.R. 872

Good afternoon, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee. It is a great privilege to appear before you.

My name is William Bourdeau, and I bring over 26 years of expertise in business and agriculture to the Subcommittee. I serve on the board of directors for the Westlands Water District, American Pistachio Growers, Family Farm Alliance, and the Agriculture Foundation of California State University, Fresno. Additionally, I hold several key leadership positions, including Vice Chair of the San Luis & Delta-Mendota Water Authority, Chair of the California Water Alliance, and Chair of the Valley Future Foundation. I am dedicated to public service and the communities where I live and work.

Today, I am testifying as a director of the Westlands Water District ("Westlands"). The District and its farmers appreciate the value of water and the importance of water conservation. Those instrumental in the formation of the Westlands are responsible for its existing water conveyance system, which is comprised entirely of buried pipeline (approximately 1,100 miles of pipe). Over time, Westlands and its

farmers have continued to invest in this sophisticated system. All surface water diversions are metered, and Westlands is just completing its efforts to install meters on all groundwater wells. In many of the fields within Westlands, farmers employ surface and subsurface drip irrigation or micro-sprinklers. The result of these investments is that farmers achieve some of the highest water use efficiencies in the world.

Farmers in Westlands are also incredibly productive. They are able to grow approximately 60 different high-quality, nutritious crops under some of the highest environmental standards in the world—producing crops with a value of \$2 billion and generating more than \$4.7 billion in farm-related economic activity each year, supporting nearly 35,000 jobs, and benefiting local communities in the San Joaquin Valley and across the state. The primary source of the water necessary to grow food and provide the economic benefits is the federal Central Valley Project.

Today, I share with you my experiences as a resident, farmer, and public servant in an area served by the Central Valley Project and my views of the two bills that you are considering, H.R. 215, the WATER for California Act, and H.R. 872, the FISH Act. Both of these pieces of legislation reflect commonsense approaches to the real issues facing California. Both are intended to provide regulatory efficacy and certainty, as well as enhance the operational flexibility of the Central Valley Project and the State Water Project to allow them to better achieve their congressionally established purposes.

The Central Valley Project and State Water Project are truly feats of human ingenuity and engineering. They were designed to deliver reliable water supplies to support the people and industries that now call California home. And they have provided the foundation for communities in California's Central Valley. But years of shortages, particularly over the last few years when Westlands and other agencies received zero allocations, followed by the torrential rain and snow this year, demonstrate that our water management system needs to adapt and be improved. We need more infrastructure, particularly storage so that we can capture more water when it is plentiful so that we have water available to get us through the dry periods. We also need smarter—science based—regulatory approaches that will allow for biological-based management that achieves environmental goals, adaptively manages resources to optimize overall benefits, and encourages cooperation rather than conflict.

The WATER for California Act would benefit the cities, farms, and ecosystems throughout California that depend on the Central Valley Project and State Water Project.

The bill includes important provisions to advance water storage in California by extending section 4007 of the Water Infrastructure Improvements for the Nation (WIIN) Act. Under this provision, the Bureau of Reclamation can provide up to 50% federal funding for federal-led storage projects and 25% federal funding for state led projects. By extending the storage project authorizations until 2028, the bill will facilitate both the surface and groundwater storage necessary to improve the reliability of water in the Central Valley.

The bill would also preserve operational flexibility for the Central Valley Project and State Water Project. To improve the efficacy of actions taken to protect or improve the environment and to support the ability to beneficially use the water resources of the State to the fullest extent of which they are capable, it is vitally important that regulation of the Central Valley Project and State Water Project be science based. Regulation should reflect the need to comprehensively address all factors that affect the abundance of at-risk fish species and control only when serving biological needs.

These objectives of the WATER for California Act are of critical importance to Westlands, not only because of the direct benefit this bill would provide to Westlands' farmers but because of the benefit it would provide to community water systems—to the water supplies for me and the people with whom I work and live. The impacts of unreliable water supplies were evident in the prior two years. Just one example concerns the community of Coalinga in Fresno County. In 2022, it nearly ran out of water. Those who live in Coalinga rely solely on Central Valley Project water, delivered by the Bureau of Reclamation through the Central Valley Project. Reclamation, in the face of a severe drought, allocated Coalinga enough water for minimum health and safety needs. Coalinga did everything it could do use its available water supply efficiently, restricting outdoor water use and providing incentives for conservation. Even so, it was on the brink of not being able to provide adequate water for facilities located there, including a state prison and state mental hospital. Coalinga was able to purchase water from a nearby district, which was enough to get through the year. But the experience has had a chilling effect on the community, causing water insecurities and concern about its future. Other commu-

nities in the Central Valley have at times run out of water or been unable to provide water that is safe to use for drinking. Quite simply, lack of reliable water threatens the economy and public health. The federal government plays an important role in operating key water infrastructure in California, and it should be a partner in ensuring that the CVP and SWP are able to satisfy their multiple purposes, including delivery of an adequate and reliable water supply to people and farms.

The FISH Act, like the Water for California Act, is aimed at rationalizing regulations, only with a focus on threatened and endangered fish. The bill would consolidate Endangered Species Act responsibilities over fish into a single federal agency, the Fish and Wildlife Service (FWS). Under current law, the National Marine Fisheries Service (NMFS) has responsibility for anadromous and catadromous fish (fish that move between fresh and ocean waters during their lifetimes). For fish species that remain in freshwater their entire lives, FWS has ESA responsibility. There have been times when requirements imposed by FWS have conflicted with requirements imposed by NMFS. Having two different federal agencies consulting over operations of federal water projects also adds to the complexity of ESA compliance. Consolidating responsibility in a single agency will improve the ability to protect threatened and endangered species by ensuring coordinated approaches, particularly when dealing with a finite natural resource such as water. For these reasons, the consolidation makes sense.

In conclusion, I fully acknowledge the immense challenges involved in managing California's water resources. The state continues to grapple with rapid hydrological changes, as atmospheric rivers deliver much-needed rainfall and snowpack following three of the driest years in California's recorded history reaches record levels. Managing flood risk and efficiently capturing and transporting this water to where it is needed remain daunting tasks. Enhancements to water infrastructure are essential for providing the operational flexibility required to navigate these extreme climate variations effectively.

However, infrastructure improvements alone are insufficient to achieve water supply reliability. In the Central Valley, we aspire to foster thriving ecosystems and fish populations alongside flourishing businesses and farms. To realize this vision in California, we must maintain operational flexibility and implement improvements in the regulatory landscape. Regulations ought to be grounded in scientific evidence, with regulatory actions taken only when they address specific biological needs.

We do not seek perpetual conflict over regulations or discrepancies between state and federal laws. Instead, we yearn for certainty and the capacity to invest in a brighter future. I am confident that the two bills under consideration today will contribute significantly to accomplishing these vital objectives.

I again thank the Subcommittee for allowing me to testify at today's field hearing.

Mr. BENTZ. Thank you, Mr. Bourdeau.
And I now recognize Mr. Fukuda for 5 minutes.

**STATEMENT OF AARON FUKUDA, GENERAL MANAGER,
TULARE IRRIGATION DISTRICT, TULARE, CALIFORNIA**

Mr. FUKUDA. Chairmen Bentz and Westerman and members of the Subcommittee, thank you for the opportunity to speak at my first Subcommittee hearing. This is a first for me, so bear with me.

My name is Aaron Fukuda. I am the General Manager of the Tulare Irrigation District. We are one of the oldest irrigation districts in the state of California, formed in 1889. Since its inception, the district has developed an irrigation system with 300 miles of canals, 1,300 acres of recharge basins, and a water supply portfolio that includes water rights on the Kaweah River system and a contract with the Bureau of Reclamation.

To quote my friend and colleague, Eddie Ocampo, Director at Self-Help Enterprises, "The culture of our region is agriculture." What we have found is that our region has suffered from these climatic swings between wet and dry, and we have not been given the tools to prepare ourselves for these wet and dry years, with limited investment in aging and new infrastructure along with a

burdensome regulatory atmosphere we find ourselves in here in California.

Over the last 3 years, our Tulare Irrigation District has received such little surface water supply that we have not had an irrigation run, and therefore our growers have had to turn to groundwater to backstop their agricultural needs. This has been devastating to our economics as we don't have any revenue to cover our ongoing expenses, but the risk is the future. When we look forward, do we have the surface water storage that we know we are going to have a water supply in the coming years?

So, our region has had to go to groundwater to keep our agricultural communities thriving. As our groundwater depleted, we hit our all-time lows in our groundwaters this fall of 2022. Many of our communities, predominantly disadvantaged, like the community of Okieville, had numerous domestic wells that went dry this last year. This need to use groundwater water driven by the necessity to keep our agricultural communities simply alive.

In the fall of 2022, though, we were greeted, in December, with a wet season and nine atmospheric rivers, which was much needed. While we enjoyed a short reprieve in February 2022, in early March we received several warm atmospheric river systems. For the first time in decades, local reservoirs were put into spill conditions, and downstream rivers received flows that exceeded channel capacities. Widespread flooding conditions were experienced in the upper Kaweah River system, the lower St. Johns River system, and down into the lower historic Tulare Lakebed.

Crop damage is significant in our area and extensive. Farmers are losing their winter wheat crops and others are losing permanent crops such as citrus and nut crops. Small communities such as Lindsay, Woodlake, Alpaugh, and Allensworth that surround our hearing today also have experienced severe flooding conditions, requiring residents to abandon their homes with very little notice.

But given these dramatic swings in hydrology, our local communities have tried to lean into these hard times and prepare for the next disaster. How are we doing this, and how maybe can this Committee help?

In the face of the drought conditions, last year, our agricultural community passed the 2022 Emergency Ordinance, which cut back on groundwater pumping in our area. We saved about 13 percent of our Ag demand, which is about 20,000 acre-feet, and then turned that into this wet year by doubling our recharge rate, from 700 acre-feet to 1,500 acre-feet per day. But with the ability to now reduce groundwater, we still found some of our local domestic wells were drying up, and we can do with some Federal support to help backstop these wells and get them to resiliency by drilling them deeper.

There is also a much better way to buffer extremes and that is with multi-benefit reservoirs. Our Seaborn Reservoir project is a shining example, and I want to thank Congressmen Valadao, Costa, and McCarthy, who are graciously trying to support our project and help us find funding. This project is an 8,000 acre-foot off-stream reservoir with a habitat restoration zone around the reservoir and a community center to be used for educating our youth and community on agriculture and the habitat supported in

the area. The project will allow the district to help the region by providing much needed flood relief during high flows, such as this year, drought resiliency by allowing increased recharge opportunities in and around disadvantaged communities, and the development of a community education center.

Last but not least, our region really does need water supply reliability and regulatory relief to ensure that we can have water supply guaranteed to us under our contractual obligations with the Bureau of Reclamation as well as our pre-1914 water rights. H.R. 215 and H.R. 872 make too much sense, and they are the path forward for securing those needs. By ensuring that our water supply is governed by sound and modern science in an adaptive manner, such that the Central Valley Project is operated to support the needs of our region, we can ensure that our region has the water supply to achieve sustainability.

On behalf of the Tulare Irrigation District, I thank the Committee for holding this hearing here in Tulare. We are committed to working with Members of Congress and the Administration to ensure that we have a thriving agricultural community, and that begins with a resilient water supply and infrastructure to support that.

This concludes my remarks, and I am happy to answer any questions the Members may have.

[The prepared statement of Mr. Fukuda follows:]

PREPARED STATEMENT OF AARON FUKUDA, GENERAL MANAGER, TULARE
IRRIGATION DISTRICT
ON H.R. 215 AND H.R. 872

Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee: Thank you for the opportunity to testify today regarding the drastic local conditions that our growers and communities are experiencing. My name is Aaron Fukuda and I am the General Manager of the Tulare Irrigation District. The Tulare Irrigation District is one of the oldest irrigation districts in the State of California, formed in 1889 to deliver irrigation water to the lands in and around the community of Tulare. Since its inception, the District has developed an irrigation system with over 300 miles of earthen canals, management and operation of 1,300 acres of recharge basins, and a water supply portfolio that includes water rights on the Kaweah River and a Bureau of Reclamation Contract on the Friant Division of the Central Valley Project.

To quote my friend and colleague Eddie Ocampo, Director at Self-Help Enterprises, "the culture of our region is Agriculture". For far too many years, our region has suffered tremendously due to climate-induced hydrologic shifts between consecutive drought years to extremely wet years, like the one we are experiencing this year. What we have found is that there is a lack of preparedness due to limited investment in aging and even new infrastructure to address these hydrologic swings, compounded with the burdensome regulatory atmosphere in California, which stresses the agricultural fabric of our region from the fields to the communities and is devastating the ag culture of our region.

