

September 23, 2020

Chairman Peter A. DeFazio
Committee on Transportation &
Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Ranking Member Sam Graves
Committee on Transportation &
Infrastructure
2164 Rayburn House Office Building
Washington, DC 20515

Dear Chairman DeFazio and Ranking Member Graves:

On behalf of the Energy Producing States Coalition (EPSC), which represents legislators from several states across the country, we write today to share our concerns with HR 8049 and an upcoming hearing before the Subcommittee on Water Resources and Environment scheduled for September 24th. It is our understanding that it will examine potential water management policy changes that we believe will be very harmful to a variety of industries, farm families, ranches and water supply for communities in the future.

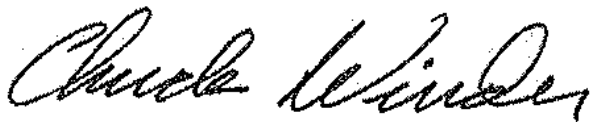
While the stated purpose of the hearing will be about Everglades water management in Florida, the potential ramifications and impact would be sweeping and felt far beyond one specific state. Our membership includes many Western states where very significant amounts of our land is federally-owned and managed. Water rights and supplies are critical for our states and we are very concerned when new federal powers are contemplated that could jeopardize the lifeblood of our economies. The precedents created by the contemplated changes of adding broad public health considerations to manage algal blooms - as proposed by HR 8049 - would drastically alter the Army Corps of Engineers' critical federal mission of flood control, navigation and collaborative water management. In essence, this proposed legislation could create another Pandora's Box scenario of unintended consequences similar to the convoluted and controversial Waters of the U.S. (WOTUS) Rule that would make long-standing water management and permitting decisions unnecessarily and politically charged.

As recent media reports have noted, this issue was raised and voted down in the Transportation and Infrastructure Committee's mark-up of the bipartisan reauthorization of the Water Resources Development Act (HR 7575) and was opposed by members of the Florida Congressional Delegation specifically because of the unknown and potentially harmful impacts it would have on water supplies and communities. Moreover, it is our understanding that the Corps of Engineers has explicitly stated in its planning documents which manage water flows in the Everglades that it lacks the expertise or authority to manage harmful algal blooms nor is

there a federally authorized directive to address water quality when managing water releases from Lake Okeechobee.

Now is not the time to add a new level of uncertainty to the well-established water management process at the Corps – especially as our nation tries to recover from the harmful impacts of COVID-19 to our economy. We urge the Committee to oppose this legislation and not invite more trouble for our farmers, ranchers, homebuilders and neighbors that are struggling to recover. On behalf of EPSC, we appreciate the opportunity to share our perspective.

Sincerely,



Senator Chuck Winder
Idaho
EPSC Chair



Senator Drew Perkins
Wyoming
EPSC Executive Committee



Representative Steve Handy
Utah
EPSC Executive Committee