

TO DIRECT THE SECRETARY OF THE INTERIOR TO CON-
VEY CERTAIN WATER DISTRIBUTION FACILITIES TO
THE NORTHERN COLORADO WATER CONSERVANCY DIS-
TRICT

NOVEMBER 10, 2005.—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. 3443]

The Committee on Resources, to whom was referred the bill (H.R. 3443) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, 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. 3443 is to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

BACKGROUND AND NEED FOR LEGISLATION

The Colorado-Big Thompson Project was authorized by Congress in 1937 to provide water for agricultural and other uses. The Project, owned by the Bureau of Reclamation of the Department of the Interior, consists of dams, dikes, reservoirs, powerplants, pumping plants, pipelines, tunnels, and substations spread over approximately 250 miles. The Northern Colorado Water Conservancy District is the Project's local government sponsor. The District operates and maintains all of the Project's water conveyance facilities.

H.R. 3443 directs the Secretary of the Interior to transfer 58 miles of the Project's water conveyance facilities (the St. Vrain Supply Canal, Boulder Creek Supply Canal, and South Platte Supply Canal) to the District. The transfer will allow the District to more

cost-effectively manage the facilities, reduce paperwork requirements, provide for local ownership and reduce the federal government's liability. The District, which has operated and maintained these water conveyance facilities since 1957, has repaid the appropriate capital costs associated with the facilities. Despite this repayment, the title of the facilities remains in the Bureau of Reclamation. This legislation directs the transfer of this title with no conditions.

This legislation is modeled on the successful transfer (Public Law 106–376) of other single purpose water conveyance facilities associated with the Colorado Big-Thompson Project.

COMMITTEE ACTION

H.R. 3443 was introduced on July 26, 2005, by Congresswoman Marilyn Musgrave (R-CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On September 27, 2005, the Subcommittee held a hearing on the bill. On October 19, 2005, the Full Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Definitions

Section 1 defines a number of terms relevant to the bill.

Section 2. Conveyance of transferred water distribution facilities

Section 2 directs the Secretary of the Interior to transfer all right, title and interest in the facilities as soon as practicable and in accordance with applicable law to the Northern Colorado Water Conservancy District. The section also directs the Interior Secretary to transfer the facilities without the imposition of any conditions. The section also finds that the District has completed its capital cost repayment obligations as stipulated under Federal contract. The section further directs the Secretary of the Treasury to transfer an unspecified amount of funds related to the Project's electricity sales from the Reclamation Fund to the Secretary of the Interior. The Committee has concluded that this provision is unnecessary and will delete it when it is considered by the House of Representatives. Instead, language will be included which states that the Western Area Power Administration shall continue to include the unpaid portion of the transferred facilities in its annual power repayment studies for the Loveland Area Projects until such facilities are repaid in accordance with the laws and policies regarding repayment of investment in effect on the date of enactment of this Act.

Section 3. Liability

Upon the effective date of transfer, the Federal Government is released from liability of any kind based on prior ownership.

Section 4. Effect

This section stipulates that nothing in the bill has any impact on other water rights owners who utilize the facilities to be transferred under the bill.

Section 5. Reports

Section 5 requires the Secretary of the Interior to submit a report to Congress if the transfer has not taken place within 1 year of the date of enactment of this Act. The report, to be submitted no later than 30 days after the 1-year period, will detail the reasons why the transfer did not place and a schedule for completion of the transfer. The Interior Secretary is further directed to submit annual reports thereafter if the transfer did not occur.

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. Based on cost estimates prepared for other facility transfers, the Committee believes that enactment of this bill would have no impact on the Federal budget. The District has repaid in full its cost share of the project and is eligible for conveyance of the Project facilities associated with these costs. While the bill as introduced includes an unspecified transfer of funds from the Secretary of the Treasury to the Reclamation Fund in the Treasury to reflect amounts collected by the Western Area Power Administration for the sale of electricity from the Loveland Area Projects,¹ which is part of the Colorado-Big Thompson Project, the Committee has determined that this provision is not necessary and will delete it when the bill is considered by the House of Representatives. Instead, language will be included which states that the Western Area Power Administration shall continue to include the unpaid portion of the transferred facilities in its annual power repayment studies for the Loveland Area Projects until such facilities are repaid in accordance with the laws and policies regarding repayment of investment in effect on the date of enactment of this Act.

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

¹ Because of the unspecified nature of this amount, the Congressional Budget Office declined to prepare a cost estimate for the bill as ordered reported.

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.

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.

