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**Committee on Natural Resources**  
**Washington, DC 20515**

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**Opening Statement**

**Subcommittee Chairman Tom McClintock**

**House Water and Power Subcommittee Legislative Hearing on**

**H.R. 3716 (Amodei), H.R. 4166 (Thompson of California), H.R. 4508 (Daines) and H.R. 4562 (Smith of Nebraska)**

“The four bills before the Water and Power Subcommittee today seek to achieve degrees of certainty in their respective areas.

H.R. 3716, as introduced by our former Committee member, Mark Amodei from Nevada, ratifies an agreement between two non-federal parties so both parties can plan and mitigate for a water pipeline. Due to the federal trust responsibility, congressional authorization and ratification of this agreement that expires at the end of the year is necessary.

I note that this bill does not impact Winters doctrine rights -- which are tribal water rights set forth in a landmark 1908 Supreme Court case – nor does it authorize federal expenditure of any kind. These two issues, as my colleagues know, are very complicated. For years, I have asked the Justice Department to determine whether the reduction of federal liability meets the federal expenditures authorized in Winters doctrine-related bills. Unfortunately, I have received no response from the Department charged with determining this calculation. Until the Justice Department becomes transparent, we are left to focusing on Indian water bills that have no federal costs.

Another former Committee member, Congressman Smith of Nebraska, has introduced a bill that allows landowners in the Northport Irrigation District to repay what they owe to the federal government under a longstanding contract. Once these farmers pay what they owe, they will no longer be subject to onerous federal acreage limitations that stifle productivity and discourage family farming. This bill is based on two precedents passed in Democratic and Republican Congresses.

A bill authored by Congressman Daines of the Committee, simply extends a contract for another six years while the Montana water courts determine the parameters of a new contract. This bill does not prejudice the outcome of those state deliberations but gives the water users the certainty that they have a current contract in place. The House passed a

similar bipartisan bill in the last Congress on this very matter and it needs to do so again to further extend the contract.

Lastly, Congressman Thompson from California's bill transfers recreational management responsibilities at Lake Berryessa from the Bureau of Reclamation to the Bureau of Land Management. There is little doubt that the Bureau of Reclamation's has grossly mismanaged recreational concessions at the lake, and the dramatic decline in public visitation conclusively attests to this.

The agency's primary responsibility is to produce and distribute water and power supplies, but its statutory mission includes management of assets like Lake Berryessa.

The agency has mismanaged Lake Berryessa, starting with the forced removal of almost 1,500 trailers that provided the economic base of the recreational economy on the Lake for decades.

However, I note in testimony submitted by Mr. Peter Kilkus, a Lake Berryessa resident, that there are questions about what the Bureau of Land Management will do better and whether new management will be used to further restrict legitimate recreational uses at the Lake.

These are legitimate questions that need to be answered, especially by the Bureau of Land Management, which the Administration prohibited from being here today.

It has been the policy of the majority that this government has a responsibility to maximize the public's use and enjoyment of the public's land – and that the land managers have a responsibility to manage these lands for the benefit of the nation. It has consistently rejected attempts to restrict the public's enjoyment of these lands, and will continue to do so.

It is therefore important that the final form of the bill assures the widest possible choice of recreational activities be attained at the lake, and the public welcomed and accommodated in using them. As long as these principles are maintained, perhaps a change of managers is appropriate.

I look forward to hearing from our witnesses today and now yield to the Ranking Member from California, Mrs. Napolitano.”

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