

DECEMBER 2015



SUBCOMMITTEE ON
WATER, POWER & OCEANS
HOUSE COMMITTEE ON NATURAL RESOURCES

In 2015, House Subcommittee on Water, Power and Oceans Republicans pursued an agenda aimed at protecting and promoting water development projects, hydropower facilities and fishing access to our domestic waters, among other important endeavors. Under the leadership of Full Natural Resources Committee Chairman Rob Bishop (UT-01), Subcommittee Chairman John Fleming (LA-04) and [eleven additional Republicans](#) from diverse geographic areas, the Subcommittee's Majority mission has been devoted to pursuing an active, common sense agenda to help make water and power rates affordable, provide long-term jobs and keep a sustainable and safe food supply for consumers nationwide and around the world while encouraging wise stewardship of our natural resources. We continue to value the input of on-the-ground stakeholders who are an integral part of our mission and look forward to working with you in what will be a busy year.

For additional information about the subcommittee please visit our website at: <http://naturalresources.house.gov/waterpowerandoceans/>

ENSURING WATER AND POWER CERTAINTY AND RELIABILITY WHILE PROMOTING NEW AND EXPANDED INFRASTRUCTURE

Natural and man-made drought throughout the United States has dramatic impacts on our economy, and regional cultures and ways of life. While we cannot make it rain, Subcommittee Republicans advanced solutions to mitigate the negative effects of drought while pushing infrastructure construction that could provide long-term solutions. To that end, the Natural Resources Committee and the House [passed](#) a bold comprehensive measure, [H.R. 2898](#), the "Western Water and American Food Security Act of 2015." The bill, authored by Rep. David Valadao (CA- 21), takes a different approach than previous legislative efforts to address the underlying policy failures that have intensified severe drought conditions in California and across the West. The first six titles of the bill aimed to help alleviate the man-made drought caused, in part, by water being diverted from farms to the ocean on behalf of the Delta Smelt. The remaining five



The unavailability of water has led to high unemployment rates and dismal living conditions in parts of the Central Valley of California. Source: House Natural Resources Republicans



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titles provided innovative financing measures, streamlining the permitting process for building new water storage and protecting state-issued water rights from federal permitting schemes. The bill is currently pending in the Senate.

The Subcommittee also held a hearing on [H.R. 2273](#), a bill authored by Rep. Cynthia Lummis (WY-At Large) that increases water storage in Wyoming.



Tree Leaning on Distribution Line in the Big Horn National Forest. Source: Big Horn REA

The Subcommittee also focused on protecting our existing infrastructure. For example, the Subcommittee held a [hearing](#) on [H.R. 2358](#) the "[Electricity Reliability and Forest Protection Act](#)". The bipartisan bill, authored by Reps. Ryan Zinke (MT-At Large) and Kurt Schrader (OR-05) promotes federal land management agency consistency, accountability, and timely decision making as it relates to protecting electricity transmission and distribution lines on federal lands. The Western Governors Association, the National Rural Electric Cooperative Association, the American Public Power Association, the Edison Electric Institute, the International Brotherhood of Electrical Workers and other organizations supported the bill. The bill passed the House with bipartisan support in early December as part of a broader energy package (H.R. 4) that is currently pending in the Senate.

Providing water certainty is another key goal for the Subcommittee, particularly as it relates to longstanding Indian water rights claims and litigation. As such, Chairman Bishop sent a [letter](#) to Secretary of the Interior Sally Jewell and Attorney General Eric Holder in February that outlines the process the Committee intends to follow when considering future Indian water rights claims legislation. In September, the Administration responded to the letter conveying support for [H.R. 1296](#), a bill introduced by Rep. Duncan Hunter (CA-50) that seeks to end an Indian water rights dispute in southern California. A hearing was held in October as a step to bring resolution to over 45 years of litigation and uncertainty.

PROTECTING AND PROMOTING FISHING ACCESS

Through conducting oversight of the Obama Administration's actions and through key marine resource management reforms, Subcommittee Republicans remain dedicated to preserving American's access to our domestic offshore waters.