During the last several years of drought and limited water supplies made available by the state and federal projects, the District was faced with three consecutive years where the water supplies available did not meet the minimum volume needed to deliver to growers and our communities. Therefore there was no irrigation run. This put the District and our growers under economic stress, with only one year of financial reserves for operations and questions as to the ability to have enough water in the coming years due to the lack of surface water storage throughout the state. With no surface water for irrigation, growers turned to groundwater to meet their minimum irrigation demands to keep their businesses and community intact. Without sufficient surface water supplies, a dependence on groundwater exists and the groundwater levels in the area have declined significantly during this period, reaching our all-time lows in the Fall of 2022. This not

only devastated the agricultural viability in our region but, more importantly, had a significant impact on our communities which are predominantly “Disadvantaged”, like Okieville, where numerous domestic wells went dry. This need to use groundwater was one driven by the necessity to keep our agricultural communities alive. The region saw significant crop stress and damage, and our small communities suffered from ongoing dry wells.

In the Fall of 2022, we all were preparing for another drought season based on early forecasts that indicated La Nina conditions would prevail and a greater than 50% chance of dry conditions through the winter. In December 2022, the Central Valley was greeted with a much-needed wet cycle, including nine atmospheric rivers that hit the Valley and the Sothern Sierra Nevada Mountain Range. While we enjoyed a short reprieve in February 2022, in early March, we received several warm atmospheric river systems that have wreaked havoc on most of the Southern San Joaquin Valley rivers, streams, and creeks. For the first time in decades, local reservoirs were put into spill conditions, and downstream rivers received flows that exceeded channel capacities. Widespread flooding conditions were experienced in the upper Kaweah River system, lower St. Johns River system, and down in the historic Tulare Lakebed. Crop damage is significant and extensive, with farmers losing winter wheat crops and others losing permanent citrus and nut crops due to extended flooding. Small communities such as Lindsay, Woodlake, Alpaugh, and Allensworth that surround our hearing today have all experienced severe flooding conditions requiring residents to abandon their homes with very little notice.

Given these dramatic swings in hydrology and the annual unpredictability, our growers and our communities are barely able to manage from one disaster to another. While there are hard times, I would posit with this Committee that our region is working hard to lean into these issues, banding together and trying to prepare for our inevitable next disaster. So how are we doing this, and how can this Committee help?

In the face of drought conditions, our agricultural community came together in 2022 to implement an Emergency Ordinance to allocate and reduce the use of groundwater for agricultural production. This was not a popular program but a necessary program. In 2022 our program reduced groundwater consumption by 13%, which is approximately 20,000 acre-feet. This then allowed our growers to move to the wet season and increase our recharge capacity. Our historic recharge capacity was approximately 700 acre-feet per day, and with the Emergency Ordinance in place, growers accrued groundwater credits for over-application of irrigation supplies in the winter, which increased our recharge capacity to 1,500 acre-feet per day, a doubling of our recharge efforts.

With the ability to now reduce groundwater demand, we still have the need to drill new domestic and community wells down to safe levels that guarantee a resilient and clean supply of groundwater. Federal funds to assist in this effort and our well mitigation plans will provide our landowners with confidence that our wells are ready for droughts and floods.

There is no better way to buffer extremes than with multi-benefit water storage projects. Our Seaborn Reservoir project is a shining example of a project that will serve multiple purposes for our agricultural community. We are grateful to our congressional members, Congressman Valadao, Congressman Costa, and Congressman McCarthy who are graciously aiding our efforts in trying to secure funding for our new reservoir. The Seaborn Reservoir Project is an abandoned gravel mining operation owned by the District and a private ditch company and will be turned into a multi-benefit reservoir located immediately off stream of the Kaweah River. It includes the development of an 8,000 acre-feet (AF) off-stream reservoir with a habitat restoration zone around the reservoir and a community center to be used for educating the community and our youth about agriculture and the habitat supported in the area. This project will allow the District to help the region by providing much needed flood relief during high flows, drought resiliency by allowing for increased recharge opportunities, including recharge in and around disadvantaged communities, and the development of a community educational center.

Last but not least, our region needs water supply reliability and regulatory relief to ensure that we can have the water supply guaranteed to us under our contractual obligations with the Bureau of Reclamation as well as our Pre-1914 water rights. H.R. 215 and H.R. 872 represent a path forward for securing those needs. By ensuring that our water supply is governed by sound and modern science in an adaptive manner such that the Central Valley Project is operated to support the needs of our region and deliver the contractual amounts due to its users, we can ensure that our region has the water supply to achieve sustainability.

On behalf of the Tulare Irrigation District, I thank the Committee for holding this hearing here in Tulare. We are committed to working with members of Congress

and the administration to ensure that we have a thriving agricultural culture, with vibrant and healthy communities, and that begins with a resilient water supply and infrastructure.

This concludes my remarks, and I am happy to answer any questions the members may have.

Mr. BENTZ. Thank you, Mr. Fukuda.
And with that I recognize Mr. DeGroot for 5 minutes.

**STATEMENT OF TONY DEGROOT, FARMER, DG BAR RANCHES,
HANFORD, CALIFORNIA**

Mr. DEGROOT. With all that said, I am about done with my speech.

Thank you, House of Representatives, for having us here. My name is Tony DeGroot, a local dairy farmer in Kings County. I am a second-generation farmer, along with my son Jared being the third, and his sons hopefully to be the fourth. I have been asked to give a short testimony of events in our area along with possible struggles which may hinder my sleep at night.

I would like to start by thanking our God for sending us the water we have been praying for. I believe God has given us an open door and an opportunity to act on the abundance of rain and snow he has given for the fourth time in my lifetime. We are blessed with storms every year but I have only seen flooding of this magnitude in 1969, 1982, 1997, and now again here in 2023. Unfortunately, this year's rain and snowpack will be another wasted blessing if we watch it go by and do not invest in our dry future years.

In preparation for this speech, I was asked to bring a few challenges I face as well. A challenge that we do have in our area, being a white area farmer, is to have representation on our local GSA board. We are making some headway. We are getting people to listen to us now, but it would be nice to have a seat at that table so our voices could also be heard.

And second, we need more infrastructure by the way of canals, sinking basins, reservoirs, pipelines, and pumps. It would also make the use of new and expanded dams more valuable, allowing all farmers to have increased access to surface water.

Another much needed asset to California would be the success of the Valley Blueprint, not only for wet years but in as much in dry years. We believe the answer for salmon and wildlife along with the future of California farmers could all be worked together. The Valley Blueprint is a big piece of our future, and I hope we can make some progress there.

I would also like to share my account of flooding and successes and our communal response in our area. Our family dairy farm is in Hanford, California, where Cross Creek and Highline Canals cross. I received a call from my neighbor who was asking for my input as he had never witnessed or been through one of these devastating floods in our area. After a quick assessment, it was clear that this was the biggest flood I have ever witnessed. At that time, water was flowing through the railroad tracks, over Grangeville Boulevard, through fields, and heading in his direction.

If desperate measures had not been taken, portions of two dairies, including feed yards and houses, would have been flooded. Temporary dams were built on Grangeville, tractor pumps were pumping water to higher ground, levees were constructed to hold water back from feed areas.

Due to abnormally high water flows in Cross Creek, the Highline Canal was breached in several spots, allowing an unprecedented amount of water to flow toward the city of Corcoran.

Over the next couple days, a bypass channel was constructed on the property of Jack De Jong south of Highway 198 from Highline Canal back into Cross Creek where it originated from upstream. The Highline Canal now has a newly constructed dam with a head gate to allow a percentage of water to pass for downstream users and percolation.

I share this story because when I got the initial call I immediately called the Kings County Board of Supervisors for their help. Within 3 days, they had three emergency meetings that would have normally taken 30 years just to approve. Now all of the work we did get accomplished in only 30 hours. This was all made possible with communication and common sense of local farmers and authorities working together. If it can happen. If there is an emergency, it should happen all the time. Let's cut some red tape and allow these things to happen as they need to.

My family is blessed that our facilities are elevated just high enough that our structures have stayed dry. However, we do have approximately 600 acres of great farmland under water. This is significant due to the implementation of SGMA and new water allocations and fees on top of our pumping cost. We have cut our wheat planting acreage down 50 percent compared to previous years. And now of that remaining 50 percent, this year's wheat is now underground.

Another unknown factor is how long the flooded acres will remain flooded and how we will now feed our cattle for the remainder of the year. For us and many like us there will be a feed shortage, with wheat and alfalfa drowning throughout the Central Valley. With 600 flooded acres, this means that about 50 percent of our corn ground may remain underwater for this season as well.

I am not looking for pity. There are many in much worse condition, those that have lost their facilities, moved cattle entirely off of their facilities, and all of their farm ground is underwater. It is very devastating, and I am sorry for those people and the community I hope is still standing behind you as well.

I can remember as a child going with my father to meetings as he advocated for the Mid Valley Canal. However, it failed because people had no vision of what things would look like with no water. Well, 50 years later, we can see it now. I can envision what California will look like with more dams, more canals, new methods of irrigation, all while preserving more wildlife habitat while continuing family farming for generations to come.

Congressman Valadao and all the panel, thank you so much for not only hearing our concerns but for acting on our behalf. I was taught many years ago that if you take care of the ground, it will take care of you. As I learned from my dad, our goal is to leave

this world better than we received it. And if we all work together, I believe this goal is achievable for generations to come.

Thank you, gentlemen.

[The prepared statement of Mr. DeGroot follows:]

PREPARED STATEMENT OF TONY DEGROOT, FARMER, DG BAR RANCHES
ON H.R. 215

My name is Tony DeGroot, a local dairy farmer in Kings County. I am a second generation farmer with my son Jared being the third and his sons to be the fourth. I have been asked to give a short story of events in our area along with possible struggles which may hinder my sleeping at night.

I will start by thanking our God for sending us the water we have been praying for. I believe God has given us an open door and an opportunity to act on the abundance of rain and snow he has given for the 4th time in my lifetime. We are blessed with winter storms every year but I have only seen flooding of this magnitude in 1968, 79, 83 and now again here in 2023. Unfortunately, this year's rain and snow pack will be another wasted blessing if we watch it go by.

In preparation for this speech I was asked to bring out a few challenges I face in my business.

1. White area farmers, (those with only one water source), need a seat on their local board, at this point we can only make our voice heard after the closed sessions have already made their decisions.
2. More infrastructure by the way of canals, pipelines and pumps, this would also make the use of new and expanded dams more valuable, allowing white area farmers to now have access to surface water.
3. Another much needed asset to California would be the success of the Valley Blue Print.
4. Farmers are price takers not price makers yet we are continually bombarded with added fees coming from all sides, we are now expected to solve the water crisis by not being allowed to pump water while expected to feed the world, I believe this cost should be shared by all tax payers, not only the farmer.

I would also like to share my account of flooding and success from my area. Our family dairy farms in Hanford Ca. where Crosscreek and Highline canals cross. I received a call from my neighbor who was asking for my input as he'd never witnessed or been through one of these devastating floods in our area. After a quick assessment it is clear that this was the biggest flooding I have ever witnessed. At that time water was flowing through the RR tracks, over Grangeville blvd in a new location, through fields and heading in his direction.

If desperate measures had not been taken, portions of two dairies, including feed yards and houses would have flooded. Temporary dams were built on Grangeville Blvd, tractor pumps were pumping water to higher ground, levees were constructed to hold water back from cow and feed areas.

Due to abnormally high water flows in Cross Creek the Highline Canal was breached in several spots allowing an unprecedented amount of water to flow toward the city of Corcoran.

Over the next couple days, a bypass channel was constructed on the property of Jack De Jong south of highway 198 from Highline canal back to Crosscreek where it originated from upstream. The Highline canal now has a newly constructed dam with a head gate to allow a percentage of water to pass for downstream users and percolation. I share this story because when I got the initial call I immediately called the Kings County Board of Supervisors for their help. Within three days they had three emergency meetings. What would have normally taken 30 years just to "approve," now got accomplished in 30 hours. This was all made possible with communication and common sense of local farmers and authorities working together. "It can happen!"

