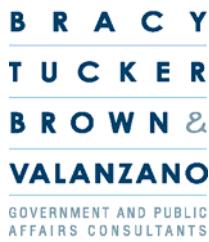


**Public Policy Agenda Number 3.  
Attachment 1.**



**TO: David Modeer and CAWCD Board of Directors**

**FR: Terry Bracy, Tracy Tucker, Jim Brown, Michael Bracy and Brandon Avila**

**DA: June 2, 2009**

**RE: Federal Legislative Report for June 2009**

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**Climate Change and Energy Legislation:**

House of Representatives:

On May 20, before Congress left for their Memorial Day recess, the Energy and Commerce Committee passed the Waxman/Markey Climate change bill (H.R. 2454) on a 33-25 vote.

The Leadership in the House has indicated that it would like to get the bill to the floor for a vote later this month. However, due to a busy schedule it is likely that it will have to wait till after the July 4<sup>th</sup> recess. Additionally, a number of other committees of jurisdiction have the prerogative to hold their own mark-ups before it is brought to the floor.

With an ambitious schedule that includes a war supplemental, FY2010 appropriations bills, and health care legislation, it is clear that getting the energy and climate change bill ready for floor consideration and passage will be a challenge.

Senate:

The Senate is moving forward with their energy bill. The Committee is having a markup this Thursday on the Renewable Electricity standard (RES). Bingaman's provision would require utilities to supply 15 percent of their electricity from renewable sources by 2021.

Over the last month the committee has already gone through a number of markups on the comprehensive energy bill including: appliance efficiency; the energy and water nexus; the manufacturing sector's efficiency; work force training; a clean energy bank administration; transmission siting; and grid cybersecurity.

## **Fiscal Year 2010 Appropriations:**

The House and Senate appropriations subcommittees will begin the markup process this month for the fiscal year 2010 budget. They are hoping to get all of the bills done individually through regular order to negate the need for an omnibus spending bill for the first time since 2005.

### *House Energy and Water Appropriations:*

It was recently announced that Rep. Visclosky (D-IN), the current Chairman of the Energy and Water Appropriations Subcommittee, is stepping down and has asked Rep. Pastor (D-AZ) to chair the subcommittee during the upcoming appropriations process. No markup dates have been announced.

## **Water and Power Subcommittee field hearing on May 27:**

On Wednesday, May 27, the House Natural Resources Subcommittee on Water and Power held an oversight field hearing in Tucson, AZ titled “Water Quality Issues in the Colorado River.”

The Committee scheduled the hearing to hear from a diverse range of Colorado River stakeholders to determine what programs and authority currently exist to protect the water quality of the River, and to discuss any emerging contaminants that should be addressed.

The hearing was chaired by Representative Napolitano (D-CA) and Rep. Grijalva (D-AZ). No mention of specific legislation was made during the hearing, although it is clear that the Committee may be working to draft a Colorado River water quality initiative similar to the regional efforts that have been made to protect the Great Lakes and Chesapeake Bay.

The Central Arizona Water Conservation District was asked to testify at the hearing. In testimony provided to the Committee, David Modeer made it clear that the Colorado River water is currently in good quality (meeting all Arizona water quality standards) and that existing federal regulation are more than adequate to protect the water. However, CAWCD took this opportunity to state that providing federal resources in support of facilities and programs to improve operational efficiency and augment water supplies will assist in the long term condition of the Colorado River.

### Some of the enhancement efforts identified by CAWCD include:

- The Yuma Desalting Plant and Cienega de Santa Clara
- Colorado River Augmentation
- Multi-Species Conservation Program
- Climate Change Adaptation

*See full written testimony attached.*

Testimony was also provided by:

**Panel 1:**

Lorri Gray-Lee, Lower Colorado Regional Director  
Bureau of Reclamation

Alexis Strauss  
Region 9 Water Division Director  
Environmental Protection Agency

Mark Nexsen, Mayor  
Lake Havasu City, AZ

Herb Guenther, Director  
Arizona Department of Water Resources

**Panel 2**

Eldred Enas, Tribal Council Chairman  
Colorado River Indian Tribes

Jonathan Overpeck  
Director of the Institute for the study of planet earth  
University of Arizona

Roger Patterson, Assistant General Manager  
Metropolitan Water District of Southern California

Ronald Zegers, Director  
Southern Nevada Water Authority

David Modeer, General Manager  
Central Arizona Water Conservation District (CAWCD)

## **The Weather Mitigation Research Act, S. 601**

On May 20 the Senate Commerce, Science and Transportation Committee by voice vote passed S. 601, the Weather Mitigation Research Act. The bill would establish a Weather Mitigation Research Office within the National Science Foundation (NSF) to study severe weather events such as droughts to flooding, and would initiate a grant program to fund weather mitigation research at the local level.

A substitute amendment was approved during Committee approval to strike the cost-share requirement for grantees. The House does not have a companion at this time. It is possible that this could be attached to a larger legislative vehicle, such as the energy or climate change bill, assuming those move forward.

### **Drinking Water Adaptation, Technology, Education and Research (WATER) Act, S. 1035**

On May 13 Senator Reid along with Senators Feinstein and Boxer introduced a bill to enable water utilities to develop and implement climate change adaptation programs.

The bill would authorize \$25 million annually for 10 years to research how climate change impacts drinking water supplies and infrastructure and methods of mitigating and adapting to these impacts. No hearings have been scheduled in the Senate on this legislation. Similar adaptation programs have been incorporated into the House Climate Change legislation.

