



Statement of Congressman Doc Hastings (WA-04)
Subcommittee on Water Resources and Environment
Committee on Transportation & Infrastructure
April 28, 2010

Statement as prepared for delivery:

Thank you Chairwoman Johnson and Ranking Member Boozman for allowing me to join you at this hearing and to share my thoughts on H.R. 4652, titled the “Columbia River Restoration Act.”

In 1995, the Lower Columbia River estuary became one of 28 estuaries to be included in the National Estuary Program. In that regard, I applaud the work of the Lower Columbia River Estuary Partnership, a public-private initiative involving the states of Washington, Oregon, some 28 cities, nine counties and other entities.

Since 1999, the Lower Columbia River Estuary Partnership has adopted and begun implementing a comprehensive management plan that defines an estuary as “the area where the fresh water of a river meets the salt water of an ocean.” In the Columbia River system, this occurs approximately in the lower 46 river miles. The Partnership’s management plan also covers an extended area from the Pacific Ocean to Bonneville Dam at river mile 146, because of the far-reaching effects of the ocean’s tides. None of us here today will disagree on the importance of the Estuary Partnership’s work to restore this portion of the Columbia River, which includes important nutrients for developing salmon and other marine life.

While I appreciate the good intentions of parts of H.R. 4652 that would support efforts already authorized and being implemented in the lower Columbia River estuary—areas now represented by my colleagues Representatives Blumenauer, Wu and Baird – I am deeply disappointed and concerned that other aspects of the bill proposes to greatly expand the scope and management authority of the Environmental Protection Agency to over 500 miles of the Columbia and Snake Rivers that cut through the Fourth Congressional District of Washington that I represent.

The Columbia River is one of the most heavily federally-regulated and litigated rivers in the nation. As written, the bill would impact over 745 miles of the Columbia River above

Bonneville Dam and north to the Canadian border. This includes 11 major federal and non-federal dams, a national monument, the Department of Energy's 586-square mile nuclear waste cleanup site at Hanford, and over 600,000 acres of farmland and irrigation projects watered from the Columbia River. It would also impact several major hydropower and irrigation project dams along the Snake River in Washington and Idaho, and a vital navigation link for over \$10 billion in annual commerce. As defined, the bill would also impact a number of other Columbia River tributaries in large portions of eastern Washington, Oregon, Idaho, Montana, and parts of Wyoming, Nevada and Utah. In short, an effort to focus attention on the Columbia River estuary is dramatically expanded in this bill to provide influence and control over every mile of every river and waterway that feeds into the Columbia River. The far-reaching scope of the bill as drafted should not be minimized or understated.

What is particularly distressing about the transformation of the collaborative partnership focused on the estuary into a new regulatory authority grasping control over the entire Columbia River drainage is that this bill was written without ever consulting or properly communicated with me or my office about the details. In fact, the first communication on the bill came to my office from the sponsor with notice that it would imminently be introduced literally the next morning, and asking if I'd cosponsor a finalized text. I represent the longest stretch of the Columbia River of any Member of Congress and yet no effort was made to discuss this bill with me or my office as it was being developed, instead receiving only cursory notice just as it was to be filed with the House.

In my view, this is not the way successful legislation is written, and it is not the manner in which we in the Pacific Northwest congressional delegation have historically worked on matters of regional impact and importance.

Let me be clear: I would support legislation properly focused on addressing the Columbia River estuary. However, it is one thing to bolster ongoing efforts focused on the Lower Columbia River estuary, but it is quite another matter to propose allowing unelected EPA bureaucrats to direct a host of activities on large stretches of the Columbia and Snake Rivers and their tributaries without first consulting with all those most directly affected. An appropriate bill must be of proper scope, involve proper consultation, and include specific and proper constraints on the impact the program would have on current regulatory and legal controls over the River and tributaries. I believe such a bill is possible, but let me elaborate on some of the issues that H.R. 4562 fails to properly account for in the current text.

For example, the bill's silence as to current litigation involving the Federal Columbia River Power System hydropower dams and the Endangered Species Act – which affects all Northwest farmers, irrigators and family foresters – speaks volumes about the very real deficiencies of the bill, and, which, I fear, would elevate EPA's regulatory authority above everything else. This includes EPA potentially superseding the current regulatory authority of NOAA Fisheries, the Army Corps of Engineers, Bonneville Power Administration, U.S. Fish and Wildlife, Bureau of Reclamation, Department of Energy, and others. As written, this bill could

destroy collaborative regional partnerships, increase lawsuits, and ultimately, would not focus efforts where they should be—to improve salmon runs, produce clean, renewable energy, and allow one of the most productive agricultural areas in the nation to continue producing food.

Further, section 123(b) of H.R. 4652 would authorize the EPA Administrator to establish a “Columbia River program team” led by a single “team leader” designated by the EPA Administrator to “coordinate” several functions of the federal government, including agencies, programs and studies for endangered species recovery. The Committee on Natural Resources, of which I am currently Ranking Member, has jurisdiction over all Endangered Species Act matters and should be permitted to further review this bill.

The bill also allows the EPA Administrator to appoint personnel and “utilize other available methods” in carrying out the duties of the bill. The bill takes the extraordinary step of codifying EPA’s implementation plan under the Clean Water Act—something that is rarely done for specific National Estuary Program projects. I am concerned that these broad provisions might have unintended, far-reaching consequences with other regional activities involving river operations.

The bill also authorizes \$40 million for the EPA Administrator to carry out functions of the bill at EPA’s discretion. This amount is more than the current authorization for the entire National Estuary Program for all 28 estuaries around the country. I am greatly concerned that this bill would create a new bureaucracy that would overlap and interfere with significant on-the-ground federally-funded watershed programs already underway in the Columbia Basin as well as significant federal efforts to make dams more fish friendly while continuing to produce an important source of clean, renewable energy supply. It also comes during difficult economic times for our nation—when the American people expect Congress to make sure federal tax dollars are used as efficiently and wisely as possible.

To the Members of this Committee, I would ask that before further action is taken on this bill, that proper consultation occur with Members whose districts would be affected, so that they may consult with their constituents on the provisions, wording and potential reach of the bill. It is also important that questions on the potential unclear impacts and risks posed by this broadly worded bill be carefully reviewed and vetted before any further action is taken.

Thanks again for allowing me the opportunity to raise my concerns on H.R. 4652.