My family is blessed that our facilities are on just high enough ground that our structures should stay dry, however we do have approximately 600 acres of great farmland under water. This is significant due to the implementation of SGMA and new water allocations and cost of water, on top of our pumping cost. We have cut our wheat planting acreage down 50% compared to previous years. And now of that remaining acreage 50% of this year's wheat is under water. Another unknown factor is how long the flooded acres will remain flooded and how we will now feed our cattle for the remainder of the year. For us, and many like us there will be a feed shortage with wheat and alfalfa drowning throughout the Central Valley. With 600

flooded acres this means that about 50% of our corn ground may remain underwater for this season as well.

As a child I went with my father to meetings as he advocated for the Mid Valley Canal. It failed because people had no vision of what things would look like with no water. "Well 50 years later can we see it now?" I can. I can envision what California will look like with more dams, more canals, new methods of irrigation. Preserved wildlife habitat while continuing the family farm for generations to come.

Congressman Valadao, thank you so much for not only hearing our concerns but for acting on our behalf. I was taught many years ago that if you take care of the ground it will take care of you. Our goals are to leave this world better than we received it. And if we all work together, I believe this goal is achievable for our generation, and generations to come.

Thank you for your time.

Mr. BENTZ. Thank you, all of the witnesses, for your testimony, and I will now recognize Members for 5 minutes for questions. We will begin with Mr. McClintock.

Mr. MCCLINTOCK. Thank you, Mr. Chairman.

Mr. Phillips, on the tour of Friant Dam you gave us today you said that we could face major flooding because Millerton Lake cannot contain the runoff and may not be able to release it fast enough. If Temperance Flat had been built, would you have the same concerns?

Mr. PHILLIPS. I would not have the same concern, Congressman. We have 3 million acre-feet of snowpack above Millerton Lake right now, and it has about 300,000 acre-feet of capacity, so there is no way to correctly do the math on that when it comes off.

Mr. MCCLINTOCK. So, too late for Temperance Flat to prevent what you see?

Mr. PHILLIPS. Too late this year. The million acre-feet at Temperance Flat would have been able to provide, because we are going to have to release about 600,000 to 2 million acre-feet, somewhere in that range.

Mr. MCCLINTOCK. I know you made mention of the fact that twice in a decade we have seen historic droughts followed by years of record rainfall. During the droughts, our reservoirs were drawn down perilously low, half million acres of farmland were desiccated, thousands of farm workers lost their jobs. This year we have experienced atmospheric rivers that have caused massive damage from flooding. The floodgates on those same dams are now wide open and they are pouring millions of acre-feet of water into the ocean because we have no place to store the excess.

Mr. Sutton, what do you suppose nature is trying to tell us?

Mr. SUTTON. There are some solutions that I think if we can get out of our own way. It takes Federal, state, and local partnership, and I think a lot of folks have stepped up. But some folks have continued to try to create impediments. We need to build dams.

Mr. MCCLINTOCK. The last generation was able to do that effortlessly. We are still living from the gifts of the founders, as they say.

In 1959, the legislature passed the Burns-Porter Act. It included a water bond of \$1.75 billion. Now, if you do the inflation adjustment, that is about \$17 billion in today's money. Now with that \$17 billion, in today's money, we have built 10 storage dams, 11 ancillary dams that store 7 million acre-feet of water, and by the

way, also generate 3,000 megawatts of the cleanest and cheapest electricity on the planet. And with what was left over, we built the California Aqueduct.

Now it is kind of interesting. In the last, well, since 2000, voters have approved six water bond measures, \$27 billion, including \$17 billion of that that we have already spent. So, we have spent about the same as we did in the entire Burns-Porter Act, all promising to enhance California's water supply.

I wonder, Mr. Sutton, can you tell me what our generation has gotten with \$17 billion of water bond spending?

Mr. SUTTON. We haven't gotten 7 million acre-feet of new storage. We have gotten promises, and we are working to get across the finish line, trying to overcome challenges.

Mr. MCCLINTOCK. So, our generation has dropped the ball. Why is that? What is keeping us from doing what the last generation accomplished so effortlessly?

Mr. SUTTON. Regulatory hurdles.

Mr. MCCLINTOCK. So, we have done it to ourselves. We are not suffering because of acts of God. We are suffering because of acts of government. Is that a fair statement?

Mr. SUTTON. It is a very fair statement, Congressman. The Sites Reservoir Project has been on the books since the 1950s.

Mr. MCCLINTOCK. Mr. Bourdeau, would it be helpful to streamline the process for new dam construction, put the Bureau of Reclamation in charge of all Federal permitting agencies for an application, require the permitting process to run concurrently and not consecutively, and put a 2-year time limit on that process?

Mr. BOURDEAU. It would be tremendously helpful. It is unbelievable to me that we are able to build sports stadiums in record time. And though I like sports, I don't think they help society the same way water infrastructure would.

Mr. MCCLINTOCK. Mr. Chairman, by the way, my H.R. 186 would do exactly that. It passed the House when we last held the Majority. I would hope that we will get consideration of that measure before the summer.

Mr. DeGroot, we keep hearing about agricultural water. I wonder, is there really such a thing? I understand that a cheeseburger, for example, requires about 700 gallons of water to grow the stuff in that cheeseburger, a pair of jeans about 1,500 gallons of water. So, isn't this entire discussion one between abundance and scarcity, or prosperity and poverty for our children?

Mr. DEGROOT. The amount of water that is claimed to even grow one almond I believe is over 60 or 80 gallons, I have heard.

Mr. MCCLINTOCK. So, that is water that we use in our daily lives. That is the water that is necessary to produce the prosperity that we enjoyed and once took for granted in what was once a golden state.

Mr. DEGROOT. Yes.

Mr. MCCLINTOCK. We cannot do that anymore because when something is scarce, it becomes expensive. When it is plentiful, it is cheap. We are making water more and scarce, therefore more and more expensive. And we are just sabotaging the very prosperity that once brought our forebearers to this state, looking for

a better future. Is that an adequate summary of what is taking place with these environmental laws?

Mr. DEGROOT. The environmental laws are keeping—just one example is our forestry. We are not taking care of our forestry. We are letting the trees get overrun. If we cut out half the trees—

Mr. MCCLINTOCK. That is a subject for a different day and a different subcommittee.

Mr. DEGROOT. Well, it kind of plays in mind, right? Water is staying up in those mountains, and for our valley here, a lot of our water comes through snowmelt, which comes here. Now if those trees are taking that water up and evaporating it, that is less water that we are getting in this direction again. So, it is just another environmental thing. That is not our choice. That is what has happened.

If we took these gentlemen here to my right, and maybe asked if they could live off the smelt, maybe let them eat smelt and drink water only the rest of their lives, maybe they would look at the rest of their food that we are growing for them a little differently.

Mr. MCCLINTOCK. Thank you, Mr. McClintock.

Mr. LaMalfa, you are recognized for 5 minutes.

Mr. LAMALFA. Thank you, Chairman Bentz, and also Chairman Westerman, for allowing us to have this field hearing for the National Resources Committee. Thanks to our panelists. Thanks for all the audience showing up here today and being heard.

Let me go to Mr. Phillips here. You have mentioned that there are a variety of projects in California that could be built. For example, we have many that are on the books that have been engineered or at least studied in the past, and the Auburn Dam, I think, has even come back into being mentioned, which is a significant amount of storage. So, what can be done to get the higher-ups in BOR, since you are representing BOR, in the conversation along with Friant? How can we get these folks upstairs to start agreeing with us on the need for water storage instead of the slow slog we are seeing with Sites Reservoir and every other project? Talking about the Dykstra family, late success in order to get 10 more feet added to a 28,000 acre-feet, 20-plus years of jabbering about that.

Mr. PHILLIPS. Congress is going to have to just direct which projects are to be built and get them going because agency staff have figured out the formula to keep any project from ever getting built because the time to get the environmental permitting done is longer than any election cycle, so it is a never-ending loop. So, Congress just needs to say these are the projects you will build and here is the funding for it.

Mr. LAMALFA. Do you notice there is a change in attitude depending on which political party is in power in the White House or maybe in the Governor's office?

Mr. PHILLIPS. I have been through a lot of different administrations. There is a change of attitude. And I have also noticed that a lot of the agency staff are the same.

Mr. LAMALFA. They stay the same, yes. They outlast us. That is the counter-argument for term limits because the bureaucracy stays in place, and we are here and gone. I know it looks self-serving for an elected to say, "No term limits," but it is indeed very frustrating for us on this end. I am a farmer in my real life too.

Mr. Fukuda, how much do we spend on high-cost rail here in California, you think?

Mr. FUKUDA. Wow, what a first committee testimony.

[Laughter.]

Mr. FUKUDA. I don't know, but I am going to say too much. I lost track, in the billions. But I am going to tell you right now it is under water, right where we told them not to put it.

Mr. LAMALFA. Literally.

Mr. FUKUDA. They asked a bunch of farmers where should you put it. Don't put it in the subsidence bowl. Where did they put it? In the subsidence bowl. At the end of the day, wake up and ask a farmer what you should do in the morning and you are going to get a straight answer. They didn't listen, and now they are dealing with the ramifications.

Mr. LAMALFA. Yes. I have taken a wild guess. It is hard to keep track but I think they have maybe spent around \$20 billion for a project originally told to be \$33 billion, and probably estimates are conservative at \$120 billion. We hear, in our Committee, from some of our opponents that, "Oh, this water storage is so expensive," and when you add the costs of the floods, just what we saw at the Dykstra Dairy here and the neighbors there, what they are going to get in crop losses and orchards being wiped out, the other damage you get from floods, to communities and just everything else, the flood value itself. And the water has value, of course, hydroelectric power. Me and Mr. Bentz share that Oregon border there, where they want to tear out four perfectly good hydroelectric dams. We want CO₂-free power coming from either nuclear power plants or hydro, I guess, if we want to get rid of CO₂. I remind you, CO₂ is only—take this home—0.04 percent of our atmosphere. It is not the end of our world we have in CO₂.

So, water storage means good things. I am representing Lake Shasta and Lake Oroville up there, and Sites. We have an opportunity with raising Shasta, as was mentioned, 630,000 acre-feet by just an 18-foot raise on an existing project. Sites Reservoir, which would be an easy project to build, Jeff Sutton's office is like 10 feet from it, practically, would be an easy build, 1.5 million acre-feet when full. That is 2.1 million acre-feet for all Californians, whether it is environmental water or farm water, and it will all make hydroelectric power if allowed to. So, it is all plusses.

And it even gives us the luxury on Lake Shasta of, they don't let the water out for agriculture in the spring anymore as much, because they want to keep the lake fuller, higher elevation, so the water at the bottom stays colder, so they can release that water off the bottom later in the fall so that the river will be 1 degree colder in temperature, thinking that is going to make all the difference in the amount of fish that might come up the Sacramento River. I tell you, since 1992, hundreds of thousands of new acre-feet have been flushed out through the delta. We now have less smelt, we have less salmon, and it is futile.

I have a bill for you on that, and the House passed it, H.R. 1, to streamline a lot of this nonsense in getting projects done as well as forestry, as was mentioned. Forestry is very important for the water actually getting down the hill when you have the right amount of trees per acre. Mr. Westerman is going to hit that one

out of the park probably in a minute—as well as these great bills we have here.

Calvert's bill, the FISH Act, why can't we have one-stop shopping for permits? It is just a constant spanking line of having to go through all these different lettered agencies to try to get anything done, because they know, as was said, it is a ballgame of trying to stop it.

Anyway, I need to stop there, but I look forward to working with you folks. God bless you for hanging in there. Please don't give up on us. We have good ideas and we are going to push them through.

I yield back.

Mr. BENTZ. Thank you, Mr. LaMalfa.

I recognize Mr. Duarte for 5 minutes.

Mr. DUARTE. Thank you, Mr. Chairman, and David for having us all here today. Great work on this.

So, California, I think Tom touched on this, 3 point trillion-dollar economy annually. Everyone name a favorite water project and what the outside number it might cost. Raising Shasta, Mr. Bourdeau?

Mr. BOURDEAU. Well, unfortunately it costs billions.

Mr. DUARTE. How many billions? \$2 billion. OK.

Mr. SUTTON. And the Sites Reservoir, about \$4 billion.

Mr. DUARTE. \$4 billion. OK. We have \$6 billion. Add it up.

Mr. BOURDEAU. Seaborn Reservoir, \$23 million.

Mr. DUARTE. Whoa. OK. I need even billions here.

Mr. WHITE. [Inaudible] \$800 million.

Mr. DUARTE. I think it is \$80 million, isn't it? \$800 million? \$800 million. OK. That is almost a billion.

Mr. WHITE. Temperance is \$3 billion.