**TESTIMONY OF DAVID V. MODEER,  
GENERAL MANAGER,  
CENTRAL ARIZONA WATER CONSERVATION DISTRICT,  
BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES,  
SUBCOMMITTEE ON WATER AND POWER,  
ADDRESSING WATER QUALITY AND QUANTITY ON THE LOWER  
COLORADO RIVER**

**May 27, 2009**

I am pleased to present testimony on behalf of the Central Arizona Water Conservation District (CAWCD) regarding the waters of the Lower Colorado River. CAWCD is the Arizona political subdivision responsible for operating the Central Arizona Project (CAP). CAP, constructed, under the authority of the Colorado River Basin Project Act of 1968, enables Arizona to make full use of its Colorado River entitlement. In a normal water supply year, CAP will deliver about 1.5 million acre-feet of Colorado River water to the citizens of Central and Southern Arizona, or almost two *billion* gallons per day. CAP is the largest single source of renewable water supplies in the State of Arizona, serving 80 percent of the State's water users and taxpayers, including the Phoenix and Tucson metropolitan areas.

**Water Quality**

Recently, concerns have been raised regarding the quality of Colorado River water, and it has been asked whether new regulatory mechanisms are needed to protect it. From CAWCD's perspective, Colorado River water is currently of good quality (meeting all Arizona water quality standards), and existing federal regulations are more than adequate to protect the quality of the water. The Colorado River Basin Salinity Control Act, the Clean Water Act, and the Safe Drinking Water Act all provide mechanisms to protect and enhance the quality of Colorado River water and to assure that it meets drinking water standards when delivered for potable purposes.

However, regulatory programs alone cannot provide adequate protection of the Colorado River in the absence of the financial resources necessary to address potential threats to the river. One case in point is possible nitrate contamination of the river in the absence of regional wastewater treatment works for on-river communities. CAWCD would support legislation to provide federal financial assistance for the construction of wastewater infrastructure projects in communities such as Bullhead City and Lake Havasu City, Arizona. Proactively addressing wastewater-related nitrate contamination will help improve the quality of groundwater adjacent to the Colorado River and prevent degradation of the River water.

While the Colorado River currently meets all Arizona water quality standards, protecting the River from potential contamination is of paramount importance. CAWCD believes that with sufficient resources and the active involvement of the Bureau of Reclamation

and other agencies, the high quality of Colorado River water can be protected and maintained for many years to come.

### **Water Quantity and River Management**

While protecting the quality of Colorado River water is critically important, the issues of water quality and water quantity in the river are closely intertwined. A reduction in water quantity can heighten the impacts of contamination as less water is available to dilute any pollutants, whether natural or human-caused. The Colorado River system is still feeling the effects of one of the most severe droughts in its recorded history. In December 2007, working cooperatively with the seven Colorado River Basin States, the Bureau of Reclamation adopted new guidelines for managing the Colorado River reservoirs. The Guidelines include Lower Basin shortage declaration and shortage sharing criteria. Because the Central Arizona Project is the junior water rights holder in the Lower Basin, effective management of the Colorado River system is essential for CAWCD to plan its water future.

We believe that additional improvements in river management offer an effective and cost efficient pathway to ensuring the long-term health of the Colorado River ecosystem. Additional federal funding in support of Reclamation facilities and programs to improve operational efficiency and augment water supplies would help preserve storage in Lake Mead. This, in turn, will enhance drought resistance, help preserve downstream habitats and provide added assurance for the millions of citizens that depend on the river for their drinking water and livelihoods. Allow me to briefly describe several of these enhancement efforts.

#### **1. The Yuma Desalting Plant and Cienega de Santa Clara**

The Yuma Desalting Plant (YDP) is a prime example of the interconnection between water management and the Colorado River ecosystem. In the Explanatory Statement accompanying the Omnibus Appropriations Act of 2009 (P.L. 111-8), Congress directed the Bureau of Reclamation to make the YDP operational at one-third capacity by June 30, 2009, and to report formally to Congress concerning the status of the YDP by September 30, 2009. Operation of the YDP is critical to avoid the continued loss each year of more than 100,000 acre-feet of Colorado River water from Lake Mead, enough to supply the annual water needs of 500,000 people.

But YDP operation is linked to the Cienega de Santa Clara, a valuable wetland in Mexico that has developed in temporary reliance on the water supply that the YDP was designed to treat. CAWCD is working with environmental groups and others in the United States and Mexico to identify a permanent solution that will protect the environmental values of the Cienega while maximizing conservation of Colorado River water. In addition to providing long-term protection for the Cienega, such a solution would give the basin states certainty and increased flexibility in managing their water resources.

We urge Congress to support these efforts by funding environmental monitoring and other studies to determine the quantity and quality of water needed to preserve the environmental values of the Cienega de Santa Clara.

## **2. Colorado River Augmentation**

Evaluating and implementing additional methods to augment Colorado River water supplies is critical to meet the needs of the seven Basin States and the United States' obligation to Mexico. CAWCD calls the Committee's attention to the provisions of Sections 201, 202 and 203 of Title 1 of the Colorado River Basin Project Act of 1968 (P.L. 90-537). These provisions call for studies and actions to augment the supply of water available for distribution within the Colorado River Basin.

The Seven Colorado River Basin States (States) have completed a process, led and funded primarily by the Southern Nevada Water Authority, to review previous augmentation studies and evaluate new concepts. Reclamation participated in this process. A final report was completed in FY 2008. The States and the Bureau of Reclamation are currently working towards a cost-shared study to further identify specific augmentation needs and projects. In addition, the States, using funding from a variety of state and local organizations, are actively involved in cloud seeding and control of non-native, water-wasting plants, such as salt cedar. In order to fully implement these and other programs still under investigation, CAWCD recommends that Congress direct Reclamation to actively support these programs and commit at least \$500,000 from Reclamation's overall appropriations for such activities as General Planning, Research and Development, or the Water for America Initiative.

## **3. Multi-Species Conservation Program**

The Lower Colorado River Multi-Species Conservation Program (MSCP) is a partnership of Federal and non-Federal stakeholders responding to the need to balance the use of Lower Colorado River water resources and the conservation of native species and their habitats in compliance with the Endangered Species Act. This is a long-term plan to conserve 26 species along the Lower Colorado River from Lake Mead to the Southerly International Boundary with Mexico through implementation of a Habitat Conservation Plan.

