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SENATE

{ REPORT
106-454

BURNT, MALHEUR, OWYHEE, AND POWDER RIVER BASIN WATER OPTIMIZATION FEASIBILITY STUDY ACT OF 2000

OCTOBER 2 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

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

REPORT

[To accompany S. 2877]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2877) to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. In section 2, strike “a feasibility study” and insert “feasibility studies”.
2. Amend the title so as to read: “To authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.”

PURPOSE OF THE MEASURE

The purpose of S. 2877 is to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt, Malheur, Owyhee, and Powder River basins, in north-eastern Oregon.

BACKGROUND AND NEED

Watershed Councils (Councils) in the Malheur, Owyhee, Powder, and Burnt River basins bring together local farmers, ranchers, and other landowners; organized agricultural, industrial, environmental interests; and resource management agencies to develop action plans to implement measures that will improve the health of

streams and make improvements to the overall environment of the area while maintaining a viable economy.

Multi-purpose irrigation facilities located in the Malheur, Owyhee, Powder, and Burnt River basins were developed by the Bureau of Reclamation but are now operated by the local water users. Reclamation is involved with the Councils in these basins to help develop, review, and update action plans; perform construction design and survey work; conduct congressionally authorized feasibility analysis for structural action plan items; and participate in public involvement activities.

The Councils are interested in involving Reclamation with small-scale construction projects to address resource management issues they tackle on a regular basis. Congressional authorization is necessary for Reclamation to participate and develop the feasibility reports necessary to submit to Congress for any work that would require construction authorization for federal assistance with these projects.

LEGISLATIVE HISTORY

S. 2877 was introduced by Senator Wyden on July 14, 2000. The Subcommittee on Water and Power held a hearing on the bill on July 25, 2000. At the business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered S. 2877, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 20, 2000, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2877, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 2877, the Committee adopted a clarifying amendment that changed "feasibility study" to "feasibility studies", and an amendment to the title.

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, September 28, 2000.

Honorable FRANK H. MURKOWSKI,
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. 2877, the Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 2877—Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000

S. 2877 would direct the Secretary of the Interior to conduct feasibility studies for optimizing water use in the Blunt River, Malheur River, Owyhee River, and Powder River basins in Oregon. The bill would authorize the appropriation of funds necessary to complete those feasibility studies. Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 2877 would cost about \$250,000 in fiscal year 2001.

S. 2877 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill 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 CBO staff contact for this estimate is Rachel Applebaum. This estimate was approved by Robert A. Sunshine, 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. 2877. 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. 2877, as ordered reported.

EXECUTIVE COMMUNICATIONS

On August 4, 2000, 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. 2877. These reports had not been received at the time the report on S. 2877 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 Commissioner of the Bureau of Reclamation at the Subcommittee hearing follows:

STATEMENT OF LARRY TODD, ACTING DIRECTOR, OPERATIONS, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the Administration's views on S. 2877, a bill that would authorize the Secretary of the Interior to conduct a water optimization

feasibility study for the Burnt, Malheur, Owyhee and Powder River Basins. The Administration could support the bill if amended to limit to 50 percent the Federal government's cost share for the study. In addition, Section 3 should be amended to authorize a total of \$250,000 in appropriations.

Multi-purpose irrigation facilities located in the Malheur, Owyhee, Powder, and Burnt River Basins were developed by the Bureau of Reclamation but are now operated by the local water users. These four river basins are experiencing problems related to reduced water quality and quantity, endangered bull trout, excess nutrients and sediment in surface water, degraded fish habitat, high water temperatures, dewatered stream segments, inadequate fish screens, and fish passage barriers, among other problems.

In each of the four river basins, local watershed councils bring together local farmers, ranchers, and other landowners; organized agricultural, industrial, and environmental interests; and State and Federal resource management agencies to develop plans and implement measures to improve the health of streams and make improvements to the overall environment in the basins. Reclamation is assisting the watershed councils to develop such plans, and Congressional authorization is needed for Reclamation to conduct the feasibility studies for any work that would require construction authorization.

We also recommend a technical amendment to Section 2, striking "a feasibility study" and inserting "feasibility studies".

Thank you for holding this hearing. I would be pleased 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. 2877, as ordered reported.