Mr. DUARTE. \$3 billion. OK. We are under \$10 billion. Thirty-six billion dollars would be 1 percent of California's GDP in 1 year. We are talking about gold-plated water infrastructure, water abundance for every Californian, for every industry, new housing dropping in cost because we no longer have water constraints to build homes. We are talking about every Californian having a rent or mortgage payment going down by \$1,000 a year, for water infrastructure that would cost us one-third of 1 percent of California's annual GDP. That is the math.

We are dealing with agencies. We have to call it out as it is. These are simply the Lords of Scarcity. They gain power over us by keeping us on the edge of privation. The working American family, the lowest 40 percent income of Americans is spending 25 percent of their annual income on food alone, yet we are taking probably God's greatest agricultural gift, we have the largest watershed in the world with the Sierra Nevadas, we have the largest precipitation bank in the world with the Pacific Ocean, we have the largest, most fertile valley in the world here in the Central Valley, and we have a Mediterranean climate. You can't talk about agriculture without seeing a map of the globe and where are all the Mediterranean climates, and it is little spicks and specks all over, except right here. We have the biggest Mediterranean climate in the world.

Yet, the most prosperous nation, fifth in the world, if California was a nation, with the biggest innovation hub, San Francisco,

Silicon Valley, Los Angeles, won't invest one-third of 1 percent of its annual GDP to create two or three generations of water infrastructure. Let's say one generation, no, two generations to catch up, plus leave it in place for the next generation, and they might have to think about it and revisit it then.

We have to understand this for what it is. We have to be the champions of abundance and call out these agencies for being anti-human scarcity mongers. And there is really no happy way to put that. This is just mean. It is mean to working families. It is mean to hungry people. I mean, look at woke Moses, our governor. He goes to Florida and he wants to tell and stem the U-Haul tide. Well, I can tell woke Moses how to stem the U-Haul tide. Build the water infrastructure. Let California's economy and people thrive again. Feed the world. That is how we do it.

So, this coming summer we need to make some hay here. When towns are flooding, let's remember this and make sure we get it out in the media. When food prices go up again this year, even as affordability is lost and the economy and the opportunity of better jobs kind of ebbs and flows—I see some folks over here, it looks like you belong to a group of working families, a labor group or something. I am happy to have you here because you are who we are fighting for. You are the ones that count Fridays. If you count Fridays, you are a working family. If you know how many Fridays are in the month, how many paychecks you are going to get, you are a working family, and you are getting pushed against the edge of privation right now.

So, thank you gentlemen. Thank you for coming and giving your stories. They are all very credible. I am more accustomed to having the guys in the far end of the table down there, the ones that are not here today—we should name them because they deserve recognition. Martha Williams from the Fish and Wildlife Services is not here today. Now they are the ones that blocked the permit in Planada. When the Army Corps wanted to allow them to clean up the ditch that just flooded the same grammar schools, the same working families' homes in Planada twice in 5 years, that was the Fish and Wildlife Service that blocked the Army Corps of Engineers permitting that. Jim Costa, my good friend down here, reached over in a Farm Bureau meeting the other day and said, "Wait a minute. I got them money to clean that ditch and fix that levee 5 years ago when the school flooded 5 years ago." Well, Martha Williams is not here today to explain that to us.

Rick Spinrad from NOAA is not here today to talk to us about how we haven't saved the salmon in 40 years of flows out to the delta, and how the smelt and the salmon are both still in decline, despite our depleted aquifers and economic duress here.

Camille Touton from the Bureau of Reclamation is not here today to talk about their flood control plans for this coming summer, and what they intend to do, and how carefully they are all working together to make sure there is a flood control plan, an immediate dredging of our waterways, to make sure that we get the water out to the ocean without destroying our communities.

And Charlton Bonham is not here from California Fish and Wildlife, to give us the build permits so we can build Sites Reservoir.

So, let's not understand this for anything but what it is. These are the Lords of Scarcity pushing working families up against the edge of privation, right where they want you.

Thank you. Thanks for coming today.

Mr. BENTZ. Thank you, Mr. Duarte, and thank you, Mr. Costa, for being here, and you are recognized for 5 minutes.

Mr. COSTA. Thank you very much, Mr. Chairman, for bringing the Subcommittee here to our valley, the valley that we love. And Mr. Chairman, it is good to have you back always.

I have been involved in these issues, as has been noted, for a few years, even before I had this Arctic blonde hair you are looking at. And one thing that I think is true is that water in California has always been complicated and controversial, and some people want to reverse the order, controversial and complicated. It is both. And clearly everybody here in this hearing, I believe, views, as I do, food a national security issue, and we understand the critical importance of investing in our infrastructure, that it has allowed us to do what we have been able to in California—invest in our infrastructure for decades, through generations.

Having been involved in a whole host of issues back to my days when I chaired the Senate Ag and Water Committee in Sacramento to the last 18 years, we have had progress in areas with the Intertie that has moved hundreds of thousands of acre-feet. We have had progress in getting RESET in 2014, Senator Feinstein and I, and others, on the Biological Opinions that need to be implemented now. And I appreciate some of the testimony to that point, and that President Trump signed in 2019 in the authorization.

But the fact of the matter is, it is hard. All of this is hard. I mean, you add up the additional water supply that we need and raising San Luis Reservoir, building Sites, Los Vaqueros, Del Puerto, and all of that would add up to a significant amount of water, over 2 million acre-feet of water. And if we had that today, we would be in a much better position.

We also need to look at improving our water corridors, and I am glad that that was mentioned earlier about the efforts on the canal bills for the Friant-Kern Canal, that we are currently rehabbing, the Delta-Mendota Canal, and the California Aqueduct.

Let me get to a couple of questions here because I think that we have a consensus that we need to fix our broken water system. We need to create sustainability that we don't have today. And currently, I told the Ag Committee hearing that we had 2 weeks ago, we had extreme droughts and for 3 years we have prayed, and we have prayed, and we have prayed for more rain and snow in the mountains. And in the last 3 months, man, I guess we prayed too well because we certainly have gotten the rain and the snow that we needed. But now we don't have the capability of handling this, with the extreme droughts and the extreme weather conditions.

Mr. Phillips, you talked about the lack of coordination with the different groups, and you have worked very hard with others here on the Blueprint. Can you give a quick description, because I want to ask some other questions, on the water Blueprint for fixing our broken water system here in the valley?

Mr. PHILLIPS. Yes. Thank you, Congressman. The Blueprint is a coalition of water agency representatives, and farm representatives, and community representatives with one mission in mind, and that is unifying behind what the San Joaquin Valley needs to have all the water to avoid having to rely on groundwater overdraft.

Mr. COSTA. Quickly, can the Federal Government play a role with the additional funding that we have provided recently here to advancing these projects identified in the Blueprint?

Mr. PHILLIPS. Yes, absolutely.

Mr. COSTA. And you are working with the Eastside, Westside folks to figure out where we can put that funding to the best use?

Mr. PHILLIPS. And that is critically important, yes.

Mr. COSTA. Mr. White, you have talked about the Los Banos Detention Dam in your testimony, and you talked about other efforts. What is the status of the project, and how long is it going to be to fulfill the goal of getting the most out of this?

Mr. WHITE. Yes. Los Banos Creek Detention Dam is currently going through the closing of the environmental process and we will be in construction next year, Congressman.

Mr. COSTA. Mr. Bourdeau, you talked about the efforts that Westlands is undergoing on recharge goals and a host of other areas. Can you highlight on how much Westlands alone, along with many of the other water districts that are focusing on water recharge, and now we have water to recharge, how we can best do that?

Mr. BOURDEAU. Well, we are putting incentives in place to try to get as much water into the ground as possible. I think currently we are putting 1,000 acre-feet a day into the ground, and we are trying to find innovative ways to get caught up, because there is a lot of water, and I do think our goal is to try to either farm with it or recharge the aquifer.

Mr. COSTA. Well, it is a real opportunity, not just water districts but farmers as well.

Mr. BOURDEAU. And there is on-farm recharge. We are allowing that, so it is happening as we speak.

Mr. COSTA. And the waiver, the 215 areas with the permit process allows us to go forward on that, and we need to take advantage of the opportunity while they are here now.

Mr. Chairman, my time has run out but I want to thank you, and I will submit the other questions that I have. Mr. Fukuda, I am glad you talked about the Seaborn project that we want to get over the finish line. A lot of work to do, and your purpose here—thank you—highlights our efforts with the community that we have to work together. It is complicated, it is controversial, and food is a national security issue that we all, I think, engender and we care about.

Mr. BENTZ. Thank you, Mr. Costa.

With that, I now recognize Mr. Valadao for 5 minutes.

Mr. VALADAO. Thank you, Mr. Chairman. I would like to start with Mr. Sutton. How long as the Sites project been, I guess, in the process of where it is at now?

Mr. SUTTON. It was first contemplated back in the 1950s, but with the Delta Reform Act in 2009, a state bill, we formed the Sites

Joint Power Authority in 2010, the Prop 1 was passed in 2014, and since that time, efforts have really ramped up. But I think the real work probably started in 2010, to make this project a reality.

Mr. VALADAO. When do you think you will actually break ground?

Mr. SUTTON. It is a loaded question. It depends on the outcome of a couple of processes. One, the State Water Resource Control Board, we need to get our water rights.

Mr. VALADAO. Do you believe we will break ground?

Mr. SUTTON. I am an optimist, so I am going to say yes. But it was 2024, and we have pushed that date to 2025. And I want to mention, because this goes to the FISH Act as well, one other challenge is we did a biological opinion in 2019, but now because of change of winds, not change of circumstance, we are doing a new one, and now we can't get our biological consultation done because of that effort, so that is one of our real challenges as we sit here today, as well.

Mr. VALADAO. So, you still do not have an exact date of when you think you will break ground. Do you actually think it might be within the next 10 years?

Mr. SUTTON. Yes, or I am going to start throwing chairs.

Mr. VALADAO. That is fair.

Mr. Bourdeau, how many acres, how many farms had to fallow over the past few years?

Mr. BOURDEAU. Oh, I would say the majority of farms in Westlands had to have at least some fallow ground. The farm that I farm, we were, I don't know, 60, 70 percent fallow.

Mr. VALADAO. 60 to 70 percent. Do you think that was a pretty consistent number across the valley, or across Westlands?

Mr. BOURDEAU. In Westlands, yes. There was a very high number of fallow grounds.

Mr. VALADAO. Yes, so about two-thirds. How many communities, cities, actually get water from the same place that those farmers out on Westside?

Mr. BOURDEAU. Well, there are several communities on the west side of the San Joaquin Valley that rely on surface water. Coalinga is one of them. They don't have groundwater to fall back on, so they are completely reliant on surface water, and they nearly ran out of water this year, last year.

Mr. VALADAO. So, you have communities like Coalinga, Avenal, Huron, Kettleman, all these different communities are relying on the exact same water. So, when we hear people in the news or people in the media saying things about this being a farmers versus fish thing, it is people who live here in the Valley.

Mr. BOURDEAU. As a former city council member in Coalinga I intimately understand the details, and we cut back. I mean, last drought we made people fallow their front yards and really dramatically reduce the amount. And the Bureau of Reclamation punished us by giving us a percentage of what we actually saved. So, it was like, OK, you saved this much water, we are going to give you a reduced percentage of that. And on top of that, when you run a water treatment facility, you have to sell water. You have to have highly sophisticated people to make sure you meet

these water quality standards. You can't do that if you are not selling water.

Mr. VALADAO. All right. Thank you.

Mr. Fukuda, I understand Tulare County will account for about 25 percent of all the fallowing that will take place in California as a result of the implementation of SGMA. Has DWR been understanding of the recent floods impacting groundwater sustainability plans that continue to be denied by the state? Are there any extensions of those planned deadlines being offered on account of massive rain events?

Mr. FUKUDA. No. It does not seem to be that there is any recognition of any ongoing issues in our area, nor at the state Water Resources Control Board, which is where we find ourselves now as inadequate. So, I would say I don't think there is a recognition of that.

Mr. VALADAO. I guess this is probably a little bit more broad of a question. I don't know who would best answer this. But something I have heard a lot, and today out at Dykstra's you can really see it as we were driving along near some of those canals. You would see a lot of brush, a lot of trees, a lot of fallen debris stuck in the trees in these rivers and creeks, impeding the amount of water that was supposed to be flowing, causing a lot of the flood damage that we are experiencing. And, obviously, it is going to cost us a lot of money. One, it is going to cost the farmers, and hopefully the Federal Government will play a role in helping to remedy that.