The MSCP provides multiple methods to improve the Colorado River ecosystem, preserving the River's water quality in the process. The MSCP is quite extensive and provides for reintroducing endangered species and establishing additional protections for them. While doing that, it also helps to ensure the continued wise management of the River.

The program's estimated cost, in 2003 dollars, is \$626 million to be annually adjusted for inflation. The Bureau of Reclamation will pay 50% of the MSCP cost, with the Lower Basin States paying the remaining 50%. CAWCD urges Congress to continue its support of the Lower Colorado River Multi-Species Conservation Program.

#### **4. Measures to Plan for and Adapt to Climate Change**

Title IX, Subtitle F, of the Omnibus Public Land Management Act of 2009 (P.L. 111-11), entitled "Secure Water," gave the Secretary of the Interior important new authorities to assist Lower Basin water users in planning for and adapting to the effects of global climate change. Section 9503, for example, directs the Secretary, through the Commissioner of Reclamation (Commissioner), to study and to help mitigate the effects of climate change on the water supplies of federal reclamation projects, such as CAP. Appropriations are available under this section for the development of improved hydrologic models and other decision support systems to better predict and plan for the effects of climate change on Lower Basin water supplies.

The Act also authorizes feasibility studies of mitigation and adaptation strategies, including the construction of water supply, water management or habitat enhancement infrastructure, necessary to address the effects of global climate change on water resources in each major reclamation river basin. Such feasibility studies are generally required to be cost shared 50-50 with non-federal participants. Section 9503 contains an authorization of appropriations of "such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023." Section 9504(b) authorizes the Secretary, through the Commissioner, to enter into cooperative agreements "with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed to . . . enhance the management of water resources." Improving global climate change models (scaling them down) so that they are predictive of regional water supply impacts should satisfy that criterion. The legislation authorizes \$200 million to be appropriated to carry out this section, to remain available until expended. We would urge the Bureau of Reclamation to begin working right away with Lower Basin water users to identify and request funding for appropriate projects under these new authorities.

#### **Summary and Conclusions**

Along the Colorado River, the twin issues of water quality and water quantity are blended together. In like manner, potential water quality threats such as wastewater-related nitrate contamination and high salinity can be addressed through blending effective management of the Colorado River with proactive pollution prevention and mitigation programs.

The seven Colorado River Basin States have taken individual and collective action to protect and preserve the quality of Colorado River water. However, successful implementation of programs and projects necessary to accomplish these objectives will require federal action and assistance. CAWCD respectfully urges Congress to enact legislation authorizing the Secretary of the Interior to participate in the planning, design, construction and operation of municipal wastewater treatment systems for on-River communities in Arizona, California, and Nevada.

Congressional direction and funding will be critical to protect Colorado River water supplies and preserve the Colorado River ecosystem. CAWCD respectfully urges Congress to provide the Bureau of Reclamation the funding necessary to make the YDP operational, as Congress has already directed, as well as to fund studies aimed at preserving the Cienega de Santa Clara.

The effective management and operation of the Colorado River must also consider the multiple species and habitats dependent on this resource. We ask Congress to support and fund the federal share of the Lower Colorado River Multi-Species Conservation Program.

We ask that Congress direct the Bureau of Reclamation to begin working with Lower Basin water users on projects that will enhance understanding of climate change and support the development of programs to mitigate the potential impacts of these changes on the Colorado River.

Finally, we respectfully urge Congress to direct the Bureau of Reclamation to work with the seven Basin States to evaluate and fund water augmentation strategies, including the design and construction of appropriate projects under the Secure Water subtitle of the Omnibus Public Land Management Act of 2009.

Thank you for the opportunity to present this testimony on these critically important topics.

# FEDERAL LEGISLATION

6/3/09

## **S.22 Omnibus Public Land Management Act of 2009**

**Title:** A bill to designate certain land as 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.

**Sponsor:** Sen. Jeff Bingaman, (NM)

**Cosponsors** (None)

**Status:** 1/7/09 Introduced in Senate. 1/15/2009 Passed Senate with amendments by Yea-Nay Vote. 73 - 21. Record Vote Number: 3. 1/16/09 Sent to House. Held at the desk. 3/11/2009 Failed of passage/not agreed to in House. On motion to suspend the rules and pass the bills, as amended. Failed by the Yeas/Nays (2/3 required) 282-144.

**Position:** Support

**Why Interested:** Includes MSCP Bill (Senate version) plus other Colorado River Basin bills.

**Comments:** Folded into H.R. 146.

## **S.32**

**Title:** A bill to require the Federal Energy Regulatory Commission to hold at least 1 public hearing before issuance of a permit affecting public or private land use in a locality.

**Sponsor:** Sen. Arlen Specter, (PA)

**Cosponsors** (1)

**Status:** 1/6/2009 Read twice and referred to the Committee on Energy and Natural Resources. 1/7/09 Sponsor introductory remarks on measure (CR S170)

**Position:** Monitor

**Why Interested:** Could affect Utah pipeline project to divert water from Lake Powell.

**Comments:** We have intervened in the FERC licensing proceeding.

## **\*S.146 RAILROAD ANTITRUST ENFORCEMENT ACT OF 2009**

**Title:** A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

**Sponsor:** Sen. Herb Kohl (WI)

**Cosponsors** (8)

**Status:** 1/6/2009 Read twice and referred to the Committee on the Judiciary. 3/5/2009 Committee on the Judiciary. Ordered to be reported favorably. 3/18/2009 Placed on Senate Legislative Calendar under General Orders. Calendar No. 33. 5/21/2009 Motion to proceed to consideration made in Senate; Cloture motion presented in Senate; Motion to proceed to consideration of measure withdrawn in Senate.

**Senate Reports:** 111-9

**Position:** Monitor

**Why Interested:** Would substantially reduce coal shipment costs.

**Comments:** Passage would be Pyrrhic victory if we are going to phase out or just shut down all our coal-fired generation. See: H.R. 233.

## **S.169 BIENNIAL BUDGETING AND APPROPRIATIONS ACT**

**Title:** A bill to provide for a biennial budget process and a biennial appropriations process and to

\* Marks the new additions and changes.

enhance oversight and the performance of the Federal Government.

