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SPEAKER: Mrs. FEINSTEIN; Mr. KERRY; Mrs. LINCOLN; Mr. NELSON of Florida; Mr. KOHL

TEXT: [*170]

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By Mr. BINGAMAN:

S. 22. A bill to designate certain land components of the National **Wilderness** Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; read the first time.

Mrs. FEINSTEIN. Mr. President, I rise to speak to Senator Bingaman's introduction today of the Omnibus Public Land Management Act of 2009. I strongly support this bill and Senator Bingaman's leadership in sponsoring it, and urge my colleagues to vote for its prompt passage.

This omnibus legislation includes no fewer than 20 bills of interest to California, including 14 bills to increase our water supply and to restore our rivers and groundwater quality, 3 bills to designate additional **wilderness** areas, and 3 other National Park Service, Bureau of Land Management, and Forest Service bills.

I would like to speak at some length about one of these bills, the San Joaquin River Restoration Settlement Act, which I have introduced with Senator Boxer to bring to a close 18 years of litigation between the Natural Resources Defense Council, the Friant Water Users Authority and the U.S. Department of the Interior. Before I discuss the San Joaquin bill, however, I would like to review the other 19 California bills in the omnibus legislation introduced today. These include the following:

Additions to National **Wilderness** Preservation System

Eastern Sierra and Northern San Gabriel **Wilderness**,

Riverside County **Wilderness**, and the

Sequoia and Kings Canyon National Parks **Wilderness**;

Bureau of Land Management

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria land exchange;

Forest Service

Mammoth Community Water District land conveyance;

National Park Services

Tule Lake Segregation Center Resource Study;

Bureau of Reclamation

San Diego Intertie feasibility study,

Madera Water Supply Enhancement Project authorization,

Rancho California Water District project authorization,

Santa Margarita River project authorization,

Elsinore Valley Municipal Water District project authorization,

North Bay Water Reuse Authority project authorization,

Prado Basin Natural Treatment System Project authorization,

Bunker Hill Groundwater Basin project authorization, [*171]

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GREAT Project authorization,

Yucaipa Valley Water District project authorization,

Goleta Water District Water Distribution System title transfer,

San Gabriel Basin Restoration Fund, and the

Lower Colorado River Multi-Species Conservation Program

I would like to say a few words about the water project authorizations and **wilderness** bills, in addition to the San Joaquin River Settlement legislation.

In the Western U.S., drought, population growth, increasing climate variability, and ecosystem needs make managing water supplies especially challenging. The 9 California water recycling projects included in the omnibus bill offer a proven means to develop cost effective alternative water supply projects. Together they will help the state reduce its dependence on imported water from both the Lower Colorado River and Sacramento/San Joaquin Delta.

Among the other bills to benefit California water supply and quality, one codifies the Lower Colorado River Multi-Species Conservation Program, MSCP, a 50 year plan to protect endangered species and preserve wildlife habitat along the Colorado River.

The three **wilderness** bills in this package would together protect a **wilderness** about 735,000 acres of land in Mono, Riverside, Inyo, and Los Angeles Counties, and within Sequoia-Kings Canyon National Park. This will protect spectacular lands ranging from the High Sierras to the

magnificent California deserts. I want to thank Senator Boxer in particular for her leadership on these bills.

I would like to devote most of my remarks to the San Joaquin River Restoration Settlement Act, a bill Senator Boxer and I have cosponsored that approves, authorizes and helps fund an historic Settlement on the San Joaquin River in California. This Settlement restores California's second longest river, while maintaining a stable water supply for the farmers who have made the San Joaquin Valley the richest agricultural area in the world. One of the major benefits of this settlement is the restoration of a long-lost salmon fishery. The return of one of California's most important salmon runs will create significant benefits for local communities in the San Joaquin Valley, helping to restore a beleaguered fishing industry while improving recreation and quality of life.

This San Joaquin Settlement bill is nearly identical to the bill that we introduced in the waning days of the 109th Congress, and reintroduced at the beginning of the 110th Congress as S. 27. However, the bill we are introducing today does reflect a few significant changes resulting from discussions among the numerous Settling Parties and various "Third Parties" in the San Joaquin Valley of California. During the past year the parties to the settlement and these affected third parties, such as the San Joaquin River Exchange Contractors, have agreed to certain changes to the legislation to make the measure PAYGO neutral and to enhance implementation of the settlement's "Water Management Goal" to reduce or avoid adverse water supply impacts to Friant Division long-term water contractors. The legislation that we are introducing today incorporates these changes, which are supported by the State of California and major water agencies on the San Joaquin River and its tributaries.