In June, the House of Representatives [passed](#) [H.R. 1335](#), the "Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act." This bill, introduced by Rep. Don Young (AK-At Large), makes key reforms to the Magnuson-Stevens Act - the primary law regulating federal fisheries management. H.R. 1335 increases transparency in federal fisheries agency decisions, empowers regional



decision-making, and improves recreational fishing data and access through requiring state data into federal assessments. The bill also ensures access to marine resources by affirming that the Magnuson-Stevens Act shall remain the ultimate authority over federal fisheries management even within the bounds of a Marine National Monument or Marine Sanctuary. Hundreds of [organizations](#) support the bill, which is pending in the Senate.

Gaps in fisheries science and management decisions are not the only issues impacting access to marine resources. This past year alone, the Administration has entertained a series of executive actions and agency rules that inhibit fishing access, often without even securing the support of local entities or states. This was apparent in June when the National Park Service released the final General Management Plan for Biscayne National Park in Florida, which included 10,502 acres in state waters that would be closed to all commercial and recreational fishing – despite opposition from the State of Florida and others. In August, the House Committees on Natural Resources and Small Business held a joint oversight field [hearing](#) in Homestead, Florida to review the plan.



Despite National Park Service estimates on low fish availability, Chairman Bishop and his crew caught 48 fish in 70 minutes in Biscayne Bay, Florida. Source: House Natural Resources Republicans

Highlighted in this hearing was [H.R. 3310](#), a bill introduced by Rep. Ileana Ros-Lehtinen (FL-27) that aims to avoid future situations like the one in Biscayne National Park by preserving a state’s right to manage the lands and waters within their jurisdiction. The text of H.R. 3310 was incorporated into [H.R. 2406](#) in October by an amendment offered by Rep. Amata Radewagen (American Samoa). A number of fisheries [organizations](#) supported the amendment and H.R. 3310. You can find more information about this amendment and the markup [here](#).



Representatives Lee Zeldin and Tom MacArthur and Chairman Rob Bishop in Long Island, New York. Source: House Natural Resources Republicans

The Administration is considering additional ideas to close off further access. In September, the Subcommittee held an oversight [hearing](#) on a proposal being considered by the Administration to create the first Marine National Monument in the Atlantic, off of the coast of Cape Cod, Massachusetts. During this hearing, Subcommittee members heard of a September 15 Town Hall meeting hosted by the National Oceanic and Atmospheric Administration (NOAA), which one witness characterized as a “charade,” as so few details regarding the proposal



had been made public at that time. Full Committee Chairman Bishop and Subcommittee Chairman Fleming and others subsequently sent a [letter](#) to NOAA and the Council on Environmental Quality echoing bipartisan requests for additional information regarding the proposal as well as additional opportunities for local input. Three months after the Town Hall meeting, the Administration has yet to release any additional information, including coordinates or maps, of the designation under consideration.

The economic impacts of the potential Marine National Monument were also discussed at a December oversight field [hearing](#) in Long Island, New York, where the Natural Resources Committee and Rep. Lee Zeldin (NY-01) heard firsthand about the impacts of federal decision-making on public access and regional economies. This hearing highlighted the crucial reforms to federal fisheries management made by H.R. 1335 and the assurances that these provisions would give to the recreational and commercial fishing industries. Witnesses from the local commercial, recreational, and charter-for-hire industries expressed their support for reforms within the bill that increase transparency in federal decision-making and require greater incorporation of state and regional input.