**Sponsor:** Sen. Johnny Isakson, (GA)

**Cosponsors (10)**

**Status:** 1/8/09 Read twice and referred to the Committee on the Budget.

**Position:** Monitor

**Why Interested:** Affects appropriation process.

**Comments:** Republicans staking out a position.

### **S.313**

**Title:** A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

**Sponsor:** Sen. Jon Kyl, (AZ)

**Cosponsors (1)**

**Status:** 1/26/2009 Read twice and referred to the Committee on Indian Affairs. 4/2/2009 Committee on Indian Affairs hearings held.

**Related Bills:** H.R.1065

**Position:** Support

**Why Interested:** Resolves internal Arizona water rights issue as well as Winters Doctrine claims.

**Comments:** One more feather in Jon Kyl's cap if he can pull it off.

### **S.336 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

**Title:** An original bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

**Sponsor:** Sen. Daniel Inouye, (HI)

**Cosponsors (None)**

**Related Bills:** H.R.1, H.R.679

**Status:** 1/27/2009 Introduced in Senate; Committee on Appropriations,; Placed on Senate Legislative Calendar under General Orders. Calendar No. 19.

**Senate Reports:** 111-3

**Position:** Monitor

**Why Interested:** Senate Stimulus Bill

**Comments:** May be helpful legislative history in figuring out H.R. 1.

**Note:** For further action, see H.R.1, which became Public Law 111-5 on 2/17/2009.

### **S.531 ENERGY AND WATER INTEGRATION ACT OF 2009**

**Title:** A bill to provide for the conduct of an in-depth analysis of the impact of energy development and production on the water resources of the United States, and for other purposes.

**Sponsor:** Sen. Jeff Bingaman, (NM)

**Cosponsors (1)**

**Status:** 3/5/2009 Read twice and referred to the Committee on Energy and Natural Resources. 3/10/2009 Committee on Energy and Natural Resources hearings held.

**Position:** Monitor

**Why Interested:** Effects both sides of the district's business.

**Comments:** May conflict with energy/climate change integration effort.

### **S.539 Clean Renewable Energy and Economic Development Act “Reid Transmission Bill”**

**Title:** A bill to amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes.

**Sponsor:** Sen. Harry Reid, (NV)

**Cosponsors** (None)

**Status:** 3/5/2009 Read twice and referred to the Committee on Energy and Natural Resources.

**Position:** Monitor

**Why Interested:** Expands WCI WREZ mappings effort.

**Comments:** Helping Western spend its \$3.25 B?

### **S.560 EMPLOYEE FREE CHOICE ACT OF 2009**

**Title:** A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes.

**Sponsor:** Sen. Edward Kennedy, (MA)

**Cosponsors** (39)

**Status:** 3/10/2009 Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

**Related Bills:** [H.R.1409](#)

**Position:** Oppose

**Why Interested:** “Card Check” bill; would affect District employees.

**Comments:** This issue is a major battle in this Congress.

### **S.561 FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT (FLAME ACT)**

**Title:** A bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

**Sponsor:** Sen. Jeff Bingaman, (NM)

**Cosponsors** (12)

**Related Bills:** [H.R.1404](#)

**Status:** 3/10/2009 Read twice and referred to the Committee on Energy and Natural Resources.

**Position:** Monitor

**Why Interested:** Affects watershed management.

**Comments:** House bill has already passed and is in the Senate.

### **S.548 SAVE AMERICAN ENERGY ACT**

**Title:** A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes.

**Sponsor:** Sen. Charles Schumer, (NY)

**Cosponsors** (1)

**Status:** 3/9/2009 Referred to the Committee on Energy and Natural Resources. 4/22/2009 Committee hearings held.

**Position:** Monitor. See H.R. 889.

**Why Interested:** A piece of the climate change puzzle.

**Comments:** Different standards and targets than S. 787 (Feingold), making Sen. Schumer a competitor of Sen. Baucus for Senate Environment Committee attention?

**\*S.601 WEATHER MITIGATION RESEARCH AND DEVELOPMENT POLICY AUTHORIZATION ACT OF 2009**

**Title:** A bill to establish the Weather Mitigation Research Office, and for other purposes.

**Sponsor:** Sen. Kay Bailey Hutchison, (TX)

**Cosponsors** (None)

**Status:** 3/16/2009 Read twice and referred to the Committee on Commerce, Science, and Transportation. 5/20/2009 Ordered to be reported with an amendment in the nature of a substitute favorably.

**Position:** Support

**Why Interested:** Relies on Colorado River Basin studies as a rationale.

**Comments:** While only a study, could impel 7 Basin States efforts at augmentation. Also, see H.R. 469.

**S.724 “ESA AMENDMENT RE GLOBAL CLIMATE CHANGE”**

**Title:** A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes.

**Sponsor:** Sen. John Barrasso, (WY)

**Cosponsors** (1)

**Status:** 3/26/2009 Read twice and referred to the Committee on Environment and Public Works.

**Position:** Monitor

**Why Interested:** Trying to legislate the “polar bear” rule.

**Comments:** ¡Buena Suerte! See: H.R. 1914.

**S.774 NATIONAL ENERGY SECURITY ACT OF 2009 (NESA OF 2009)**

**Title:** A bill to enhance the energy security of the United States by diversifying energy sources for onroad transport, increasing the supply of energy resources, and strengthening energy infrastructure, and for other purposes.

**Sponsor:** Sen. Byron Dorgan, (ND)

**Cosponsors** (1)

**Status:** 4/1/2009 Read twice and referred to the Committee on Finance.

**Position:** Monitor

**Why Interested:** Part of debate over transmission, FERC authority, other energy issues.

**Comments:** FERC siting authority is a hot topic.

**S.787 CLEAN WATER RESTORATION ACT**

**Title:** A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

**Sponsor:** Sen. Russell Feingold, (WI)

**Cosponsors** (23)

**Status:** 4/2/2009 Read twice and referred to the Senate Committee on Environment and Public Works.

**Position:** Oppose

**Why Interested:** Would visit an unprecedented regulatory burden on CAP.

**Comments:** Attempt at mark up failed. Hearing requested. Caucus has substitute but still expands jurisdiction to CAP.

### **S.949 21ST CENTURY ENERGY TECHNOLOGY DEPLOYMENT ACT**

**Title:** A bill to improve the loan guarantee program of the Department of Energy under title XVII of the Energy Policy Act of 2005, to provide additional options for deploying energy technologies, and for other purposes.

