

USE OF DISTRIBUTION SYSTEM OF CANADIAN RIVER RECLAMATION PROJECT, TEXAS, TO TRANSPORT NON-PROJECT WATER

SEPTEMBER 29, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 2007]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2007) to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. USE OF DISTRIBUTION SYSTEM OF CANADIAN RIVER RECLAMATION PROJECT, TEXAS, TO TRANSPORT NONPROJECT WATER.**

The Act of December 29, 1950 (chapter 1183; 43 U.S.C. 600b, 600c), authorizing construction, operation, and maintenance of the Canadian River reclamation project, Texas, is amended by adding at the end the following new section:

“SEC. 4. (a) The Secretary of the Interior shall allow use of the project distribution system (including all pipelines, aqueducts, pumping plants, and related facilities) for transport of water from the Canadian River Conjunctive Use Groundwater Project to municipalities that are receiving water from the project. Such use shall be subject only to such environmental review as is required under the Memorandum of Understanding, No. 97-AG-60-09340, between the Bureau of Reclamation and the Canadian River Municipal Water Authority, and a review and approval of the engineering design of the interconnection facilities to assure the continued integrity of the project. Such environmental review shall be completed within 90 days after the date of enactment of this section.

“(b) The Canadian River Municipal Water Authority shall bear the responsibility for all costs of construction, operation, and maintenance of the Canadian River Conjunctive Groundwater Project, and for costs incurred by the Secretary in conducting the environmental review of the project. The Secretary shall not assess any addi-

tional charges in connection with the Canadian River Conjunctive Use Groundwater Project.”.

#### PURPOSE OF THE BILL

The purpose of H.R. 2007 is to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project.

#### BACKGROUND AND NEED FOR LEGISLATION

##### *Background on the Canadian River Project*

The Texas Legislature created the Canadian River Municipal Water Authority and authorized it to contract with the Federal Government under the Federal reclamation laws. The Canadian River Project was authorized by the Congress in 1950, subject to Congressional approval of the interstate compact between the States of New Mexico, Texas and Oklahoma agreed upon by the Canadian River Compact Commission. Congress consented to the interstate compact in 1952. Construction of the Canadian River Project began in 1962 with Sanford Dam, which created Lake Meredith. Water deliveries were initiated in 1968 and the operation and maintenance responsibilities were transferred to the Authority. The Bureau of Reclamation retained the title and ownership of the project, although some of the pipelines used solely for conveyance of water to the municipalities will transfer to the Authority after pay-out of reimbursable costs. To date, the Authority has made 28 payments on the reimbursable obligation, totaling over \$81 million.

The project works provide for storage and delivery of water supplies to supplement the municipal and industrial needs of 11 cities in the High Plains area of Texas, including Lubbock and Amarillo. In addition, several industries located near the project facilities are provided with water through contractual agreements with the Authority. Flood control benefits are also included in the project and no major floods have occurred below Sanford Dam since construction was completed and storage of water began. Recreation areas around Lake Meredith are administered by the National Park Service.

##### *Water Quality and Supply Concerns*

Almost since the initiation of project deliveries in 1968, the quality of the water has declined due to increased salinity, due to a salt water aquifer in New Mexico that seeps into the Canadian River. The water has periodically failed to meet certain drinking water standards set by both the Federal and State Governments. Studies funded by the Authority have determined that the available water supply has been less than projected.

##### *Proposed Conjunctive Use Groundwater Project*

The Authority has a proposal to construct the Canadian River Conjunctive Use Groundwater Project to supplement the present reservoir water supply with better quality groundwater. The proposed groundwater project will not require Federal funding. It would be interconnected with the existing Canadian River Project

facilities where the groundwater would be mixed with project water and distributed through existing project facilities.

A Memorandum of Understanding (MOU) for satisfaction of National Environmental Policy Act (NEPA) and for the engineering review has been signed by the Authority and by the Bureau of Reclamation's Area Manager. Under the MOU, the Bureau will fulfill all administrative approval and compliance responsibilities associated with a Federal action. The Authority will provide informational support and other work identified as necessary for the preparation of the NEPA compliance document and may contract out portions of the compliance activities, under the approval and direction of the Bureau.

In approving this legislation, it is the Committee's understanding that the Canadian River Municipal Water Authority will bear the responsibility for all costs of construction, operation, and maintenance of the Canadian River Conjunctive Use Groundwater Project and for costs incurred by the Secretary in conducting the environmental review of the project. It is the Committee's further understanding that the Authority will retain title to the project features of the Groundwater Project.

The Groundwater Project will be owned and operated solely by the Authority and is subject to the applicable laws of the State of Texas. The Authority has already obtained the necessary state permits for the well field. Therefore, the Committee anticipates that the Secretary of the Interior will concentrate his engineering and environmental reviews on the interconnection of the facilities to ensure the continued integrity of the Federal project, rather than issues clearly more within the responsibility of the State of Texas.