Why does it take so long to clean up some of those? Why aren't some of these local farmers given the ability to clean up some of these things in their own backyards when they are making the effort, they are applying for the permits, they are applying for the processes to allow them to do that? Who would be best to answer that, and what agencies do we point fingers at on this one?

Mr. FUKUDA. I will take a stab at it, but to get into these natural streams, which you called it, we call them rivers or creeks or streams, you have to get in for your Corps permits, to get in and access those. So, sometimes you get stuck in that process in getting the permits to do your maintenance. So, it is not one which a farmer can often get in there and make that happen. You have to have an agency. The agency will make those requests, and sometimes those take time and/or they don't get authorized.

Mr. VALADAO. What agencies are we looking at?

Mr. FUKUDA. Army Corps of Engineers is the lead one. Jeff, in your area it might—

Mr. SUTTON. No, I was agreeing with everything you were saying. I was just going to add, also, the mitigation associated with that work can be incredibly expensive.

Mr. VALADAO. All right. Well, my time has expired so thank you, Chairman.

Mr. BENTZ. Thank you, Mr. Valadao, and I recognize Chair Westerman for 5 minutes.

I am sorry. Mr. DeGroot, please go ahead.

Mr. DEGROOT. I am sorry. I would add to that list, Fish and Game also has a lot to do with it, because we have a lot of trees that are dead, ready to fall over in our creeks, but they are not

allowed to do anything to them because there might be a hawk or a bird or something in that area.

Mr. WHITE. Congressman, it is also just a huge maze of you have Fish and Wildlife Service, you have Fish and Game, you have the Corps of Engineers, and everybody kind of points at each other also. So, if you are a private individual wanting to get a permit, it is a maze to go through, as well.

Mr. BENTZ. Does anybody else want to weigh in? No?

OK, then Chair Westerman is recognized for 5 minutes.

Mr. WESTERMAN. Thank you, Chairman Bentz, and thank you to all of the witnesses today for your testimony. It has been very informative. I have just one thing to add on to what we were just talking about, and I think it was Representative LaMalfa mentioned we passed H.R. 1 last week, and part of that was to have one Federal decision, which is very similar to Mr. Calvert's bill, where you don't have competing interests with Federal agencies, and nobody takes initiative because nobody knows who is in charge. So, I think that could really help.

This morning when we were out at Friant and Mr. Phillips was telling us about he had maps there showing where dams could be built, where dams could be raised, where a lot more infrastructure could be built. He talked about all the water that is coming down the streams now, how much snowmelt there is. It is evident that California produces enough water. The problem is the infrastructure to store it and the operation of that infrastructure. It has often been said that you could put my mother in a racecar and she is still going to drive at about 55 miles an hour at top end. And as I look at the massive infrastructure that is here now, and Mr. Phillips, I think you alluded to it this morning, it is an operational issue. You could be doing so much better with the infrastructure that you have if you didn't have all the impediments to operation. And that is not caused by laws that Congress passed. It is by administrative actions that are happening.

But there is also opportunity in the need for more infrastructure. So, I am going to kind of put you all on the spot and go down the line and ask the question, is it more infrastructure or operations or is it a combination of the two? And if you want to take just a brief minute to explain your answer that will be fine too.

Mr. Phillips?

Mr. PHILLIPS. Yes. In the near term, it is operations. The last congressional action, in 1992, CVPIA was the last time Congress weighed in on environmental requirements. There have been about a half dozen times after that, that government agency employees have imposed further requirements than CVPIA—

Mr. WESTERMAN. You are saying operations. I am going to have to move quickly here. Mr. White, operations or infrastructure?

Mr. WHITE. I would say it is equal, operations and infrastructure. I have no doubt that if we built new infrastructure that there would be some procedures to stop you from using it.

Mr. WESTERMAN. You are getting into my next question. If we build the new infrastructure, if you get the racecar, is it still going to be an operational issue?

Mr. WHITE. Yes.

Mr. WESTERMAN. All right.

Mr. SUTTON. I say it is both. I want to highlight that most of, in the Sac Valley, along the Sac River where most of this water comes from, all of our projects in our generation have been environmental projects—fish screens, removing other things. We want to solve problems. But during these droughts, the environment is suffering as well. If we could raise these reservoirs, we can benefit our communities, and our farms, and the environment. All this work and investment, and the fish numbers are still declining.

Mr. WESTERMAN. So, it is operations.

Mr. BOURDEAU. I would say it is a combination of both, but in the immediate near term we need to focus on recharge and streamlining that process and getting as much of this water into the ground. So, when it is dry, because it will be dry again, we will be able to manage through it because we are not going to be able to build infrastructure, big, large infrastructure projects in the short term, which I think we need to continue to invest in and make sure it happens. But we need to focus on taking advantage of the opportunities we have right now.

Mr. FUKUDA. I feel we need to get with the operations because you can't get to the infrastructure. You can't even get into your racecar. Are you wearing the right pants? Are you wearing the right shoes? Do you have the flame retardant on? So, we need to get the operations out of the way, but we do need to focus on the infrastructure, because you need the tools once you get into the race. You are going to need to fix the car. You are going to need the extra gas tank. So, we are going to need that stuff.

Mr. DEGROOT. And for me, area specific, if you get into the hills we can be building dams there. If you get into the valley where our local farms are, we need that infrastructure. We need a few more canals to transport water to those drier areas.

Another piece of it, though, is personnel. On a year like this, all the districts are just slammed. They cannot get ahead. There are channels that are empty right now. There is nobody to open them up. There is nobody to monitor them once they are full.

Mr. WESTERMAN. Sorry to cut you off but I want to move on pretty quickly here. It appears that the immediate thing that could be done to make the situation better is operations, but there is definitely need for long-term infrastructure. So, we are focusing on California water today, but within the next month or two, I will be over in Colorado and we will be conducting a similar hearing to this.

You might know that today the Biden administration put out a plan on the Colorado system and said that they need to cut 2.1 million acre-feet from the Colorado River and didn't say who needed to cut, either Southern California or Colorado.

So, as a Member from Arkansas chairing this Committee, when I go to Colorado and they say, "You know, California wastes their water. We are not generating any more water here. We shouldn't be sending more Colorado River water to California." How do we counter that argument?

Mr. BOURDEAU. I would say it in reverse. We have an opportunity to quit letting so much water go out to the ocean. We have senior water rights to Colorado so we can solve our problem in

California, and it will free up more water for Colorado. We all need to work together. We need Colorado Senators to support us.

Mr. WESTERMAN. And Colorado Senators are the ones wanting to have the hearing in Colorado as well. So, I know that is a very contentious issue, but it is hard to justify all the releases in California.

Mr. BOURDEAU. We are not trying to justify them. They are wrong.

Mr. WESTERMAN. I know I am preaching to the choir here, but there is so much more we could talk about, forest management, which could add a tremendous amount of additional water without having to even build reservoirs. But I am out of time and I will yield back to Mr. Bentz.

Mr. BENTZ. Thank you, Mr. Chair, and I will recognize myself for 5 minutes.

I took the time over the last couple of weeks in anticipation of this hearing to actually read the L.A. Times, and I hate to admit it in front of this group. But wonder of wonders, some of the people writing editorials actually agreed that there should be more water stored. I almost fell out of my chair when I read it.

But the question is, how does this group right here build on that public opinion change? I am on the Judiciary Committee. We had dinner the other day with Newt Gingrich, and he was talking about if you are going to effect change, you better have public opinion with you.

So, I would ask the panel, and I want a short answer from each, and we will go right down the list, how do you think this group right here can help effect public opinion in a way that actually moves the needle? I do not want a real long answer, so keep it short, please.

Mr. PHILLIPS. We need to call out every time when there is an operational waste, like we saw in the last year, every time there is a regulatory operational waste.

Mr. BENTZ. And how would you call that out?

Mr. PHILLIPS. Like we did with those who remember the first flush, which was the regulatory requirement that says when we get our first storm of the year, for 2 weeks we have to not pump it, not store it. We have to let it go out to the ocean. And that is not based on any specific Act of Congress.

Mr. BENTZ. Mr. White?

Mr. WHITE. Yes. Redevelop or refresh the vision of what California is and why agriculture and the environment—

Mr. BENTZ. How?

Mr. WHITE. Well, through developing that vision.

Mr. BENTZ. I know, but through social media? Through the L.A. Times? How.

Mr. WHITE. All of the above.

Mr. SUTTON. Yes, we are the fifth-biggest economy in the world in California, farms, our communities, and our environments suffering. We are hearing from all the people that we have to do this. Sites Reservoir has 23 partners from every corner of the state, Southern California to Redding, and I have a waiting list. People say, "Oh, it is too important." I have a waiting list that want in.

And as this project gets closer, that waiting list is going to grow. We need to build more reservoirs.

Mr. BENTZ. OK, but again I am hearing a lot of statements of what you should do. What I want to know is how you get the word out and how you change public opinion.

Mr. SUTTON. I think public opinion sees it. I mean, what is happening now and what we went through the last 3 years, if that doesn't highlight it, people are screaming for it. We just have to give them what they are asking for.

Mr. BENTZ. Mr. Bourdeau?

Mr. BOURDEAU. I think we need funding. I was part of an effort to start a local digital news organization, and I have reporters reporting on the facts in the news every day. And I think we all need to try to educate people on the importance of agriculture and farming. I think people used to grow up on a farm or live near a farm, and they understood the complexity and the challenges that were associated with it, and they have lost touch with that. And we all have to communicate, because it is a wonderful story that we all have, and we just need to make sure everybody understands it.

Mr. BENTZ. And you will tell everybody how to join your messages.

Mr. BOURDEAU. Yes. The San Joaquin Valley Sun.

Mr. BENTZ. Thank you.

Mr. BOURDEAU. Most people in here probably already read it.

Mr. FUKUDA. I would say that I agree with everybody here in getting the word out through social media and the other avenues. But I think there are some projects out there and they are low-hanging fruit. Selfishly, I think we have one, where this Committee can use it as a flagship for funding, where it is called multi-benefit. We hit the environment. We hit the agriculture. We hit the disadvantaged communities. And we target those projects where the communities benefit at all levels and use that as a good funding stream.

Mr. BENTZ. Mr. DeGroot?

Mr. DEGROOT. I have no idea. If we can talk with these gentlemen here on my left, if we can ask them to work with us, have them tell us, how do they expect California to work? Is it going to be to take all the water with no farming? If there is no revenue for California, California will die and move out. What is their solution?

Mr. BENTZ. Thank you. Just an interesting thought. I was astounded when we went to the Friant project this morning and I saw 9,000 CFS flowing out through the pipes below the dam. And it struck me that we should—and I have been doing this back in DC, calling out the value per acre-foot of that water in San Diego, where they pay \$3,800 per acre-foot for desalinated water, \$3,800 per acre-foot. There are 17,800 acre-feet a day flowing through those pipes below the dam. If you take that times \$3,800, it is \$64 million a day, if you value that water as they do in San Diego.

So, it seems to me that there are all kinds of opportunities if we can get the proper word out, and what we should be debating is how best to do it. Because I think we have all been saying the

same thing for the last almost 2 hours. I just thing we need to get the message out.

With that, my 5 minutes is up, and I am going to turn this over for a few final words to Mr. Valadao.

Mr. VALADAO. Well, I guess this is getting close to the end. First, I want to thank all my colleagues for being here. I know two of you traveled a long distance, and four of you share the same areas I do so you are very familiar with this, but the opportunity to have this here.

The reason why this is important is a lot of the time this goes on in Washington. The room that we have these in is a lot smaller with a lot less people. Sometimes we have folks like these travel all the way across the country to testify, but the ability for us to do it here, with all of you here to see for yourselves, this is kind of the process we go through. We have more steps to go.

And I know the Chairman, both Chairmen here, will be bringing up water bills in the next few months. So, we will have more debates on this, and the hope is that we bring them to the House Floor, move them off the House Floor, and see what we can get from our Senators.

But this is part of the process. It is a slow process. It is not fun and it is not exciting, but at the end of the day the process has to play out because people need to be involved, have the opportunity to be engaged in this process, and have their voices be heard, and give you the opportunity to give us feedback as this process moves forward.

But this type of legislating is very important, and as you can see, it is way, way beyond due. I mean, we need to get these things done 30 years ago, much less yesterday. But it is a frustrating thing. But the fact that they are taking the time to come here, see the Valley, spend some time here, learn from folks is something that I really appreciate, and I know a lot of folks here really appreciate because this is how we get that message back to Washington.