**Sponsor:** Sen. Jeff Bingaman, (NM)

**Cosponsors (7)**

**Status:** 4/30/2009 Referred to Senate committee. Read twice and referred to the Committee on Energy and Natural Resources.

**Position:** Monitor

**Why Interested:** Another piece of the emerging Senate energy omnibus bill under construction.

**Comments:** Attempt to smooth out hurdles in existing Title XVII Program.

### **S.1035 DRINKING WATER ADAPTATION, TECHNOLOGY, EDUCATION, AND RESEARCH (WATER) ACT**

**Title:** A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes..

**Sponsor:** Sen. Harry Reid, (NV)

**Cosponsors (2)**

**Status:** 5/13/2009 Read twice and referred to the Committee on Environment and Public Works.

**Position:** Monitor

**Why Interested:** 10-Year Study of Climate Change impacts on drinking water supplies and quality.

**Comments:** This may generate a basin-wide analysis of the Colorado River a la Congressman Grijalva's focus at the Tucson House Water and Power Subcommittee hearing.

### **H.R.1 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

**Title:** Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

**Sponsor:** Rep David Obey, (WI)

**Cosponsors (9)**

**Related Bills:** H.RES.88, H.RES.92, H.R.290, H.R.291, H.R.598, H.R.629, H.R.679, S.336, S.350

**Status:** 1/26/09 Introduced in House. 1/28/09 Passed/agreed to in House – Yeas/Nays 244-188 (Roll No. 46). 2/2/09 Measure laid before Senate by unanimous consent. 2/10/09 Passed/agreed to in Senate – Yeas/Nays 61-37. 2/12/09 Conference Report H. Rept 111-16 filed. 2/13/09 Conference report agreed to in House – Yeas/Nays 246-183, 1 Present (Roll no. 70); Conference report agreed to in Senate – Yeas/Nays 60-38; Cleared for White House. 2/16/07 Presented to President. 2/17/09 Signed by President; became Public Law No: 111-005

**Position:** Study relevant portions carefully.

**Why Interested:** Greed.

**Comments:** Contains \$1 Billion for Reclamation, a \$3.25 billion loan program for WAPA transmission building and much, much more.

### **H.R.135 TWENTY-FIRST CENTURY WATER COMMISSION ACT OF 2009**

**Title:** To establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs.

**Sponsor:** Rep John Linder, (GA)

**Cosponsors (8)**

**Status:** 1/6/2009 Referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. 2/4/2009 Referred to Subcommittee on Water and Power.

**Position:** Support

**Why Interested:** Bob Lynch wrote (by request); examine supply side issues.

**Comments:** Now in its 4<sup>th</sup> Congress; even environmental groups want such a study now.

**H.R.146 OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009**

**Title:** An act to designate certain land as 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.

**Sponsor:** Rep Rush Holt, (NJ)

**Cosponsors (10)**

**Status:** 3/3/09 Passed/agreed to in House: On motion to suspend rules and pass the bill, as amended agreed to by Yea-Nay 394-13. 3/19/2009 Passed Senate, having acquired the requisite 60 vote majority, with an amendment and an amendment to the Title by Yea-Nay Vote. 77 - 20. 3/25/2009 House agreed to Senate amendments by Yea/Nay Vote, 285-140; cleared for White House. 3/30/2009 Presented to President, signed by President; Became Public Law No: 111-011.

**Note:** Omnibus land bill.

**Position:** Support

**Why Interested:** Includes MSCP, Navajo-Gallup and Upper Basin Recovery Bills.

**Comments:** MSCP is a major ESA precedent.

**\*H.R.233 RAILROAD ANTITRUST ENFORCEMENT ACT OF 2009**

**Title:** To amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

**Sponsor:** Rep Tammy Baldwin, (WI)

**Cosponsors (10)**

**Status:** 1/7/2009 Referred to the Committees on Judiciary and Transportation and Infrastructure; Referred to Subcommittee on Railroads, Pipelines, and Hazardous Materials. 2/9/2009 Referred to the Subcommittee on Courts, the Internet, and Intellectual Property. 5/19/2009 Subcommittee hearings held.

**Position:** Monitor

**Why Interested:** Would remove anti-trust waiver railroads currently enjoy.

**Comments:** Passage would likely derail Pinnacle Peak to Wyoming transmission line project.

**See:** S. 146.

**H.R.405 LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM ACT**

**Title:** To authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes.

**Sponsor:** Rep Dean Heller, (NV)

**Cosponsors (None)**

**Status:** 1/9/2009 Referred to the House Committee on Natural Resources. 2/4/2009 Referred to Subcommittee on Water and Power.

**Position:** Support

**Why Interested:** Need congressional approval of MSCP for protection.

**Comments:** Perhaps Mr. Heller knows something we don't about S.22.

#### **H.R.469 PRODUCED WATER UTILIZATION ACT OF 2009**

**Title:** To encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes.

**Sponsor:** Rep Ralph Hall, (TX)

**Cosponsors** (None)

**Status:** 1/13/2009 Referred to the House Committee on Science and Technology. 2/11/2009 Passed/agreed to in House. 2/12/2009 Referred to Senate Committee on Energy and Natural Resources.

**Position:** Monitor. See also S. 601.

**Why Interested:** Affect utility cooling water re use.

**Comments:** Could provide an interesting counterpart to Chairman Oberstar's Clean Water Act expansion bill.

#### **H.R.644 GRAND CANYON WATERSHEDS PROTECTION ACT OF 2009**

**Title:** To withdraw the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in House Rock Valley from location, entry, and patent under the mining laws, and for other purposes.

