

Calendar No. 127

108TH CONGRESS }
1st Session }

SENATE

{ REPORT
108-63

TUALATIN RIVER BASIN WATER SUPPLY ENHANCEMENT ACT OF 2003

JUNE 8, 2003.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 625]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 625) to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, line 21, strike “(82 Stat. 388)” and insert “(32 Stat. 388)”.

PURPOSE OF THE MEASURE

The purpose of S. 625 is to authorize the Bureau of Reclamation to conduct a feasibility study to determine alternatives available for developing additional water sources in the Tualatin River Basin in Oregon.

BACKGROUND AND NEED

The Tualatin River drains 711 square miles in northwestern Oregon. The Tualatin River watershed has seen a number of changes in recent years that influence water resources management.

According to the Tualatin Basin Water Supply Partnership, there is region-wide consensus on the need to develop additional water sources, and various efforts aimed at such developments are underway. One is focused on the Tualatin River Watershed. The watershed contains the rapidly growing urban portion of Washington County, which includes the cities of Beaverton, Banks, Cornelius, Forest Grove, Hillsboro, North Plains, Sherwood, Tigard and

Tualatin. This area has a population of approximately 450,000 people, and has almost doubled its population in the last 20 years. To better manage the existing resources of the Tualatin River Basin and to meet future water needs, several cities and districts formed a partnership to develop an Integrated Water Resources Management Strategy in 1997. The work done by the partnership identified four areas to be addressed: municipal and industrial; agricultural; fish; and flow.

The U.S. Bureau of Reclamation owns and operates Scoggins Dam, which is on Scoggins Creek, a tributary of the Tualatin River. Haag Lake is the impoundment created by Scoggins Dam. Water from Haag Lake is currently used for river flow restoration, municipal and industrial water supply, fish habitat and agriculture irrigation needs in the Tualatin River watershed. The lake also provides recreational opportunities, with park and recreational facilities operated by Washington County. Developed in 1975, Haag Lake has been a major source of water supply, but its capacity is no longer sufficient, according to the Tualatin Basin Water Supply Partnership.

LEGISLATIVE HISTORY

S. 625 was introduced by Senator Smith on March 13, 2003. Senator Wyden is an original cosponsor. The Water and Power Subcommittee held a hearing on S. 625 on May 13, 2003. At the business meeting on May 21, 2003, the Committee on Energy and Natural Resources ordered S. 625, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 21, 2003, by a voice vote of a quorum present, recommends that the Senate pass S. 625, as amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 625, the Committee adopted a technical amendment to correct a typographical error in a statutory citation.

SECTION-BY-SECTION ANALYSIS

Section 1 states the short title.

Section 2, subsection (a) authorizes the Secretary of the Interior to conduct the Tualatin River Basin water supply feasibility study in order to identify ways to meet future water supply needs for agriculture and municipal and industrial uses, identify conservation and storage measures, identify measures to improve water quality and enable environmental protection, and to evaluate integrated resource management and supply needs in the basin.

Subsection (b) states that the Federal share of the costs of the study shall not exceed 50 percent of the total and shall be non-reimbursable and non-returnable.

Subsection (c) states that activities funded under the Act are not to be considered a supplemental or additional benefit under the Act of June 17, 1902 (32 Stat. 388) and all Acts amendatory or supplementary thereto.

Section 3 authorizes appropriations in an amount necessary to carry out the purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 2003.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 625, the Tualatin River Basin Water Supply Enhancement Act of 2003.

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

Sincerely,

BARRY B. ANDERSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 625—Tualatin River Basin Water Supply Enhancement Act of 2003

S. 625 would authorize the Secretary of the Interior through the Bureau of Reclamation to conduct a feasibility study of the Tualatin River Basin water supply. The study would identify ways to meet future water supply needs and to improve water quality, as well as water conservation and storage measures.

Based on information from the bureau, CBO estimates that the total cost of the feasibility study would be \$7 million. Under the bill, 50 percent of the cost would be paid by the federal government. To date, the bureau has spent about \$200,000 on initial parts of the study. CBO estimates that implementing S. 625 would cost an additional \$3 million over the 2004–2008 period, assuming appropriation of the necessary amounts. Enacting S. 625 would not affect direct spending or revenues.

S. 625 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act 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.

The CBO staff contact for this estimate is Julie Middleton. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 625. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 625.

EXECUTIVE COMMUNICATIONS

On May 13, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 625. These reports had not been received at the time the report on S. 625 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Reclamation at the Subcommittee hearing follows:

STATEMENT OF JOHN KEYS III, COMMISSIONER, U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION

I am John Keys, III, Commissioner of the Bureau of Reclamation (Reclamation). Thank you for the opportunity to testify on S. 625, the Tualatin River Basin Water Supply Enhancement Act of 2003. The legislation authorizes the Secretary of the Interior, in cooperation with affected local entities, to complete a study of the feasibility of various methods to meet future water supplies for agriculture, and for municipal and industrial uses.

Reclamation has been working closely with the regional wastewater entity Clean Water Services, several municipalities in Washington County, Oregon, the Tualatin Valley Water District, and others, to develop a plan that will increase available storage for local use and preserve the important environmental benefits so valued by the local residents. A tremendous amount of local effort has been expended to develop useful information upon which a feasibility study by Reclamation may be based. The study partners have also invested considerable effort to begin the planning process at the local level, with the assistance of Reclamation. A full range of potential approaches to meeting future water supply needs will be considered, including market-based incentives and other economic incentives. As such, the merits of the proposed feasibility study are sound and reasonable and therefore the Administration can support S.625. However, it is important to note that this project is not included in the Administration's Fiscal Year 2004 budget request.

This concludes my statement. I will be glad to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 625, as ordered reported.