One other organization that was mentioned but wasn't addressed, Self-Help Enterprises. Tami, who is sitting up here in front, is one of my friends that I work with quite a bit over the years. When we run out of water on farms, obviously we have our calls we make sometimes to fallow fields. But when a community runs out of water, there is only one person you call, and it is Self-Help Enterprises. They have about 2,000 communities right now, or cities or individuals, who are actually, when they run out of water or a well goes bad they come in, they install tanks, and they truck water out there, and they keep water going to homes. So, thank you for what you guys do.

[Applause.]

Mr. VALADAO. And to the folks who took the time to be here, I am glad you didn't have to travel all the way to Washington for this, but you could have gotten some sightseeing in. But we got to do the sightseeing today. I appreciate you taking the time to be here and the preparation for this.

Aside from that, thank you, Chairman Bentz, for the opportunity and for your time as well.

Mr. BENTZ. Before we adjourn, there are forms on the table back there for additional public comment. I want to thank all of you for being such a great audience, and we are adjourned.

[Whereupon, at 3:53 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Statement for the Record

**National Marine Fisheries Service
National Oceanic and Atmospheric Administration
on H.R. 215 and H.R. 872**

The West Coast Region of NOAA Fisheries (West Coast Region) is responsible for the stewardship of our nation's living marine resources and their habitats off the coasts and in the watersheds of Washington, Oregon, California, and Idaho. These responsibilities cover 317,690 square miles of the eastern Pacific Ocean's California Current Ecosystem, and over 7,000 miles of tidal coastline, as well as the ecological functions within the states' vast rivers and estuaries.

Congress passed the Endangered Species Act (ESA) on December 28, 1973, recognizing that the natural heritage of the United States was of "aesthetic, ecological, educational, recreational, and scientific value to our Nation and its people." It was understood that, without protection, many of our nation's living resources would become extinct. The Endangered Species Act of 1973 vested jurisdiction over certain species with the Department of Commerce based on Reorganization Plan No. 4 from 1970. As such, NOAA Fisheries has exercised jurisdiction over Pacific salmonids since the early 1970s. Under the ESA, our responsibilities include helping federal agencies ensure their actions do not jeopardize species or adversely modify critical habitat, reviewing species' status to determine if listing is warranted, developing protective regulations to conserve listed species, designating critical habitat to protect the ecosystems upon which the species depend, and developing and implementing recovery plans. These recovery plans serve as a roadmap to bring threatened and endangered species to the point where ESA protections are no longer needed.

The life cycle of Pacific salmon and steelhead (*Oncorhynchus sp.*) spans freshwater streams and rivers, coastal estuaries, and the great expanse of the California Current ocean ecosystem. The complex life cycle and broad geographic range expose Pacific salmon and steelhead to a diversity of threats. Many Pacific salmon and steelhead stocks have declined substantially from their historic numbers and are now at a fraction of their historical abundance. These declines collectively led to NOAA Fisheries' listing of 28 Pacific salmon and steelhead stocks in California, Idaho, Oregon, and Washington under the ESA beginning in 1989. Primary listing and recovery responsibilities for Pacific salmon and steelhead belong to NOAA Fisheries. The U.S. Fish and Wildlife Service, other federal and state agencies, and tribal governments also play important roles in recovery.

Pacific salmon are of profound importance to healthy ecosystems, cultures, and economies, making their recovery a priority for the West Coast Region and the agency as a whole. NOAA Fisheries has made great progress in recent years and completed high-quality recovery plans for every ESA listed Pacific salmon and steelhead species in California. Recovering Pacific salmon and steelhead populations will take decades to achieve, but should ultimately provide long-term economic stability, allow the United States to honor its commitment to tribal reserved fishing rights, and afford maximum regulatory flexibility. NOAA Fisheries remains committed to investing in Pacific salmon and steelhead recovery in a way that addresses all threats to the species in order to ensure our progress toward recovery remains on track.

The management priorities of the West Coast Region are to maximize productivity and sustainability of fisheries and fishing communities through effective fisheries management, and to recover and conserve protected species and their habitats. The responsibility of the West Coast Region, and the agency, to protect, conserve, and recover the Pacific's threatened and endangered anadromous and marine species is found in our authorities including the ESA, the Magnuson Stevens Fishery Conservation and Management Act, the Fish and Wildlife Coordination Act, the Federal Power Act, and the Marine Mammal Protection Act. Scientists at our Northwest and Southwest Fisheries Science Centers contribute to species recovery

through research, monitoring, and analysis. These scientists provide NOAA Fisheries managers and regional stakeholders with the tools and information they need to craft and implement effective regulations and develop sustainable plans for recovery. Research supporting species' restoration and recovery includes studies of distribution and abundance, metapopulation dynamics and viability analysis, population genetics, life history tactics and strategies, spatial ecology, wild/hatchery interactions, and ocean and estuarine ecology.

NOAA Fisheries works with key federal, state, and tribal partners as well as public organizations, non-profit groups, and others in California's Central Valley to form strong partnerships to recover listed Pacific salmonid species. Efforts include restoring habitat, leading reintroduction programs, utilizing conservation hatchery programs, conducting science and research to closely monitor the populations, and carefully managing scarce cold water. A few key partnership programs include the Sacramento River Science Partnership, the Northern California Water Association's Sacramento Valley Salmon Recovery Program, the Interagency Ecological Program, the San Joaquin River Restoration Program and the Collaborative Science and Adaptive Management Program for the Sacramento-San Joaquin Delta. In addition, NOAA's Pacific Coastal Salmon Recovery Fund program has a long history of successful, targeted, on-the-ground habitat restoration projects that support Pacific salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, and for the conservation of Pacific coastal salmon and steelhead habitat.

With regard to H.R. 215, the WATER for California Act focuses on actions related to implementation of Central Valley Project (CVP) and State Water Project (SWP) water operations pursuant to the 2019 NOAA Fisheries and U.S. Fish and Wildlife Service (FWS) biological opinions (the "2019 biological opinions"). The bill also addresses federal water allocations, infrastructure projects, and Central Valley Project Improvement Act restoration actions. The 2019 biological opinions were reinitiated in October 2021 at the request of the Bureau of Reclamation and in response to Executive Order (EO) 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. In March 2022, the Eastern District of California remanded the 2019 biological opinions, without vacatur, and ongoing operations are currently governed by court order. Section 104 of H.R. 215 introduces confusion on the status of the reinitiation of the 2019 biological opinions because such reinitiation is already underway as a result of EO 13990. H.R. 215 would introduce new statutory process requirements that could cause significant delays for completion of new biological opinions and could introduce regulatory uncertainty for federal water contractors until new biological opinions are completed. Operations are likely to be governed by court-orders until the completion of new biological opinions and issuance of the associated Record of Decision by the Bureau of Reclamation.

H.R. 872, the Federally Integrated Species Health (FISH) Act, would move authority to protect endangered or threatened anadromous species from NOAA Fisheries to the FWS. For over 30 years, NOAA Fisheries has built close relationships with stakeholders to work with the regulated public, community, and interest groups to manage, conserve and protect anadromous species and their habitats in inland, coastal, and offshore waters. NOAA Fisheries partners with public and private universities to develop science critical to the recovery and management of anadromous fish and their habitats. By sharing jurisdiction under the ESA, NOAA Fisheries and FWS each have opportunities to develop creative solutions that advance the conservation of ESA-listed species (e.g., salmonid 4(d) rules). NOAA Fisheries has significant scientific expertise regarding anadromous fish. Transferring authority to the FWS would reduce opportunities for NOAA Fisheries to continue to develop creative solutions that advance the conservation of ESA listed species, and may mean delayed protections and conservation. The transfer of authority of this scale will significantly delay the processing of environmental compliance requirements creating uncertainty to business, industry and military readiness, and increased legal vulnerability to litigation. NOAA Fisheries is responsible for many integrated and coordinated efforts on behalf of ESA-listed anadromous species. Some of those authorities include the Magnuson-Stevens Act, Federal Power Act, Pacific Salmon Treaty Act, the Mitchell Act (Columbia River hatcheries), the Pacific Coastal Salmon Recovery Fund, Fish and Wildlife Coordination Act, tribal treaty rights and related cases such as U.S. v. Washington and U.S. v. Oregon the long running tribal treaty fishing rights case. Transferring authority would disrupt the integrated nature of these authorities and contribute to inefficiencies in their coordinated implementation.

The Administration is not seeking a reorganization of responsibilities under the ESA. The U.S. Fish and Wildlife Service and NOAA Fisheries collaborate closely on implementing the ESA, and each agency brings valuable experience and expertise to bear in management of different types of fish species. The Department of Commerce looks forward to working within the Administration and with the Committee to ensure that federally listed fish species are managed as effectively, responsibly, and efficiently as possible under the ESA.

Statement for the Record
Bureau of Reclamation
U.S. Department of the Interior
on H.R. 215, the WATER for California Act
April 11, 2023

The Department of the Interior (Department), through the Bureau of Reclamation (Reclamation), appreciates the opportunity to provide this statement for the record on H.R. 215, the Working to Advance Tangible and Effective Reforms for California Act or the WATER for California Act.

Background

The federal Central Valley Project (CVP) and the State Water Project (SWP) together provide water for over 25 million Californians, millions of acres of some of the most productive farmland in the world, and 19 federal, State of California (State), and local wildlife refuges along the Pacific Flyway. The projects reduce the risks of catastrophic flooding, protect and restore habitat for many rare and unique species, supplement local water supplies for communities, produce significant low carbon hydroelectric power, backstop water quality in the Sacramento and San Joaquin Delta (Delta), and support important commercial and recreational fisheries.

Over the last decade, the State and much of the West have endured recurring periods of drought, as well as environmental stressors that have negatively impacted fish and other sensitive species in the Delta. While this year has seen repeated atmospheric rivers and significant precipitation, drought conditions over the last three years have been exceptional, with record-high temperatures and record-low levels of snowpack and precipitation such that a single wet year does not compensate for the compounded impacts of several years of severe drought. These alternating cycles of drought and flood have affected the Delta and the State's water supply as a whole and are expected to become the new normal over the coming decades.

The Department and Reclamation are committed to working with our partners to address drought resiliency, water supply reliability, climate change adaptation, and ecosystem health. We will continue to seek creative solutions to stretch water supplies to meet the broadest possible range of needs.

H.R. 215, WATER for California Act

The Department and Reclamation recognize that H.R. 215 seeks to improve the drought resiliency, operational stability, and infrastructure needs of the CVP. While we share these goals, for the reasons discussed below, we believe H.R. 215 presents several significant challenges that could jeopardize the operational and financial stability of the CVP.

Title I

Title I of H.R. 215 provides congressional direction that the CVP and the SWP be operated in accordance with the 2019 Preferred Alternative as described in the Final Environmental Impact Statement on the Reinitiation of Consultation on the Coordinated Long-Term Operation of the CVP and the SWP (LTO), issued by Reclamation and dated December 2019, related to the 2019 U.S. Fish & Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) Biological Opinions.

On February 20, 2020, the California Attorney General's Office filed a complaint against the federal government on behalf of the California Natural Resources Agency, California Environmental Protection Agency, and the People of the State of California. The complaint challenges the 2019 Biological Opinions issued by the FWS and NMFS regarding proposed operations of the CVP and SWP under the Endangered Species Act (ESA). Following that action, in March 2020, the California

Natural Resources Agency issued an Incidental Take Permit (ITP) pursuant to State law with operational requirements on the SWP that differed with those found in the 2019 Biological Opinions.

State and federal agencies are currently engaged in reconsultation on long-term project operations. Title I of H.R. 215 would legislatively restrict this ongoing reconsultation and prescribe conditions under which the federal and State resource agencies may engage in reconsultation under the ESA. We believe these restrictions on consultations would set a negative precedent and hamper the Department's completion of this new biological opinion. This creates uncertainty that will further complicate the operations of the CVP and SWP, adding additional barriers and reducing operational stability.

In order to operate complex water infrastructure pursuant to the State's water rights permitting system and operational considerations, close coordination with the State is essential to managing water supplies for all of our communities, farms, refuges, and species in the Central Valley, the Delta, and the greater San Francisco Bay Area. Inconsistency between the regulatory documents used by the two entities responsible for operating co-located and co-permitted projects significantly complicates delivery of water and power.

In order to support a stay in the aforementioned litigation of the 2019 Biological Opinions and the Record of Decision (ROD) implementing the 2019 Biological Opinions, Reclamation committed to the State to reinitiate consultation, and did so on September 30, 2021.