**Sponsor:** Rep Raul Grijalva, (AZ)

**Cosponsors** (8)

**Status:** 1/22/2009 Referred to House Committee on Natural Resources. 2/4/2009 Referred to the Subcommittee on Energy and Mineral Resources.

**Position:** Monitor

**Why Interested:** Affects water supply.

**Comments:** Vehicle for other things?

#### **H.R.715 SAGUARO NATIONAL PARK BOUNDARY EXPANSION AND STUDY ACT OF 2009**

**Title:** To expand the boundary of Saguaro National Park, to study additional land for future adjustments to the boundary of the Park, and for other purposes.

**Sponsor:** Rep Raul Grijalva, (AZ)

**Cosponsors** (None)

**Status:** 1/27/2009 Referred to the House Committee on Natural Resources. 2/4/2009 Referred to Subcommittee on National Parks, Forests, and Public Lands. 3/3/2009 Subcommittee hearings held.

**Position:** Monitor

**Why Interested:** Affects power line routes in Southern Arizona.

**Comments:** Getting power to Nogales will be made much more difficult.

#### **H.R.856 CALIFORNIA DROUGHT ALLEVIATION ACT OF 2009**

**Title:** To provide flexibility for the operation of the Bureau of Reclamation C.W. "Bill" Jones Pumping Plant and the Harvey O. Banks Pumping Plant of the State of California in times of drought emergency, to support the establishment of a fish hatchery program to preserve and restore the Delta Smelt in the Sacramento-San Joaquin Delta, and for other purposes.

**Sponsor:** Rep George Radanovich, (CA)

**Cosponsors (9)**

**Status:** 2/4/2009 Referred to the House Natural Resources Committee. 2/9/2009 Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife; Referred to the Subcommittee on Water and Power.

**Position:** Monitor

**Why Interested:** Could be precedent for people v. ESA issues.

**Comments:** ¡Buena suerte!

**H.R.889 SAVE AMERICAN ENERGY ACT**

**Title:** To amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes.

**Sponsor:** Rep Edward J. Markey, (MA)

**Cosponsors (None)**

**Status:** 2/4/2009 Referred to the House Committee on Energy and Commerce.

**Position:** Monitor

**Why Interested:** Another piece of the climate change puzzle.

**Comments:** See: S. 548.

**H.R.925 NORTHWESTERN NEW MEXICO RURAL WATER PROJECTS ACT**

**Title:** To amend the Colorado River Storage Project Act and Public Law 87-483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes.

**Sponsor:** Rep Ben Ray Lujan, (NM)

**Cosponsors (None)**

**Status:** 2/9/09 Referred to the House Committee on Natural Resources. 2/12/2009 Referred to the House Subcommittee on Water and Power.

**Position:** Monitor

**Why Interested:** Implicates Reclamation Fund in Indian water settlements.

**Comments:** Could impact Sen. Kyl- led initiatives.

**H.R.1065 WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009**

**Title:** To resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

**Sponsor:** Rep Ann Kirkpatrick, (AZ)

**Cosponsors (4)**

**Related Bills:** S.313

**Status:** 2/20/2009 Referred to House Committee on Natural Resources; Referred to the Subcommittee on Water and Power.

**Position:** Support

**Why Interested:** Resolves Arizona water rights claims, including Winters Doctrine claims.

**Comments:** Another Jon Kyl-negotiated settlement.

**H.R.1105 OMNIBUS APPROPRIATIONS ACT, 2009**

**Title:** Making omnibus appropriations for the fiscal year ending September 30, 2009, and for

other purposes.

**Sponsor:** Rep David Obey, (WI)

**Cosponsors** (None)

**Related Bills:** H.RES.184

**Status:** 2/23/2009 Introduced in House. 2/25/2009 Passed/agreed to in House, 245-178.

2/26/2009 Read the second time. Placed on Senate Legislative Calendar under General Orders.

Calendar No. 26. 3/10/2009 Passed/agreed to in Senate by voice vote, no amendment. Cleared for White House. 3/11/2009 Presented to President. Signed by President. Became Public Law No: 111-008.

**Note:** An explanatory statement was submitted by Mr. Obey, Chairman of the House Committee on Appropriations "as if it were a joint explanatory statement of a committee of conference." It appears in two 2/23/2009 Congressional Record documents on pages: H1653-H2088 and H2089-H2599.

**Position:** Monitor

**Why Interested:** Extends and improves FY09 Continuing Resolution funding.

**Comments:** ESA provision survived.

### **H.R.1145 NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE ACT OF 2009**

**Title:** To implement a National Water Research and Development Initiative, and for other purposes.

**Sponsor:** Rep Bart Gordon, (TN)

**Cosponsors** (None)

**Status:** 2/24/2009 Referred to the House Committee on Science and Technology. 3/26/2009 Committee consideration and Mark-up Session held; Ordered to be reported (amended) by Voice Vote. 4/21/2009 Reported (Amended) by the Committee on Science and Technology.

4/23/2009 Passed/agreed to in House: On passage Passed by the Yeas and Nays: 413 – 10; Referred to Senate Committee on Environment and Public Works.

**Position:** Monitor

**Why Interested:** Could affect water planning in the Colorado River basin.

**Comments:** May indicate severity of SE US drought issues.

### **H.R.1262 WATER QUALITY INVESTMENT ACT OF 2009**

**Title:** To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

**Sponsor:** Rep James Oberstar, (MN)

**Cosponsors** (14)

**Related Bills:** H.RES.235

**Status:** 3/3/2009 Introduced in House; Referred to House Committee on Transportation and Infrastructure. 3/9/2009 Reported (amended) by the Committee on Transportation. 3/12/2009 On passage Passed by recorded vote: 317 - 101 (Roll no. 123). 3/16/2009 Referred to Senate Committee on Environment and Public Works.

