

CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY ACT  
OF 2001

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OCTOBER 30, 2001.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 2585]

The Committee on Resources, to whom was referred the bill (H.R. 2585) to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2585 is to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2585 would authorize the Secretary of the Interior to collaborate with Modoc Point Irrigation District, the Klamath Tribes, and the Oregon Department of Fish and Wildlife in a feasibility study on ways of providing adequate upstream and downstream passage for fish at the Chiloquin Dam. This study would include: (1) a review of all alternatives for providing such passage, including the removal of the dam; (2) a determination of the most appropriate alternative; (3) development of recommendations for implementing such alternative; and (4) examination of mitigation needed for upstream and downstream water users and Klamath tribal non-consumptive uses, as a result of such implementation. The Secretary would submit a report of the findings within one year of the passage of this legislation.

Chiloquin Dam was constructed between 1914–1918 by the Klamath Agency with assistance from the Bureau of Indian Affairs. This dam diverts water into the Modoc Point Irrigation District. The dam is made of concrete and is 220 feet wide and 15 feet high. Today the dam is in a severe state of disrepair. The dam's existing fish ladder is poorly maintained and is not well utilized by the endangered sucker fish for which it was created. The feasibility study is needed to address an imminent endangered species habitat issue. This dam blocks endangered suckers from reaching 95 percent of their former spawning and juvenile rearing habitat in the warm water reaches of the Sprague River. The Chiloquin Dam has been identified by several parties (including: the Klamath Tribes, U.S. Fish and Wildlife, Bureau of Reclamation, Oregon Department of Fish and Wildlife, and the Klamath Water Users Association) as constituting a significant habitat problem for endangered suckers.

#### COMMITTEE ACTION

H.R. 2585 was introduced by Congressman Greg Walden (R–OR) on July 20, 2001. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On October 2, 2001, the Subcommittee met to mark up the bill. No amendments were offered and the bill was favorably forwarded to the Full Committee. On October 17, 2001, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

#### 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. The Committee believes that enactment of this bill will have little effect on the federal budget.

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.*—This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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 requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

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.