For the reinitiated consultation on the Long-Term Operation of the CVP and SWP, Reclamation is following a transparent, participatory, and science-driven process for the development of alternatives and an analysis of environmental impacts. This process has included public scoping under NEPA; soliciting knowledge-based papers for relevant datasets, literature, and models; performing initial alternatives formulation to inform a proposed action; and coordinating pursuant to Section 4004 of the Water Infrastructure Improvements for the Nation (WIIN) Act (Public Law 114-322) through quarterly stakeholder meetings, monthly interested party meetings, monthly modeling discussions, and targeted issue-specific discussions.

These collaborative approaches are necessary for advancing CVP-SWP operations, serving project stakeholders, assuring environmental compliance, providing required updates to the Bay-Delta Water Quality Control Plan, and effectively planning for new water infrastructure coming online, among other considerations.

Title II

Title II of H.R. 215 directs the Department to "make every reasonable effort" in the operation of the CVP to allocate water provided for irrigation purposes to each existing CVP agricultural water service and repayment contractor within the Sacramento River Watershed. The language is subject to hydrologic conditions, the Central Valley Project Improvement Act (Title XXXIV of Public Law 102-575) (CVPIA) commitments to wetlands, and obligations under the 2019 Biological Opinions.

Title II seeks to legislatively mandate specific water allocations to groups of CVP contractors. The CVP and SWP are authorized to meet multiple purposes including flood control and navigation; water supply; fish and wildlife mitigation, protection, and restoration and enhancement; and power generation. Operation of the CVP and SWP also provides recreation and water quality benefits. Reclamation operates the project and makes water allocation decisions consistent with federal law and the State's water rights priority system to best balance these competing demands for water, including water quality and flow requirements, agricultural, municipal, and industrial uses of water, fish and wildlife needs, and power contractor considerations.

The legislative mandates included within Title II would restrict Reclamation's flexibility to most appropriately allocate water supplies based on the existing conditions of particular divisions of the CVP, which often differ.

Title III

Title III of H.R. 215 would deem the Shasta Reservoir Enlargement Project to be eligible for funding under the Water Storage and Conveyance funding provided under the Bipartisan Infrastructure Law (Public Law 117-58) (BIL). It would further require Reclamation to develop and submit to Congress a water deficit report to identify projected water supply shortages within the State and evaluate infrastructure projects that would assist in the reduction of water supply shortages.

Title III would require an additional semi-annual report to Congress on the activities carried out under conservation hatchery programs established under paragraph

(1) of Section 4010(b)(5) of the WIIN Act. The Department is concerned about the requirement for semi-annual reports and would appreciate the opportunity to work with Congress on a more efficient reporting cycle.

Title III would also re-authorize Section 4007 of the WIIN Act, which expired on January 1, 2021, until January 1, 2028 with the aim of allowing additional projects to be considered further for WIIN-related funding. It would further allow for funding provided under several previous appropriations bills to be made available to the Shasta Dam and Reservoir Enlargement Project, subject to the availability of funding, and limit the consideration of applicable State law that was enacted with specific applicability to the Shasta project.

Shasta Dam and Reservoir is the largest reservoir in California, and sits at the top of the water system, serving as the cornerstone of the CVP and the coordinated operation with the SWP. It is an indispensable asset to the State's water security. Over the years, proposals to raise Shasta Dam have been studied extensively, with the most recent proposal evaluating an 18.5-foot expansion. This proposed expansion would inundate an additional 2,500 acres, requiring the acquisition of approximately 100 parcels of non-federal land, mostly in the community of Lakehead. Congress passed legislation in each of fiscal years 2021–2023 that had the effect of prohibiting the use of current year funding to support the raise of Shasta Dam. Reclamation has acted in accordance with that Congressional directive.

The Department supports a comprehensive approach to furthering the climate resiliency of our water infrastructure. It seeks to do so in partnership with states and local communities. We are resolved to invest in projects to increase surface and groundwater storage, new water sources such as desalination and water recycling programs, along with water conservation measures to increase the efficiency of water deliveries. Reclamation's consistent and timely allocation of funding enacted pursuant to the WIIN Act, the BIL, and other sources illustrates this commitment to surface and groundwater storage. However, the Department does not support amending Section 40902(a)(2) of the BIL to include additional purposes.

Title IV

Congress enacted the CVPIA in 1992 in an effort to address long-standing concerns about the CVP's impact on fish and wildlife. Section 3407(a) of the CVPIA established the CVP Restoration Fund for collections from water and power customers based on specific provisions within the CVPIA, and for donations from any sources. Reclamation uses appropriations from funds other than the CVP Restoration Fund to carry out the purposes of the CVPIA. Historically, approximately 40% of the CVPIA funding provides refuge water supplies; 50% funds activities for supporting Central Valley anadromous fish (including FWS staff); and the remaining 10% funds terrestrial habitat restoration, the San Joaquin River Restoration Program, and certain Trinity River Restoration Program activities.

Under CVPIA section 3407(d)(2), the Secretary of the Interior must determine whether the fish, wildlife, and habitat mitigation and restoration activities in section 3406 funded, in part by these payments, are complete. The determination is significant because if the restoration activities are deemed complete, the Secretary must reduce the sums collected from water and power contractors that fund CVPIA restoration activities.

Title IV of H.R. 215 would require Reclamation to complete the refuge water supply program within two years, which may not be technically feasible, and deem complete the fish, wildlife, and habitat mitigation and restoration actions mandated under Section 3406 of the CVPIA. Title IV, if it were to become law, would impair the restoration program's ability to meet the intended purposes to support the ongoing fish and wildlife protection and restoration purposes as expressed in CVPIA Sections 3402(a) and (b), and/or require additional otherwise unfunded appropriations from Congress to meet the same restoration program needs. Such a time limitation would also preclude the necessary Departmental collaboration and decision-making necessary for fish and wildlife restoration decisions. The CVPIA gives Reclamation and the FWS the tools necessary to restore the fish and wildlife resources of the Trinity River and the Central Valley. The mandates in Title IV are not consistent with the Department's commitment to the protection of the fish, wildlife, and habitat affected by CVP operations, and by impairing implementation of these programs, could compromise our ability to maximize water reliability and water deliveries from the CVP.

Conclusion

The Department and Reclamation agree that additional operational flexibility for the CVP is necessary. Reclamation is committed to incorporating the best available science into our decisions on the operation of the CVP for all of its authorized purposes—for river regulation, improvement of navigation, and flood control; irrigation and domestic uses; fish and wildlife mitigation, protection, and restoration; power generation; and fish and wildlife enhancement.

However, Reclamation must operate the CVP within a complex environment that serves multiple parties and interests. H.R. 215 would reduce the ability of State and federal agencies to balance these interests. H.R. 215 would mandate Reclamation to act without full consideration of possible negative outcomes, complicate CVP-SWP operations, and prioritize a few authorized purposes above other authorized purposes and statutory obligations of the CVP, such as fish and wildlife mitigation. As such, the Department cannot support H.R. 215.

Statement for the Record

U.S. Department of the Interior

on H.R. 872, the “Federally Integrated Species Health (FISH) Act”

April 11, 2023

The Administration appreciates the opportunity to submit this statement for the record on H.R. 872, the “Federally Integrated Species Health (FISH) Act.” Executive branch agencies prioritize science and being thorough and transparent as we fulfill our statutory responsibilities. Multiple agencies work collaboratively with each other, state and local governments, Tribes, and stakeholders to carry out these responsibilities effectively. A key component of this work is administering and enforcing an array of environmental laws enacted by the Congress, including the Endangered Species Act of 1973 (ESA). This year marks the 50th anniversary of the ESA, a bedrock conservation law that plays a pivotal role in preventing the extinction of imperiled species, facilitating recovery of fish, wildlife, and plants, and helping to conserve the habitats on which they depend. The Administration is committed to effective and efficient implementation of the ESA and our responsibilities under it.

Under the ESA, the Departments of the Interior and Commerce are tasked with joint implementation of the ESA, per President Nixon’s Reorganization Plan Number 4 of 1970. President Nixon’s plan created the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce, by transferring existing authorities of other agencies to the newly formed NOAA. The reorganization, which Congress endorsed, included transfer of the then-existing authorities of the Department of the Interior’s Bureau of Commercial Fisheries and marine sport fish program of the Bureau of Sport Fisheries and Wildlife with subsequent elimination of those bureaus and programs. Following implementation of the reorganization plan, the ESA provides authority to the Department of Commerce to manage all federally listed fish species that live or spend the majority of their lives in marine waters, including most anadromous fish. The U.S. Fish and Wildlife Service manages any remaining federally listed fish species.

H.R. 872, the FISH Act, would transfer all functions related to management of federally listed anadromous and catadromous species from the Department of Commerce to the Department of the Interior. Anadromous fish are those that spend most of their lives in marine waters but spawn upstream in fresh or estuarine waters. These include species of salmon, smelt, and sturgeon. Currently, an estimated 43 anadromous fish species or populations are federally listed under National Marine Fisheries Service jurisdiction. Catadromous fish are those that spend most of their lives in fresh or estuarine water but spawn in the ocean. These primarily include eels. Catadromous fish are currently under the jurisdiction of the Department of the Interior, so H.R. 872 would not affect management responsibility for those species. Currently, there are no federally listed catadromous fish species.

The Administration is not seeking a reorganization of responsibilities under the ESA. The U.S. Fish and Wildlife Service and National Marine Fisheries Service collaborate closely on implementing the ESA, and each agency brings valuable experience and expertise to bear in management of different types of fish species. The Department of the Interior looks forward to working within the Administration and with the Committee to ensure that federally listed fish species are managed as effectively, responsibly, and efficiently as possible under the ESA.

Submissions for the Record by Rep. Grijalva

Defenders of Wildlife * Friends of the River * Golden State Salmon Association * Natural Resources Defense Council * Pacific Coast Federation of Fisherman's Associations * Restore the Delta * Sierra Club * The Bay Institute * Winnemem Wintu Tribe

April 24, 2023

Hon. Cliff Bentz, Chair
 Hon. Jared Huffman, Ranking Member
 Subcommittee on Water, Wildlife and Fisheries
 Committee on Natural Resources
 Washington, DC 20515

Re: **Opposition to H.R. 215 (Valadao)**

Dear Chair Bentz and Ranking Member Huffman:

On behalf of the undersigned organizations and our millions of members and supporters, we write to express our opposition to H.R. 215 by Rep. Valadao (R-CA). H.R. 215 violates and preempts state law, undermines critical protections for salmon and other fish and wildlife that Native American Tribes and thousands of fishing jobs depend on, and reignites divisions over water rights and environmental and public health protections to benefit certain water users at the expense of others. For these reasons and those outlined below, we urge you to **oppose H.R. 215**.

First, H.R. 215 overrides state law in order to authorize and appropriate funding for the enlargement of Shasta Dam. This project would harm Native American Tribes, salmon fishermen, and the environment, as well as violate state law. The Bureau of Reclamation has admitted that this project would destroy sacred sites of the Winnemem Wintu Tribe. State and federal agencies, including the U.S. Fish and Wildlife Service, have concluded that the project would harm native fish and wildlife, including native salmon runs that thousands of fishing jobs on the West Coast depend on. The State of California has repeatedly opposed this project, including lawsuits by the Attorney General of the State of California.

Second, H.R. 215 overrides the Endangered Species Act and reinstates the Trump administration's blatantly unlawful biological opinions, which threatens West Coast salmon fisheries. Those biological opinions were issued and their requirements deficient as the result of political interference, and the federal courts have remanded the biological opinions as a result of litigation by the State of California and conservation and fishing groups. The salmon fishery in California and most of Oregon has been completely closed this year, resulting in thousands of lost jobs, and the science is clear that the next biological opinions must strengthen protections for Central Valley salmon. Instead, H.R. 215 would reinstate and lock in the Trump administration's unlawful biological opinions for 7 years, setting a dangerous legal precedent that threatens the future of California wildlife that are already experiencing a precipitous decline. The bill also appears to preempt state law with respect to operations of the State Water Project. And despite the fact that H.R. 215 proposes to lock these biological opinions into place, the day after Rep. Valadao introduced H.R. 215 he demanded that the Biden administration violate these same biological opinions in order to increase water pumping, demonstrating the bad faith inherent in H.R. 215.

Third, H.R. 215 irresponsibly prioritizes taxpayer subsidies for antiquated, economically inefficient and environmentally destructive surface water storage projects. These provisions ignore hundreds of millions of dollars appropriated for water storage projects in the Bipartisan Infrastructure Bill and override the Act's eligibility and funding requirements.