**House Reports:** 111-26

**Position:** Monitor

**Why Interested:** Alternative money for local government projects.

**Comments:** Could be vehicle bill.

### **H.R.1310 CLEAN WATER PROTECTION ACT**

**Title:** To amend the Federal Water Pollution Control Act to clarify that fill material cannot be

comprised of waste.

**Sponsor:** Rep Frank Pallone, Jr. (NJ)

**Cosponsors** (122)

**Status:** 3/4/2009 Referred to the House Committee on Transportation and Infrastructure.

3/6/2009 Referred to the Subcommittee on Water Resources and Environment.

**Position:** Monitor

**Why Interested:** Affects Clean Water Act.

**Comments:** Will likely be Oberstarred.

#### **H.R.1320 FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2009**

**Title:** To amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

**Sponsor:** Rep Wm. Lacy Clay, (MO)

**Cosponsors** (1)

**Status:** 3/5/2009 Referred to the House Oversight and Government Reform Committee.

3/10/2009 Committee Consideration and Mark-Up Session held; Ordered to be Reported by the Yeas and Nays: 16 - 1.

**Position:** Monitor

**Why Interested:** Would affect Grand Canyon Protection Act generated Adaptive Management Work Group, ESA issues on the Colorado River.

**Comments:** A sleeper with more impact than most think.

#### **H.R.1404 FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT (FLAME ACT)**

**Title:** To authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

**Sponsor:** Rep Nick Rahall, (WV)

**Cosponsors** (4)

**Related Bills:** S.561

**Status:** 3/10/2009 Referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. 3/13/2009 Referred to the Subcommittee on National Parks, Forests and Public Lands. 3/26/2009 On passage Passed by recorded vote: 412 - 3 (Roll no. 162); Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.

**Position:** Monitor

**Why Interested:** Affects watershed management and it is moving.

**Comments:** Bingaman's bill (S. 561) could be alternative vehicle.

#### **H.R.1409 EMPLOYEE FREE CHOICE ACT OF 2009**

**Title:** To amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

**Sponsor:** Rep George Miller, (CA)

**Cosponsors** (224)

**Related Bill:** S. 560

**Status:** 3/10/2009 Referred to the House Committee on Education and Labor.

**Position:** Oppose

**Why Interested:** “Card Check” bill would affect District employees.

**Comments:** This issue is a major battle in this Congress.

**H.R.1914 “AMEND ESA RE DROUGHTS”**

**Title:** To amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought.

**Sponsor:** Rep Nathan Deal, (GA)

**Cosponsors (3)**

**Status:** 4/2/2009 Referred to the House Committee on Natural Resources. 4/13/2009 Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife and the Subcommittee on Water and Power.

**Position:** Monitor

**Why Interested:** Attempt to legislate “polar bear” rule.

**Comments:** See: S. 724

**\*H.R.2008 BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT**

**Title:** To authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

**Sponsor:** Rep Jim Matheson, Jim (UT)

**Cosponsors (1)**

**Status:** 4/21/2009 Referred to House Committee on Natural Resources. 4/27/2008 Referred to Subcommittee on Water and Power. 5/14/2009 Subcommittee Hearings Held.

**Position:** Monitor

**Why Interested:** Affects Colorado River Storage Project and may set precedent for “side deals” on hydropower.

**Comments:** Could be the first new incremental hydropower project.

**\*H.R.2288 ENDANGERED FISH RECOVERY PROGRAMS IMPROVEMENT ACT OF 2009**

**Title:** To amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023.

**Sponsor:** Rep John T. Salazar, (CO)

**Cosponsors (10)**

**Status:** 5/6/2009 Sponsor introductory remarks on measure (CR E1074); Referred to House Committee on Natural Resources. 5/11/2009 Referred to the Subcommittee on Water and Power.

**Position:** Monitor

**Why Interested:** Affects payment responsibility for Upper Basin Recovery Program and could be precedent.

**Comments:** Prime example of negotiating who pays and for what.

**\*H.R.2347 ADVANCED CABLE DEPLOYMENT AUTHORIZATION ACT OF 2009**

**Title:** To encourage the manufacture and use of efficient and advanced electric transmission cables, and for other purposes.

**Sponsor:** Rep Steny H. Hoyer, (MD-5)

**Cosponsors** (None)

**Status:** 5/12/2009 Referred to the House Energy and Commerce; Referred to House Science and Technology. 5/18/2009 Referred to the Subcommittee on Energy and Environment.

**Position:** Monitor

**Why Interested:** Could drive reconducturing costs through the roof.

**Comments:** Check his 3M contributions.

**\*H.R.2380 RAISE WAGES, CUT CARBON ACT OF 2009**

**Title:** To amend the Internal Revenue Code of 1986 to reduce social security payroll taxes and to reduce the reliance of the United States economy on carbon-based energy sources.

**Sponsor:** Rep Bob Inglis, (SC-4)

**Cosponsors** (2)

**Status:** 5/13/2009 Referred to the House Ways and Means; Referred to House Rules.

**Position:** Monitor

**Why Interested:** A Republican alternative to Waxman-Markey (H.R. 2454).

**Comments:** Rep. Flake is a cosponsor.

**\*H.R.2454 AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009**

**Title:** To create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

**Sponsor:** Rep Henry A. Waxman, (CA-30)

**Cosponsors** (1)

**Status:** 5/15/2009 Referred to the House Energy and Commerce; Referred to House Foreign Affairs; Referred to House Financial Services; Referred to House Education and Labor; Referred to House Transportation and Infrastructure; Referred to House Natural Resources; Referred to House Agriculture; Referred to House Ways and Means. 5/18/2009 Further Referred to the Subcommittee on Aviation; Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management; Referred to the Subcommittee on Highways and Transit; Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials; Referred to the Subcommittee on Water Resources and Environment. House Energy and Commerce held Committee Hearings on 5/18, 5/19, 5/20 and 5/21 with Committee Consideration and Mark-up Session on 5/21; Order to be Reported (Amended) by the Yeas and Nays: 33-25 on 5/21.

