

TO AUTHORIZE THE SECRETARY OF THE INTERIOR, THROUGH THE BUREAU OF RECLAMATION, TO CONDUCT A FEASIBILITY STUDY ON THE ALDER CREEK WATER STORAGE AND CONSERVATION PROJECT IN EL DORADO COUNTY, CALIFORNIA, AND FOR OTHER PURPOSES

SEPTEMBER 7, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3597]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3597) to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California, and for other purposes, 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 all after the enacting clause and insert the following:

SECTION 1. STUDY AND REPORT.

(a) STUDY.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Secretary of the Interior (referred to in this section as the “Secretary”), through the Bureau of Reclamation, and in consultation and cooperation with the El Dorado Irrigation District, is authorized to conduct a study to determine the feasibility of constructing a project on Alder Creek in El Dorado County, California, to store water and provide water supplies during dry and critically dry years for consumptive use, recreation, in-stream flows, irrigation, and power production.

(b) REPORT.—

(1) TRANSMISSION.—Upon completion of the study authorized by subsection (a), the Secretary shall transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study.

(2) CONTENTS OF REPORT.—The report shall contain appropriate cost sharing options for the implementation of the project based upon the use and possible allocation of any stored water.

(3) USE OF AVAILABLE MATERIALS.—In developing the report under this section, the Secretary shall use reports and any other relevant information supplied by the El Dorado Irrigation District.

(c) COST SHARE.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study authorized by this section shall not exceed 50 percent of the total cost of the study.

(2) IN-KIND CONTRIBUTION FOR NON-FEDERAL SHARE.—The Secretary may accept as part of the non-Federal cost share the contribution such in-kind services by the El Dorado Irrigation District as the Secretary determines will contribute to the conduct and completion of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 to carry out this section.

PURPOSE OF THE BILL

The purpose of H.R. 3597 is to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California.

BACKGROUND AND NEED FOR LEGISLATION

Like many other areas in the western United States, El Dorado County, California, faces constant water supply shortages. The El Dorado Irrigation District (EID), which delivers water supplies to the area's rapidly growing population, has developed some alternative water sources through recycling and conservation measures. However, in light of drought and growing environmental and human demands, many believe that more traditional storage projects should be developed to enhance the area's water supplies during dry and critically dry years.

Specifically, the Alder Creek Water Storage and Conservation Project would include the construction of a 31,000 acre foot reservoir that could yield approximately 11,500 acre feet of additional water per year. The Project's supporters believe that this added yield will augment the EID's existing water delivery system, increase in-stream flows to the American River to benefit fall-run Chinook salmon and Steelhead trout, and add hydropower resources.

As ordered reported, H.R. 3597 would authorize the Secretary of the Interior—through the Bureau of Reclamation—to carry out a feasibility study on constructing the Project. The federal cost share for the feasibility study will not exceed 50 percent of the total cost. Upon completion of the study, the Secretary will submit a report to Congress detailing full project cost sharing options and other relevant matters. The Secretary is directed to use information and in-kind contributions by the EID in developing the study and the report. As ordered reported, the legislation authorizes \$3 million to be appropriated for these purposes.

COMMITTEE ACTION

H.R. 3597 was introduced by Congressman John T. Doolittle (R-CA) on November 21, 2003. The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Water and Power. On May 18, 2004, the Subcommittee held a hearing on the bill. On June 16, 2004, the Subcommittee met to mark up the bill. Subcommittee Chairman Ken Calvert (R-CA) offered an amendment in the nature of a substitute to increase the bill's authorization to \$3 million and made a number of technical changes. The amendment was adopted by unanimous consent, and the Subcommittee forwarded the bill, as amended, to the Full Re-

sources Committee by unanimous consent. On July 14, 2004, the Full Resources Committee met to consider the bill. No further amendments were offered and the bill as amended was favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION

Section 1. Study and report

As ordered reported, this section authorizes the Secretary of the Interior, in cooperation with the El Dorado Irrigation District, to conduct a study determining the feasibility of a water storage project on Alder Creek, in El Dorado County, California. The Secretary shall submit a report to Congress on the results of the study as well as cost sharing options. In developing this report, the Secretary of the Interior shall use relevant information supplied by the El Dorado Irrigation District. The federal cost share of the feasibility study shall not exceed 50 percent of the total cost. In addition, the Secretary may except in-kind services by the El Dorado Irrigation District as part of the local cost share. As ordered reported, \$3 million is authorized to be appropriated to carry out this section.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII 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 this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) 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 this bill. However, clause 3(d)(3)(B) 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 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 2004.

Hon. RICHARD W. POMBO,
*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. 3597, a bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California, and for other purposes

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

Sincerely,

ELIZABETH ROBINSON
(For Douglas Holtz-Eakin).

Enclosure.

H.R. 3597—A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California, and for other purposes.

Summary: H.R. 3597 would authorize the appropriation of \$3 million for a study to determine the feasibility of constructing a project on Alder Creek in California to store and provide water during dry years. The federal share of the cost of the study would not exceed 50 percent.

Assuming appropriation of the authorized amount, CBO estimates that implementing H.R. 3597 would cost \$3 million over the 2005–2006 period. Enacting this bill would not affect direct spending or revenues.

H.R. 3597 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Any state or local government choosing to participate in this study would do so voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3597 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

For this estimate, CBO assumes that H.R. 3596 will be enacted near the end of fiscal year 2004 and that the authorized amount will be appropriated in 2005. Based on historical spending patterns of similar projects, CBO estimates that implementing this bill would cost \$3 million over the 2005–2006 period.

	By fiscal year, in millions of dollars—				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	3	0	0	0	0

	By fiscal year, in millions of dollars—				
	2005	2006	2007	2008	2009
Estimated Outlays	2	1	0	0	0

Intergovernmental and private-sector impact: H.R. 3597 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Any state or local government choosing to participate in this study would do so voluntarily.

Estimate prepared by: Federal Costs: Julie Middleton; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Crystal Taylor.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

