

*Rep. John Garamendi Opening Statement
June 23, 2011*

Today's hearing today focuses on three very different pieces of legislation.

H.R. 461 involves a title transfer of an electric distribution system from the Bureau of Reclamation to the South Utah Valley Electric Distribution System. In 1986, the Strawberry Water Users Association sold what they thought was the non-federal portions of the electric Distribution System to the South Utah Valley Electric District. Reclamation approved the sale of the non-federal portions of the system. It was found out, however, that most of the facilities that were thought of being transferred, were in fact federally owned facilities and could not be transferred. H.R. 461 authorizes the transfer of the existing federal facilities. Given that there was some confusion as to the inventory being transferred in 1986, we want ensure that there is no confusion of what is being transferred in the legislation.

H.R. 795, a bill introduced by Rep. Adrian Smith and cosponsored by Subcommittee Member Jim Costa, exempts conduit hydropower projects of 1.5 MW capacity or less from any FERC oversight, including from the FERC conduit exemption process. H.R. 795 also directs the Secretary of the Interior to include in a study conduit projects less than 1 MW. Proponents for this legislation argue that the FERC process is time

consuming, costly, and overbearing for projects of such small capacity. In a written response from FERC regarding questions from Ranking Member Markey, that since 2001, FERC has issued 50 conduit applications with the average time frame for processing was around six months. In the case of the DeWitt Pipeline Project in Logan, Utah, the conduit exemption was issued 15 days past the deadline for public comment. There is difference between making the process more efficient, and removing the process completely. H.R. 795 removes the process completely, without ever ascertaining that the process does not work.

Finally, H.R. 2060, legislation introduced by Rep. Walden, does several things. First it moves a wild and scenic river designation by a quarter of a mile to allow for hydropower to be developed at Bowman Dam. The legislation also seeks to provide water and economic certainty to the City of Prineville and the Ochoco Irrigation District. It does so in a way, however, that provides certainty for the city and agriculture, but not for the future needs of the environment. The legislation also mandates how Reclamation is to operate and manage the Prineville Reservoir, and removes some flexibility on Reclamation's part to mitigate and adapt to changing conditions. There are ongoing negotiations that look at providing the certainty that the city needs while protecting the environment. Stakeholder driven processes are the best way to answer our community's needs.