Sea Lion eating ESA listed Salmon in the Lower Columbia River. Source: Columbia River Inter-Tribal Fish Commission

The Subcommittee has also held hearings on specific bills aimed at regional fisheries issues in 2015. During a July 23 legislative [hearing](#), the Subcommittee heard from fishermen, tribes, and the Administration about two necessary bills introduced by Rep. Jamie Herrera Beutler (WA-3) to preserve fishing access on the west coast: [H.R. 564](#), the Endangered Salmon and Fisheries Predation Prevention Act of 2015, and [H.R. 2168](#), the Dungeness Crab Management Act. To assist the recovery of Endangered Species Act (ESA) listed salmon in the Columbia River watershed and to protect tribal ceremonial, subsistence and commercial fisheries, H.R. 564 authorizes the U.S. Secretary of Commerce to issue expedited permits authorizing states and tribes to lethally take non-ESA

listed sea lions under certain conditions. Fishermen and tribal leaders testified that this additional authority was necessary as sea lions have inhabited the lower Columbia River and have been ravaging ESA listed species of chinook, steelhead, coho, and chum salmon. During this hearing, the Subcommittee also heard unanimous support from the panel of witnesses for H.R. 2168, a bill to make permanent the long standing tri-state (Washington, Oregon and California) Dungeness crab management authority in place since 1980. H.R. 2168 passed the House of Representatives on October 6 and is pending in the Senate.

The Subcommittee also held a [hearing](#) on [H.R. 3094](#). As introduced by Rep. Garret Graves (LA-06) and others, the bill transfers the management authority of the red snapper fishery in federal waters from NOAA to a new authority comprised of a representative of each of the five Gulf of Mexico States in response to concerns over federal accountability, decision-making and access. The Subcommittee heard from a wide array of witnesses representing different user groups, including States, recreational industry, commercial and charter fishermen, and restaurants.



EMPOWERING STATES, ENCOURAGING GOVERNMENT TRANSPARENCY AND PROMOTING LOCAL CONTROL

The Subcommittee conducted vigorous oversight this year on the U.S. Environmental Protection Agency's "Waters of the U.S." regulation and the U.S. Forest Service's Groundwater Directive. These proposals could have significant negative impacts on water and power ratepayers and property owners, states and localities. Natural Resources Committee Republicans sent a [letter](#) in March to U.S. Forest Service Chief Tom Tidwell urging the agency to withdraw its Groundwater Directive on a permanent basis. In April, the Subcommittee held an [oversight hearing](#) entitled "Proposed Federal Water Grabs and Their Potential Impact on States, Water, and Power Users, and Landowners." At this hearing, U.S. Forest Service Deputy Chief Leslie Weldon announced the agency's intention to withdraw the proposed Groundwater Directive. Chairman Bishop (UT-01) praised the decision in a statement saying, "The Forest Service's decision to pull the plug on the current Groundwater Directive is long overdue...I appreciate the service taking our concerns about the motive of the program and the consequences of such an introduction seriously- and for making the right call." The Western Governors Association also supported the withdrawal, which formally occurred on [June 19, 2015](#).



Mr. Jim Ogsbury, Executive Director of the Western Governors' Association, testifying at the Subcommittee's oversight hearing on federal water grabs. Source: House Natural Resources Republicans

In October, the Subcommittee held a [hearing](#) on [H.R. 3062](#), the "APPROVAL Act" in response to a proposed private energy transmission project in Arkansas that depends on federal eminent domain authority in order for the power line to be built. The bill, authored by Rep. Steve Womack (AR-3) and supported by the Arkansas congressional delegation, requires state approval before federal eminent domain is used under a specific authority authorized by the Energy Policy Act of 2005.

The Subcommittee also held a legislative hearing on [H.R. 1107](#), the "Bureau of Reclamation Transparency Act." This bipartisan bill, authored by [Rep. Paul Gosar](#) (AZ-04), requires the Secretary of the Interior to publish reports detailing specific rehabilitation needs at Bureau of Reclamation facilities. This will afford Congress, states and localities and water and power users with the necessary information to make informed decisions on aging infrastructure. The Natural Resources Committee passed the bill in October.

The Subcommittee also heard testimony on [H.R. 1219](#), the "Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2015." The bill, sponsored by Rep. Tom Cole (OK-4) reduces the federal estate by allowing a water district in Oklahoma to own two federal buildings and land that it has paid for and has operated and maintained for decades. This reduces the administrative burden on both the water district and the United States, and gives the water district more local control of its facilities.

