

REP. GRACE NAPOLITANO OPENING STATEMENT –June 2, 2011
Subcommittee on Water and Power Hearing

H.R. 1837 claims to “restore the flow of water to beleaguered communities in the world’s most productive and highly valued agricultural region.”

When CVPIA was enacted in 1992, Bob Vice, President of the California Farm Bureau Federation, said that "The CVP bill will cripple farmers in the nation's most productive agricultural region, without solving California's basic water problem. Farmers, farm workers and consumers will suffer, because growers will be forced to idle land, lay off workers, and produce less food and fibre," Vice said.

19 years later, Delta exports have increased, as have agriculture revenues and production. However, it is the environment and fishing industry has not fared as well.

H.R. 1837 seeks to make sweeping and damaging changes to the CVPIA.

Bill impact:

- It extends water contracts for a total period of 40 years and continues in perpetuity without completion of any environmental mitigation or consideration for climate change.**
- Removes tiered water pricing aimed at encouraging water conservation and efficiency, and diminishes funds for restoration.**

- **Totally eliminates the co-equal goal of protecting the environment and allowing for water deliveries**
- **Repeals the San Joaquin Restoration Settlement Act, over two decades of litigation and legislation worked on by all parties. This would create legal and water rights uncertainty for all parties involved.**

This bill also preempts state law and attempts to place the water demands of some of California's most junior water rights holders ahead of all other California interests.

States rights are a historic and fundamental principle of western water rights. The usurping of states right sets a bad precedent and should not be taken lightly.

This legislation also severely limits ongoing environmental protection efforts and deems that requirements of the Endangered Species Act are met at levels defined in 1994 Bay Delta Accord. We face a changing ecosystem coupled with new scientific knowledge.

In the early 1990's home internet use through dial up service was also revolutionary. Technology has improved as the years progressed. Deeming environmental protections adequate based on a once revolutionary but now scientifically out-of-date Bay Delta Accord is like asking internet users to go back to the days of dial up instead of using the available high speed service.

The minority subcommittee members were afforded only one witness. And due to the severity of the possible state impacts from H.R. 1837, Secretary Laird filled our only slot. There are other stakeholders who are also impacted and did not get a chance to voice their opinion today.

I am submitting the following letters into the record;

- **Letter from the CA State Legislature, Signed by Senate Pro Tem Steinberg, Speaker Perez, the respective Senate and Assembly Chairs of Natural Resources, Water, Parks and Wildlife in opposition.**
 - **The letter states, “H.R. 1837 undermines judicial agreements, erodes long-standing water law principles, usurps California’s sovereignty, and lays waste to any hope of progress in the Delta.”**
- **Letter from a dozen fishing industries: In Opposition.**
 - **The letter states, “There are no words strong enough to describe the complete devastation this bill would bring to the Central Valley salmon runs and those who depend on them for their livelihoods, recreation and food sources.”**
- **Letter from the Central Delta Water Agency: In Opposition**
 - **The letter states, “The bill would transfer responsibility of complying with state river flow and quality protections above the Bay Delta Accord to non-export project water**

right holders, who under California law, are senior to the exporters.

H.R. 1837 moves us in reverse and prevents the State and all those involved with the Bay Delta Conservation Program from moving forward. The San Joaquin Reliability Act has nothing to do with reliability and everything to do with uncertainty. Uncertainty does not create jobs.

Thank you Mr. Chairman, I yield back.