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REPORT
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AMERICAN RIVER PUMP STATION PROJECT TRANSFER ACT OF 2005

APRIL 25, 2006.—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. 4204]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4204) to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes, 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. 4204 is to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

To utilize its water right from the American River, the Placer County Water Agency constructed a permanent pump station on the river during the 1960s. At the same time, Congress debated and eventually authorized construction of the Auburn Dam near the pump station. The multi-purpose dam was envisioned to provide flood control, hydroelectric power, and irrigation water and would have been located northeast of Sacramento. During initial construction on the dam, a land purchase contract [#14–06–859–308] was signed between the Bureau of Reclamation and the Agency. The contract transferred the Agency's land and pumping plant to the United States to facilitate construction of the dam. In return, Reclamation agreed to provide the Agency a temporary water sup-

ply until the dam was completed. Once completed, the dam would provide water via gravity-fed diversions.

Construction on Auburn Dam was halted 30 years ago and has not resumed. With the federal government's failure to complete the dam, coupled with the removal of the original, locally-owned pump station, the Agency is unable to meet its water needs and does not have long-term water-use certainty. Since 1990, Reclamation has installed seasonal pumps to help the Agency meet its growing water demand during the dry summer months. Due to the location of the installation, the pumps have to be removed before each winter to prevent damage from high winter water flows. The pumps are re-installed each spring, but they do not fully meet the Agency's water supply requirements, are not reliable, and are expensive to re-install. For this reason, on September 11, 2003, Reclamation and the Agency entered into a new contract [#02–LC–20–7790] that requires Reclamation to construct a new permanent pump station for the Agency.

The new contract requires Reclamation to construct the American River Pump Station Project, consisting of a diversion/intake structure, a pump station, and associated facilities including pipelines, access roads, power lines, and safety features in the American River Canyon. The purpose of the Project is to allow the Agency to have year-round access to divert up to 35,500 acre-feet (an acre-foot equals approximately 326,000 gallons) annually of its water entitlement on the American River. Most of the Project costs would be paid by Reclamation, with some additional financing paid by the Agency and the State of California. The contract also stipulates that the Project would be transferred from the federal government to the Agency after completion; however, Congressional authorization would be needed for the transfer. This legislation authorizes the transfer after the Project and all necessary environmental analyses are completed.

COMMITTEE ACTION

H.R. 4204 was introduced on November 2, 2005, by Congressman John Doolittle (R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On February 8, 2006, the Subcommittee held a hearing on the bill. On March 29, 2006, 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. The bill 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 short title of this bill as the "American River Pump Station Project Transfer Act of 2005."

Section 2. Authority to transfer

This section directs the Secretary of the Interior to transfer ownership of the American River Pump Station Project in Auburn, California, to the Placer County Water Agency in accordance with

the terms of Contract No. 02–LC–20–7790 between the United States and the Placer County Water Agency.

Section 3. Federal costs nonreimbursable

This section clarifies that all federal costs associated with the American River Pump Station Project are nonreimbursable.

Section 4. Grant of real property interest

This section authorizes the Secretary of the Interior to grant title to the Placer County Water Agency to meet the contractual obligations of Land Purchase Contract No. 14–06–859–308.

Section 5. Compliance with environmental laws

This section states that the Secretary of the Interior shall comply with all applicable requirements under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and any other laws applicable to the land and facilities. It also states that nothing in this Act modifies or alters any obligations under NEPA or ESA.

Section 6. Release from liability

This section releases the United States from liability from damages arising out of any act, omission, or occurrence relating to the land and facilities once the title is transferred.

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

H.R. 4204—American River Pump Station Project Transfer Act of 2005

H.R. 4204 would direct the Secretary of the Interior to convey certain lands and a water pumping facility that is under construction on the American River to the Placer County Water Agency in California. Based on information from the Bureau of Reclamation, CBO estimates that enacting H.R. 4204 would have no significant impact on the federal budget.

The bureau is constructing a water pumping station to replace the station that it acquired and dismantled in the early 1970s to build the planned Auburn Dam. To date, however, the Auburn Dam has not been built and there are no current plans to build it. The bureau estimates that construction of the water pumping facility will be completed in fiscal year 2008. Under this bill, once the pumping station is constructed, the Secretary would convey it and some adjacent lands and facilities to the Placer County Water Agency. The bureau installs a temporary water pump each spring so that the agency can access its water rights. The pump must be removed every fall due to high flood waters during the winter months. The bureau spends between $220,000 to $450,000 annually to operate and maintain this temporary pumping station. CBO estimates that the federal government could save those operation and maintenance costs once the new station is finished.

H.R. 4204 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 facilities and land conveyance authorized by this bill would be accepted voluntarily by the Placer County Water Agency. Thus, any costs they might incur to comply with the conditions of conveyance would be incurred voluntarily.

The CBO staff contact for this estimate is Julie Middleton. The 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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