

Union Calendar No. 436

103^D CONGRESS
2^D SESSION

H. R. 4523

[Report No. 103-790]

A BILL

To provide for private development of power at the Mancos Project, and for other purposes.

OCTOBER 3, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1994

Mr. McINNIS introduced the following bill; which was referred to the
Committee on Natural Resources

OCTOBER 3, 1994

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 26, 1994]

A BILL

To provide for private development of power at the Mancos
Project, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This bill may be cited as the "Mancos Project Private*
5 *Power Development Authorization Act of 1994".*

1 **SEC. 2. FINDINGS.**

2 *Congress finds that—*

3 *(a) development of hydroelectric power at the*
4 *Mancos Project consistent with the Feasibility Report*
5 *and Engineering and Construction Report for the*
6 *Jackson Gulch Reservoir Hydroelectric Project dated*
7 *April 19, 1991, and revised on May 13, 1992, and*
8 *February 10, 1993, by the Mancos Water Conservancy*
9 *District—*

10 *(1) will be without cost to the United*
11 *States;*

12 *(2) will not impair the efficiency of the*
13 *project for irrigation purposes;*

14 *(3) will not alter the volume, timing or tem-*
15 *peratures of flows from the reservoir; and*

16 *(4) is not likely to cause any new or in-*
17 *creased adverse impacts to any federally listed or*
18 *candidate species;*

19 *(b) That the Mancos Water Conservancy District*
20 *is currently operating and maintaining facilities at*
21 *the Mancos Project and that the development of hy-*
22 *droelectric power at the Mancos Project consistent*
23 *with the Feasibility Report and Engineering and*
24 *Construction Report for the Jackson Gulch Reservoir*
25 *Hydroelectric Project dated April 19, 1991, revised on*
26 *May 13, 1992, and February 10, 1993, by the Mancos*

1 *Water Conservancy District will not increase oper-*
2 *ation and maintenance costs of the Federal Govern-*
3 *ment; and*

4 *(c) That any lease of power privileges issued by*
5 *the Secretary pursuant to this Act does not constitute*
6 *a “contract” under section 202(1) of Public Law 97–*
7 *293 (96 Stat. 1261; 43 U.S.C. section 390bb) and that*
8 *nothing in this Act is intended to make applicable*
9 *any section of Public Law 97–293 (96 Stat. 1261; 43*
10 *U.S.C. section 390aa et. seq.) that would not pre-*
11 *viously apply.*

12 **SEC. 3. AUTHORIZATION TO LEASE POWER PRIVILEGES.**

13 *Notwithstanding the provisions of the Water Conserva-*
14 *tion and Utilization Act (16 U.S.C. sections 590y–590z–*
15 *11) or any relevant provision of the repayment contract*
16 *Ilr–384, dated July 20, 1942, as amended December 22,*
17 *1947, the Secretary is authorized to enter into a lease of*
18 *power privileges at the Mancos Project, Colorado, with the*
19 *Mancos Water Conservancy District.*

20 **SEC. 4. LEASE CONDITIONS.**

21 *Any such lease of power privileges issued pursuant to*
22 *Section 3 of this Act shall not exceed a period of forty years*
23 *and shall be consistent with rates charged by the Federal*
24 *Energy Regulatory Commission for comparable sized*
25 *projects. Moneys derived from such lease shall be covered*

1 *into the reclamation fund in accordance with relevant parts*
2 *of Federal reclamation law, the Act of June 17, 1902, and*
3 *Acts supplementary thereto and amendatory thereof (43*
4 *U.S.C. 371).*

5 **SEC. 5. REVENUES DERIVED FROM POWER DEVELOPMENT.**

6 *Notwithstanding the provisions of the Water Conserva-*
7 *tion and Utilization Act (16 U.S.C. sections 590y-590z-*
8 *11) or any relevant provision of the repayment contract*
9 *Ilr-384, dated July 20, 1942, as amended December 22,*
10 *1947, the Mancos Water Conservancy District may receive*
11 *revenues from the sale of the power generated pursuant to*
12 *such lease of power privilege.*