**Position:** Monitor closely

**Why Interested:** Affects the Navajo Generating Station, other alternative power sources.

**Comments:** Both Ways and Means and Agriculture will mark separately (unusual).

## **ACRONYMS**

**ANWR:** Alaskan National Wildlife Refuge  
**APPA:** American Public Power Association  
**CAP:** Central Arizona Project  
**CAWCD:** Central Arizona Water Conservation District  
**CBO:** Congressional Budget Office  
**CEQ:** Council on Environmental Quality  
**COE:** Corps of Engineers  
**CR:** Congressional Record  
**CREDA:** Colorado River Energy Distributors' Association  
**CRS:** Congressional Research Service  
**CSRS:** Civil Service Retirement System  
**CWA:** Clean Water Act  
**DOA:** Dead on Arrival  
**ESA:** Endangered Species Act  
**FERC:** Federal Energy Regulatory Commission  
**FIFRA:** Federal Insecticide, Fungicide, and Rodenticide Act  
**GRIC:** Gila River Indian Community  
**GSA:** General Services Administration  
**MSCP:** Multi-Species Conservation Program  
**NESARC:** National Endangered Species Act Reform Coalition  
**NPDES:** National Pollutant Discharge Elimination System  
**PMA:** Power Marketing Administration  
**PPW:** Purchase Power and Wheeling  
**SOD:** Safety of Dams  
**SOI:** Secretary of the Interior  
**SWANCC:** Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers  
**USBR:** U.S. Bureau of Reclamation  
**WAPA:** Western Area Power Administration  
**WCI:** Western Climate Initiative  
**WREZ:** Western Renewable Energy Zones  
**YDP:** Yuma Desalting Plant

Blue = Support

Green = Monitor

Yellow = Oppose

## David Modeer

**From:** Brandon Avila [BAvila@btbv.com]  
**Sent:** Thursday, June 04, 2009 8:16 AM  
**To:** David Modeer; tlbracy@aol.com; Tracy Tucker; Michael Bracy  
**Subject:** Pastor story

Good story on Pastor and his understanding of Arizona and western water issues.

### APPROPRIATIONS: Pastor to bring independence, a focus on water issues to new post (06/04/2009)

Katherine Boyle and Ben Geman, E&E reporters

Rep. Ed Pastor (D-Ariz.) will bring an understanding of water and climate issues and a Western independent streak to his new role as head of the House Energy and Water Development Appropriations Subcommittee.

Pastor will shepherd the fiscal 2010 spending bill for the Energy Department, Army Corps of Engineers and Bureau of Reclamation through the House following Rep. Peter Visclosky's (D-Ind.) announcement this week that he would temporarily step aside as chairman amid a federal probe of his office's ties to the PMA Group, a now-defunct defense lobbying firm.

At a subcommittee hearing yesterday, Pastor vowed the panel would not be a "rubber stamp" for the Obama administration, though he pledged to work cooperatively with Energy Secretary Steven Chu on DOE's \$26.4 billion budget request.

"We look forward to working cooperatively with you on the challenges ahead of us," Pastor told Chu at the opening of the session. "But I want to remind you that cooperation and respect are two-way streets."



Rep. Ed Pastor (D-Ariz.). Photo courtesy of the office of Ed Pastor.

"While we admire your background and experience, that in no way means we will rubber stamp the DOE budget request for fiscal year 2010," he told Chu, a Nobel Prize-winning physicist and former director of Lawrence Berkeley National Laboratory.

Pastor's first questions to Chu were about his proposal to create multidisciplinary "energy innovation hubs."

Steve Ellis of Taxpayers for Common Sense, said the 10-term congressman's tenure as chairman likely will not differ significantly from Visclosky's, though he noted Pastor may face Senate opposition to House water and nuclear reforms.

"Chairman Visclosky ... carried on a series of reform positions, both on the energy side of the subcommittee's docket -- the nuclear issues -- and also on the water side of the docket on some of the reform and scrutiny of the Army Corps of Engineers," Ellis said. "He had to really fight with

the Senate on each of those positions; that's going to be the real challenge" for Pastor if the arrangement continues for a longer period of time.

Ellis said the nuclear reforms were connected to taxpayer concerns about expenditures, while the water reforms provided more oversight for the corps.

He also predicted Pastor may focus on the Bureau of Reclamation, given Arizona's tie to the agency and its water projects. Western stakeholders shared that view, saying Pastor will focus on water conservation while respecting the needs of arid states and businesses.

"Mr. Pastor is well-versed in many issues of concern to the entire West, and not just Arizona," said Jim Sims, president and CEO of the Western Business Roundtable. "Some of the most critical issues we have in the West are water quality, water regulation and water supply, and coming from a downstream state like Arizona, Ed Pastor is very sensitive to the need to provide incentives for water conservation and also to focus on the need to preserve water supplies as much as we can."

Sims cited Pastor's decision not to cosponsor the Clean Water Restoration Act as a sign of his understanding of Western water issues. The legislation, which was introduced by Rep. James Oberstar (D-Minn.) and Sen. Russ Feingold (D-Wis.) last session and reintroduced by Feingold this year, would amend the Clean Water Act by replacing the phrase "navigable waters" with "waters of the United States."

"We see that as recognition on his part that, in the West, whiskey is for drinking, and water is for fighting over," Sims said. "The fact that he is a westerner means Mr. Pastor is by definition going to be more sensitive to issues that we in the West care about, and water is a critical one."

Christopher Scott, an assistant professor at the University of Arizona's Udall Center for Studies in Public Policy, also said Pastor would have a unique understanding of energy and water issues and praised his selection as a positive development.

"He's been supportive of environmental initiatives of the kind we've been working on," Scott said. "Our center does work on environment, water, energy and ecosystems work here on the U.S.-Mexico border."

Pastor has received high marks from the League of Conservation Voters, which rates lawmakers on a 0 to 100 scale based on their environmental records, 100 being the highest possible score. Pastor received a 91 percent score for the 110th Congress, while Visclosky earned an 85 percent.

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