

GN OPENING STATEMENT

The first bill on today's docket is H.R. 3061, the Pine River Indian Irrigation Project Act, introduced by my good friend Mr. Salazar. The Pine River Indian Irrigation Project is located in Ignacio, Colorado on the Southern Ute Reservation in southwest Colorado. The Project is one of 16 irrigation projects administered by the Bureau of Indian Affairs. The Project has an estimated 170 miles of ditches and 1,263 structures that can serve approximately 12,000 acres of farmland. The actual irrigated acreage is approximately 7,000 acres. The Project receives irrigation water from the Vallecito Dam, which was constructed by the Bureau of Reclamation.

H.R. 3061 was introduced to address the substantial backlog of deferred maintenance throughout the Project's irrigation system. In order to ensure the adequate function of agriculture activities on the Southern Ute Reservation, the first step must be to gather information on the extent of the problem. Therefore, H.R. 3061 instructs the Secretary of the Interior to conduct a study of the Project's existing irrigation infrastructure needs. Second, the Secretary is instructed to develop a list of activities based on the study in order to repair, rehabilitate or reconstruct the Project's irrigation infrastructure. Finally, the bill authorizes the Secretary, through the Bureau of Reclamation, to provide grants to, and enter into

cooperative agreements with, the Tribe to address the Project's irrigation infrastructure.

In addition to the need to establish the estimated deferred maintenance cost of the Project, a February 2006 GAO report highlighted deficiencies in BIA's management of the 16 irrigation projects under its authority. The report indicated BIA's management of some of its irrigation projects had serious shortcomings that have undermined effective decision making about project operations and maintenance. The Subcommittee is interested to hear from our witnesses about the management of the Project, including to what extent collection of water user fees can sustain operations and maintenance, and whether BIA is adequately sharing information with Project beneficiaries.

The second bill today is H.R. 5039, introduced by my colleague, Ms. Sanchez. This bill would authorize the Bureau of Reclamation to participate in the design, planning and construction of the Groundwater Replenishment System Expansion. This project is operated by the Orange County Water District with the objective to reclaim and reuse wastewater provided by the Orange County Sanitation District. I have stated many times that Title XVI is a critical program to help address current and future water problems in the West. As California continues to face severe economic and hydrological conditions, we simply cannot ignore any opportunity to create or expand local water supplies for our growing

population. H.R. 5039 would help to further reduce Southern California's dependence on imported water from two heavily constrained resources, the Bay-Delta and the Colorado River. I look forward to working with Reclamation to continue our mutual prioritization of Title XVI as one of the most feasible sources of new water supply.

H.R. 5413, the third bill on our agenda, seeks to ratify the Settlement Agreement reached among the Pechanga Band of Luiseño Indians, the Rancho California Water District and the United States as Trustee, as well as other purposes. While we see many positive aspects of this settlement- we also have concerns regarding Allottee protections and the costs associated with the legislation. Welcome Chairman Macarro and Mr. Stone. We look forward to your testimony regarding these matters.

In general, the Committee supports negotiated settlements and recognizes that for over 20 years in both Republican and Democratic administrations, the federal government has acknowledged that negotiated Indian water rights settlements are preferable to protracted, expensive and divisive litigation. The minority believes that the Department of Justice must "certify that each settlement is a net benefit" to the tax payers. This belief is a fundamental misunderstanding

of the settlement process. We recognize the importance of DOJ's opinion, but it is simply just that - only DOJ's opinion and only addresses specific issues and narrow concerns – primarily litigation outcomes. It does not represent the views of the entire Administration, from all the agencies – including OMB -- and departments involved. Asking for DOJ's approval of water settlements substitutes the views of a federal agency in Washington for the opinions of the tribe, their non-tribal neighbors, and local governments who have come together to find certainty in their community's water supply and finality to ongoing litigation. Binding Congress to DOJ's opinion also abdicates congressional authority to the executive branch, something we will not support.

As an example that DOJ's analysis is a factor in negotiated settlements but not sole opinion in the Administration's position, I am inserting into the record the Office of Management and Budget's letter regarding H.R. 3563, the Crow Indian Water Rights Settlement. This letter states that OMB, the budget steward that oversees all the federal agencies including DOJ, has "no objection" from the standpoint of the President's Program if the attached changes are made to the legislation. This clearly indicates that OMB's position is the position of the entire Administration, including DOJ, after having weighed all factors, whether positive or negative.

Our last bill for today is H.R. 6107, The American Taxpayer and Western Area Power Administration Firm Power Customer Protection and Government Accountability Act of 2010, sponsored by our Committee Ranking Member, Mr. Hastings. We look forward to hearing from Mr. Caan- welcome back, and Ms. Perruso on this important legislation. I hope we all can work together in finding a balance between provisions in this legislation, while enhancing Western's Borrowing Authority.