#### COMMITTEE ACTION

H.R. 2007 was introduced on June 20, 1997, by Congressman William "Mac" Thornberry (R-TX). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On July 29, 1997, the Subcommittee held a hearing on H.R. 2007, where the Administration opposed the legislation. On July 29, 1997, the Subcommittee met to mark up H.R. 2007. Mr. Thornberry offered an amendment in the nature of a substitute that specified there will be no additional operations and maintenance charges to the Canadian River Municipal Water Authority. The amendment also made the use of the facilities subject to relevant environmental review, to be completed within 90 days after enactment of the Act, pursuant to a Memorandum of Understanding between the Bureau of Reclamation and the Canadian River Municipal Water Authority. The amendment in the nature of a substitute was adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On September 17, 1997, the full Resources Committee met to consider H.R. 2007. An amendment to the bill was offered by Mr. Thornberry which clarified that the Canadian River Municipal Water Authority shall bear the responsibility for all costs of construction, operation, and maintenance of the Groundwater Project, and for the costs incurred by the Secretary of the Interior in conducting the environmental review of the Project. It further stipulates that the Secretary shall not assess any additional charges in

connection with the Groundwater Project. The amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 2007.

#### COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2007. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

#### COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2007 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2007.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2007 from the Director of the Congressional Budget Office.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 26, 1997.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources, House of Representatives,  
Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2007, a bill to amend the act that authorized the Canadian River reclamation project, Texas,

to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 2007—A bill to amend the act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project*

Summary: H.R. 2007 would direct the Secretary of the Interior to allow use of the water distribution system of the Canadian River Project, a federal reclamation project, for transporting water from the Canadian River Conjunctive Use Groundwater Project (non-project water), a nonfederal water project currently in the design phase, to municipalities that are receiving water from the Canadian River Project (project water). The two supplies of water would be blended to reduce salinity in the existing supply and meet projected increases in water demand. Use of the Canadian River Project for transporting non-project water would be subject to a review of its environmental impact and a review and approval of the engineering design of the interconnection facilities.

CBO estimates that enacting H.R. 2007 would have no impact on the federal budget. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA).

Estimated cost to the Federal Government: Enacting H.R. 2007 would not impose any costs on the Bureau of Reclamation, the agency within the Department of the Interior that is responsible for managing the Canadian River Project. Based on information provided by the bureau, CBO believes that use of the Canadian River Project for transporting non-project water could occur under current law.

The Bureau of Reclamation and the Canadian River Municipal Water Authority (the entity that operates and maintains the Canadian River Project) have developed a Memorandum of Understanding allowing the proposed use of the Canadian River Project after the bureau reviews all plans and regulatory permits, verifies easements, confirms that the plan complies with the National Environmental Policy Act (NEPA), and executes supplemental contract with the water authority. Any expenses that the bureau incurs—which would be less than \$100,000—are to be paid in advance by the water authority.

Under H.R. 2007, the bureau would complete the engineering and environmental reviews proposed in the Memorandum of Understanding and these costs would still be paid by the water authority. The environmental review would have to be completed within 90 days.

The Canadian River Water Authority, which has operated the project since 1968, would pay all incremental costs of operating the project, both under current law and under H.R. 2007. Similarly, all costs of constructing the project that will deliver the new supply of water, the Canadian River Conjunctive Use Groundwater Project, will be paid by nonfederal sponsors.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 2007 contains no intergovernmental mandates as defined in the UMRA and would impose no costs on state, local, or tribal governments. Any costs incurred by the water authority as a result of the bill's enactment would be undertaken voluntarily.

Estimate prepared by: Gary Brown.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2007 contains no unfunded mandates.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

#### ACT OF DECEMBER 29, 1950

AN ACT To authorize the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas.

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*SEC. 4. (a) The Secretary of the Interior shall allow use of the project distribution system (including all pipelines, aqueducts, pumping plants, and related facilities) for transport of water from the Canadian River Conjunctive Use Groundwater Project to municipalities that are receiving water from the project. Such use shall be subject only to such environmental review as is required under the Memorandum of Understanding, No. 97-AG-60-09340, between the Bureau of Reclamation and the Canadian River Municipal Water Authority, and a review and approval of the engineering design of the interconnection facilities to assure the continued integrity of the project. Such environmental review shall be completed within 90 days after the date of enactment of this section.*

*(b) The Canadian River Municipal Water Authority shall bear the responsibility for all costs of construction, operation, and maintenance of the Canadian River Conjunctive Groundwater Project, and for costs incurred by the Secretary in conducting the environmental review of the project. The Secretary shall not assess any additional charges in connection with the Canadian River Conjunctive Use Groundwater Project.*