The Settlement has two goals: to restore and maintain fish populations in the San Joaquin River, including a self-sustaining salmon fishery, and to avoid or reduce adverse water supply impacts to long-term Friant water contractors. Consistent with the terms of the Settlement, we expect that both of these goals will be pursued with equal diligence by the Federal agencies.

Without this consensus resolution of a long-running western water battle the parties will continue the fight, resulting in a court-imposed judgment. It is widely recognized that an outcome imposed by a court is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

The Settlement provides a framework that the affected interests can accept. As a result, this legislation has enjoyed the strong support of the Bush Administration, California Governor Schwarzenegger's Administration, the environmental and fishing communities and numerous California farmers and water districts, including the Friant Water Users Authority and its member districts that have been part of the litigation.

When the Federal Court approved the Settlement in late October, 2006, Secretary of the Interior Dirk Kempthorne praised the Settlement for launching "one of the largest environmental restoration projects in California's history." The Secretary further observed that "This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley ... and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities."

I share the Secretary's strong support for this balanced and historic agreement, and it is my honor to join with Senator Boxer and a bipartisan group of California House Members who have previously introduced and supported this legislation to authorize and help fund the San Joaquin River Restoration Settlement.

During the past year we have worked with the parties to the settlement, affected third party agencies and the State of California to ensure that the legislation complies with congressional PAYGO rules.

In May of 2008, the Energy and Natural Resources Committee approved amendments agreed to by the parties that allow most Friant Division contractors to accelerate repayment of their construction cost obligation to the Treasury. This change both increases the amount of up-front funding available for the settlement and decreases the bill's PAYGO "score" by \$88 million, according to the Congressional Budget Office. In exchange for agreeing to early re-payment of their construction obligation, Friant water agencies will be able to convert their 25-year water service contracts to permanent repayment contracts.

The amendments also included new provisions to enhance the water management efforts of affected Friant water districts. Specifically, the legislation now includes new authority to provide improvements to Friant Division facilities, including restoring capacity in canals, reverse flow pump-back facilities, and financial assistance for local water banking and groundwater recharge projects, all for the purpose of reducing or avoiding impacts on Friant Division contractors resulting from additional River flows called for by the Settlement and this Legislation.

Near the end of the 110th Congress, parties to the Settlement and affected third parties came to agreement on additional provisions that would greatly facilitate passage of the bill by making it PAYGO-neutral. The legislation we are introducing today includes substantial funding, including direct spending on settlement implementation during the first ten year period of \$88 million gained by early repayment of Friant's construction obligation, and substantial additional funding authorized for annual appropriation until 2019, after which it then becomes available for direct spending again. This additional funding is generated by continuing payments from Friant water users and will become directly available to continue implementing the settlement by 2019 if it has not already been appropriated for that purpose before then.

In 2006, California voters showed their support for the settlement by approving Propositions 84 and 1E, that will help pay for the Settlement, with the State of California now committing at least \$200 million toward the Settlement costs during the next 10 years. When State-committed funding, direct spending authorized by the bill, and other highly reliable funding including pre-existing payments by water users are added together, there is at least \$380-390 million available for implementing the Settlement over the next 10 years, with additional dollars possible from additional federal appropriations.

Nevertheless, it is my intention to work with the Chairman of the Energy and Natural Resources Committee during the 111th Congress to find a suitable offset that will allow restoration of all of the direct spending envisioned by the settlement without waiting until 2019.

Today's legislation continues to include substantial protections for other [*172]

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water districts in California who were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis. These protections are accomplished while ensuring a timely and robust restoration of the River and without creating any new precedents for implementing the Endangered Species Act. Similarly, there is no preemption of State law and nothing in the bill changes any existing obligations of the United States to operate the Central Valley Project in conformity with state law.

The bill we are introducing today contains several new provisions to strengthen these third-party protections in light of the changes made to address PAYGO. These include safeguards to ensure that the San Joaquin River Exchange Contractors and other third parties will not face increased costs or regulatory burdens as a result of the PAYGO changes.

Support of this agreement is almost as far reaching as its benefits. This historic agreement would not have been possible without the participation of a remarkably broad group of agencies,

stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

At the end of the day, I believe that this San Joaquin bill is something that we can all feel proud of, and I urge my colleagues to move quickly to approve this omnibus public lands legislation and provide the administration the authorization it needs to fully carry out the extensive restoration opportunities and other actions called for under the Settlement.