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SAN DIEGO WATER STORAGE AND EFFICIENCY ACT OF 2005

DECEMBER 6, 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. 1190]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1190) to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, 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. SHORT TITLE.

This Act may be cited as the "San Diego Water Storage and Efficiency Act of 2005".

SEC. 2. FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as "Secretary"), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasi-

bility report required under subsection (d) whether the proposed reservoir and intertie project is recommended for construction.

(b) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study

(c) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this section.

(d) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(1) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(2) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

SEC. 3. FEDERAL RECLAMATION PROJECTS.

Nothing in this Act shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

The Federal costs for the feasibility study to be conducted and pursuant to this Act shall not exceed $3,000,000 of the total amount appropriated to carry out this section.

SEC. 5. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 1190 is to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Sweetwater Authority is the third largest water retailer in San Diego County and serves residential and commercial customers in Chula Vista, National City, and Bonita, California. In cooperation with the City of San Diego, the Authority operates a number of reservoirs. The Authority and the City of San Diego are requesting federal assistance, through the Secretary of the Interior, to examine the feasibility of connecting four of those reservoirs (San Vicente, El Capitan, Loveland, and Murray) to make more efficient use of storage capacity.

The Loveland and El Capitan reservoirs receive local runoff along with some imported water, but are rarely filled. On average, the reservoirs are approximately at 25 percent capacity. This available capacity could be put to beneficial use if imported water could be piped to the reservoirs. If the project is found feasible under Bureau of Reclamation standards and guidelines, the likely mode of

connection would be an underground pipeline following current rights-of-way.

COMMITTEE ACTION

H.R. 1190 was introduced on March 9, 2005, by Congressman Duncan Hunter (R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On November 3, 2005, the Subcommittee held a hearing on the bill. On November 16, 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. Congressman George Radanovich (R–CA) offered an amendment in the nature of a substitute to clarify and strengthen the feasibility study provisions and add a ten-year sunset to the bill's authorization. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section cites the bill as the "San Diego Water Storage and Efficiency Act of 2005."

Section 2. Feasibility study, project development, cost share

As amended, this section authorizes the Secretary of the Interior to undertake a study, in cooperation with the Sweetwater Authority and the City of San Diego, to determine the engineering, environmental, and economic feasibility (as defined under Bureau of Reclamation standards and guidelines) of a four reservoir intertie system. The federal cost share of the study cannot exceed 50 percent. The Secretary may accept in-kind services by the City of San Diego and the Authority as part of the non-federal cost share. The Secretary must conduct the study in cooperation with the appropriate State and local entities and produce a feasibility report once the study is concluded. The report shall include letters from the City of San Diego and the Authority indicating that they have committed to share the allocated costs as determined by the Secretary and a schedule identifying the annual operation, maintenance and replacement costs that should be allocated to San Diego and the Authority.

Section 3. Federal reclamation projects

This section states that nothing in the bill will supersede or change any federal reclamation laws.

Section 4. Authorization of appropriations

This section authorizes an appropriation of up to $3 million to carry out the feasibility study.

Section 5. Sunset

This section limits the federal authorization to ten years after the date of enactment.

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 direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

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

H.R. 1190—San Diego Water Storage and Efficiency Act of 2005

H.R. 1190 would authorize the Bureau of Reclamation to participate in a water management feasibility study with the city of San Diego, California, and the Sweetwater Authority—a local water retailer. The study would examine the feasibility of connecting the San Vicente, El Capitan, Loveland, and Murray reservoirs. The proposed system of pipelines would import water to underutilized reservoirs and increase overall storage capacity in the area. H.R. 1190 would authorize the appropriation of $3 million for the federal share of this study.

Assuming appropriation of the specified amount, CBO estimates that implementing H.R. 1190 would cost $3 million over the 2006–2007 period. Enacting H.R. 1190 would not affect direct spending or revenues.

H.R. 1190 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. The bill would authorize funding for a water study that would benefit the city of San Diego and a public water agency. Any costs they might incur through a cooperative agreement would result from complying with conditions for receiving federal assistance.

The CBO staff contact for this estimate is Gregory Waring. This estimate was 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.

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