Finally, H.R. 215 threatens wildlife refuges, migratory birds, and salmon by threatening restoration funding required by the 1992 Central Valley Project Improvement Act (CVPIA). H.R. 215 deems the CVPIA "complete," despite the Department of the Interior's failure to meet the CVPIA's requirements for water deliveries to wildlife refuges, which would harm what is left of California's inland wetland refuges and threaten populations of waterfowl and shorebirds that migrate north each year. Similarly, the CVPIA's salmon doubling goal has not been achieved, as salmon populations have further declined in recent years in part due to unsustainable water diversions.

H.R. 215 threatens Native American Tribes and the thousands of fishing jobs and communities in California and Oregon that depend on healthy salmon runs from California's Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states, and the West Coast is facing that devastating reality once again in 2023. The livelihoods of commercial and recreational salmon fishermen, Delta farmers, fishing guides, tackle shops, and communities across California and along the West Coast depend on the environmental protections that H.R. 215 would eliminate.

For all of these reasons and more, we urge you to oppose H.R. 215. Thank you for your consideration.

Sincerely,

Ashley Overhouse
Defenders of Wildlife

Doug Obegi
Natural Resources Defense Council

Glen Spain
Pacific Coast Federation of
Fishermen's Associations

Barbara Barrigan-Parilla
Restore the Delta

Scott Artis
Golden State Salmon Association

Gary Bobker
The Bay Institute

Jann Dorman
Friends of the River

Erin Woolley
Sierra Club California

Caleen Sisk
Winnemem Wintu Tribe

**Defenders of Wildlife * Friends of the River * Golden State Salmon
Association * Natural Resources Defense Council * Pacific Coast
Federation of Fisherman's Associations * Restore the Delta
* Sierra Club * The Bay Institute * Winnemem Wintu Tribe**

April 24, 2023

Hon. Cliff Bentz, Chair
Hon. Jared Huffman, Ranking Member
Subcommittee on Water, Wildlife and Fisheries
Committee on Natural Resources
Washington, DC 20515

Re: Opposition to H.R. 872 (Calvert)

Dear Chair Bentz and Ranking Member Huffman:

On behalf of the undersigned organizations, we are writing to oppose H.R. 872 by Rep. Calvert. This legislation would undermine the coordinated management of salmon and other anadromous species, threatening Native American Tribes and thousands of fishing jobs that depend on healthy salmon runs.

Under existing law, the National Marine Fisheries Service ("NMFS") manages ocean fisheries for salmon as well as protecting salmon species listed under the Endangered Species Act throughout their range. As a result, NMFS acts as a steward for these species in both freshwater and the ocean, using its extensive scientific expertise regarding salmon and other anadromous species. NMFS plays a key role in working with international, Tribal, and state governments to manage salmon fisheries across the West Coast and ensure Endangered Species Act requirements are met.

H.R. 872 proposes to transfer Endangered Species Act authority over salmon and other anadromous species from NMFS to the Secretary of the Interior. This would fragment management of imperiled salmon species, undermining coordinated management of these species—and of the thousands of fishing jobs that depend on their health. In addition to lacking NMFS' scientific expertise regarding the management of salmon, the U.S. Fish and Wildlife Service has a significant backlog of species

proposed for listing under the Endangered Species Act, and the Service lacks adequate staffing and resources to fulfill all of its obligations under the Endangered Species Act. H.R. 872 would further exacerbate those funding challenges.

Because this bill would undermine the coordinated management of salmon, we urge you to oppose H.R. 872.

Sincerely,

Doug Obegi
Natural Resources Defense Council

Ashley Overhouse
Defenders of Wildlife

Glen Spain
Pacific Coast Federation of
Fishermen's Associations

Barbara Barrigan-Parilla
Restore the Delta

Scott Artis
Golden State Salmon Association

Gary Bobker
The Bay Institute

Jann Dorman
Friends of the River

Erin Woolley
Sierra Club California

Caleen Sisk
Winnemem Wintu Tribe

Audubon California

April 25, 2023

Hon. Cliff Bentz, Chair
Hon. Jared Huffman, Ranking Member
Subcommittee on Water, Wildlife, and Fisheries
Committee on Natural Resources
Washington, DC 20515

Dear Chair Bentz and Ranking Member Huffman:

On behalf of Audubon California, I write to oppose H.R. 215, submitted by Representative Valadao (CA-22). H.R. 215 undermines state law and prolongs old water conflicts in California when we should be focused on finding collaborative solutions that improve our state's resilience to drought while protecting people, wildlife, and our economy. Therefore, **I urge you to oppose H.R. 215.**

Audubon California represents over 118,000 members and 48 affiliated chapters in the state and works with a broad range of partners and stakeholders that includes landowners, farmers, ranchers, and community-based organizations. Together, we develop solutions to protect birds and the resources they need while supporting thriving communities. Audubon California works throughout the state with a special focus on the habitats birds need most because bird populations have been in significant decline for decades, with many species being pushed closer to extinction due to habitat loss, drought, and climate change.

In the Central Valley, California has already lost more than 90 percent of its wetlands, resulting in steep population declines for many species of waterfowl, shorebirds, and other wetland-dependent birds. This bill would unfairly reduce payments into the Central Valley Project Improvement Act (CVPIA) Restoration Fund by falsely deeming it to be "complete." Doing so would significantly hinder federal and state efforts to maintain necessary habitat and water supplies for endangered fish and vulnerable bird species on the Pacific Flyway. By undermining important conservation efforts, H.R. 215 sets the table for more conflicts and litigation over California's water management when we should be focused on finding lasting solutions. Therefore, **I urge you to oppose H.R. 215.**

H.R. 215 also overrides state law to authorize and appropriate funding for the enlargement of Shasta Dam, which would harm sacred sites of the Winnemem Wintu Tribe, as well as native fish and wildlife populations and economic activities associated with the fisheries. Audubon California joins the State of California in opposing raising Shasta Dam. H.R. 215 perpetuates and compounds on injustices

perpetrated on the Winnemem Wintu Tribe and many other Indigenous People in California who have already lost access to so many sacred sites and important cultural resources like salmon. As Members of Congress, you have an opportunity to continue this cycle of injustice or to break it. **I urge you to consider the Tribe's position and oppose H.R. 215.**

Finally, H.R. 215 would override the Endangered Species Act and reinstate former biological opinions that were issued by the previous Administration and found inadequate in federal court. Doing so not only circumvents sound science, the will of the State of California, and the findings of the court, it would also negatively impact the already suffering West Coast salmon fisheries in California and Oregon, which support thousands of jobs and other economic activities.

Overall, H.R. 215 would impose short-sighted water policies that will harm California's rich biodiversity, tribes, and communities. The bill rejects sound science while California's species, communities, and future generations pay the price. For the birds and communities we represent throughout California, I urge you to **oppose H.R. 215.**

Sincerely,

MIKE LYNES,
Director of Public Policy

Submissions for the Record by Rep. Calvert

Association of California Water Agencies (ACWA)

April 5, 2023

Hon. Ken Calvert
U.S. House of Representatives
2205 Rayburn House Office Building
Washington, DC 20515

Re: ACWA SUPPORT FOR H.R. 872

Dear Congressman Calvert:

The Association of California Water Agencies (ACWA) is pleased to support the Federally Integrated Species Health (FISH) Act, H.R. 872, and urges its passage this Congress. ACWA represents more than 460 public water agencies that together supply over 90 percent of the water delivered in California for residential, agricultural, and industrial uses.

The FISH Act would vest all Endangered Species Act authorities for managing fish species solely within the Department of Interior and eliminate duplicative federal oversight. Under current law, both the Fish and Wildlife Service in the Department of Interior and the National Marine Fisheries Service in the Department of Commerce can issue biological opinions for the same species of fish or conduct separate consultation processes under ESA. As you are aware, the consequences of this duplicative authority have been especially acute in California's Bay-Delta. Consolidating ESA authority at the Department of Interior would improve management of California's water supply.

ACWA appreciates your leadership on this issue. If ACWA can be of any assistance, please feel free to contact the DC office at jayt@acwa.com.

Sincerely,

DAVID REYNOLDS,
Director of Federal Relations

**The Metropolitan Water District of Southern California
Los Angeles, California**

April 5, 2023

Hon. Ken Calvert
U.S. House of Representatives
2205 Rayburn House Office Building
Washington, DC 20515

Re: H.R. 872, the Federally Integrated Species Health Act—SUPPORT

Dear Representative Calvert:

The Metropolitan Water District of Southern California (Metropolitan) is pleased to support H.R. 872, the Federally Integrated Species Health Act, or FISH Act, and appreciates your leadership on this issue. Metropolitan is a regional wholesaler that provides water for 26 member agencies to deliver—either directly or through their sub-agencies—to nearly 19 million people living in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties.

As you know two federal agencies, the Department of Interior's Fish and Wildlife Service and the Department of Commerce's National Marine Fisheries Service, have jurisdiction over anadromous species. This can result in redundant and at times conflicting requirements for environmental habitat management as species travel between freshwater and marine ecosystems. These management conflicts do not arise for species that spend their life in only one aquatic ecosystem. The FISH Act consolidates management of anadromous species into the Department of Interior. California's water delivery system would benefit from this change by having a single federal agency responsible for anadromous species management.

Metropolitan recommends this bill move forward in conjunction with an effort to ensure that the Fish and Wildlife Service has the necessary resources and funding to take on these new management responsibilities. Your leadership and role on the Appropriations Committee will be critical to making this transition successful and I look forward to working with you on this.

Thank you for your work on the FISH Act; I hope it will move forward this Congress. Please feel free to contact Abby Schneider, our Executive Legislative Representative (aschneider@mwdh2o.com), if Metropolitan can be of any assistance in advancing this legislation.

Sincerely,

ADEL HAGEKHALIL,
General Manager

**Santa Clara Valley Water District (Valley Water)
San Jose, California**

April 10, 2023

Hon. Ken Calvert
U.S. House of Representatives
2205 Rayburn House Office Building
Washington, DC 20515

Re: Notice of Support—Federally Integrated Species Health (FISH) Act (H.R. 872)

Dear Congressman Calvert:

I am writing to inform you that the Santa Clara Valley Water District (Valley Water) Board of Directors has taken a position of support on your bill, the FISH Act (H.R. 872).

Valley Water is pleased to support this bill that would amend the Endangered Species Act (ESA) to vest within the Department of the Interior the responsibilities under the ESA of managing certain species of fish that are currently managed under other agencies. As Silicon Valley's primary water agency, our duties include providing flood protection and environmental stewardship for Santa Clara County's more than 800 miles of creeks and streams, and ensuring a clean, healthy, and reliable water supply for our county's nearly two million residents. We appreciate that this bill would consolidate management of certain fish species under one agency, reducing bureaucratic barriers that hinder effective implementation of the ESA for these species.

Thank you for introducing this important bill. If there is any way Valley Water may be of assistance in the bill's passage, please do not hesitate to contact me.

Sincerely,

MARTA LUGO,
Assistant Officer for External Affairs

**UNITED WATER CONSERVATION DISTRICT (UWCD)
Oxnard, CA**

April 6, 2023

Hon. Ken Calvert
U.S. House of Representatives
2205 Rayburn
Washington, DC 20515

Re: Support for H.R. 872, the Federally Integrated Species Health (FISH) Act

Dear Mr. Calvert:

We write to give our appreciation and strongest possible support for H.R. 872, which you introduced earlier this congress.

We believe that by consolidating the management and regulation of the Endangered Species Act (ESA) within the U.S. Fish and Wildlife Service, all stakeholders affected by the ESA will benefit from a unified approach to managing threatened and endangered species. H.R. 872 will reduce conflicting and often irreconcilable agency directives, providing better understanding and policy alignment for all involved.

Too often, the conflicting directives that water districts like ours receive from regulatory agencies cause litigation, paralysis and costly delays. By reducing, and hopefully eliminating, incompatible biological directives taken by competing resource agencies, those of us charged with protecting, preserving, managing and enhancing the endangered species who inhabit our regional waters can take actions to protect ESA listed species. We will be in a vastly superior position to fulfill our preservation mandate, which can only benefit the regional ecosystem.

As many have pointed out, H.R. 872 is an important step in reducing wasted time and money while maintaining sound and responsible resource management decisions. We applaud your legislation as it represents a practical, common-sense approach to enhancing protections for ESA listed species. Improving the efficiency and effectiveness of the federal government's approach to species protection through better decision-making is a goal that we should all strive for. Ultimately, we are confident that this legislation would only serve to positively benefit species.

Thank you for your time and consideration.

Respectfully,

MAURICIO GUARDADO,
General Manager

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