



Steve Moyer
Vice President of Government Affairs

July 12, 2017

Re: Trout Unlimited opposes H.R. 23 – Gaining Responsibility on Water Act of 2017.

Dear Members of the U.S. House of Representatives:

We write to oppose H.R. 23, the Gaining Responsibility on Water Act of 2017. This bill would wreak havoc on water management in the west, and California in particular.

Provisions of this bill would preempt state law on fishery and water management, usurp more than 100 years of western water legal precedent, override science-based management of river flows and fisheries in California, and threaten sport and commercial fishing jobs along the west coast (Titles I-IV). The bill would overturn core principles in the Central Valley Project Improvement Act, repeal key parts of the court-approved San Joaquin River settlement, and prevent emergency releases of Trinity River water to prevent fish kills downstream on the Klamath River. It would preempt application of state law for water right holders throughout the Central Valley, favor some water users over others, and preempt state authority over harvest limits on recreational fishing. In California, the state is finally emerging from its long drought but the fishing industry is still reeling from its effects. Now is not the time to prevent the state from protecting and managing its own water and fishery resources.

H.R. 23 also includes several west-wide titles that would impact water management and infrastructure development across the west, including two permit streamlining titles (Title V and VI) and the Water Rights Protection Act (Title IX).

The provisions in Title V, *Water Supply Permitting Act*; and Title VI, *Reclamation Project Streamlining* aim to streamline the federal and state permitting process for new surface water storage projects in western states, designating the Bureau of Reclamation as the lead agency to develop the environmental record and process permits for those projects and imposing expedited timeframes and arbitrary cost-caps for permitting – including feasibility studies and environmental review.

Trout Unlimited has been a long-term partner in water supply and management processes across the West, including multi-stakeholder, collaborative, basin-wide processes in large, complex systems such as the Yakima (WA) and Klamath (CA-OR) basins. Our experience in these processes is that surface water storage is best-considered and implemented as one of several components in a larger, comprehensive plan that addresses water needs of multiple stakeholders at the system or basin-level.

Rather than encouraging cooperative stakeholder processes or providing funding to catalyze cooperative solutions, these provisions would impose new process constraints for consulting with cooperating agencies, completing environmental reviews, and determining project schedules. These arbitrary constraints would work against the sort of broad-based, collaborative solutions to water scarcity that are essential for balancing water use in the West.

In Senate testimony last year, Reclamation testified to the fact that there have been no examples of any Reclamation surface water storage projects that have been denied construction because of delays associated with project reviews or shortcomings in communication among Reclamation, USDA, or any

other state or federal partners. The provisions of Title V and VI would create more problems than would be resolved.

Finally, TU is opposed to Title IX, *Water Rights Protection*, which would limit the federal agencies' ability to be effective stewards of aquatic resources on public lands. The Department of the Interior's and USFS' authority to require permit conditions for the protection of fish and wildlife is essential to the agencies' ability to provide habitat protections and to provide drought resilience that benefits downstream water users and communities.

Conclusion

This bill would weaken protections for steelhead and salmon, undercut California's efforts to manage its water, and create conflicts among water right holders. H.R. 23 would frustrate the progress of locally-driven, multi-stakeholder drought management processes and impose arbitrary and politically-driven management constraints. To find lasting, sustainable solutions for water management in the west, more flexibility is needed, not less.

As an alternative to the proposed legislation, Congress can help improve drought resilience by making resources available to these locally and regionally driven processes; not proscribing or restricting actions through one-size-fits-all legislative approach. It is the existing room for flexibility and creativity that allowed TU and others to develop unique basin-specific collaboratives in the Klamath Basin and the Yakima River Basin with state, federal and local engagement that respond to water shortages through methods and measures supporting agriculture, fisheries, and other basin interests.

To support drought response efforts in the West, we urge Congress to do the following:

- Provide funding and authorizations to support basin-scale restoration in places like the Klamath and Yakima Basins.
- Invest in upgrades to existing aging water infrastructure, to benefit both people and fish.
- Support the engagement and participation of federal agencies in, and make funds available for, federal-state collaboratives that support locally informed solutions to water management challenges.
- Support funding for USGS and the National Labs and make the resources and tools of those groups available to support regional and local drought planning efforts.

Thank you for considering our views on this proposed legislation. While we feel strongly that this bill should be rejected, Trout Unlimited stands ready to work with members of Congress, along with federal agencies, affected states and water users and advocates, to develop sustainable solutions to drought and water scarcity.

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