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CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY

JUNE 28, 2007.—Ordered to be printed

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

R E P O R T

[To accompany S. 175]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 175) to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this section as the “Secretary”), shall—

(A) conduct a feasibility study of alternatives to augment the water supplies of—

(i) the Central Oklahoma Master Conservatory District (referred to in this section as the “District”); and

(ii) cities served by the District;

(2) INCLUSIONS.—The study under paragraph (1) shall include recommendations of the Secretary, if any, relating to the alternatives studied.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total costs of the study under subsection (a) shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to conduct the study under subsection (a) \$900,000.

PURPOSE

The purpose of S. 175 is to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District.

BACKGROUND AND NEED

The Norman Project, authorized in 1960 (Public Law 86-529), was constructed by the Bureau of Reclamation (Reclamation) for municipal and industrial (M&I) water supply, flood control, recreation, and fish & wildlife purposes in central Oklahoma. Thunderbird Lake, the reservoir created by Norman Dam, provides water to the region, including the cities of Norman, Midwest City, and Del City. The Central Oklahoma Master Conservancy District (District) operates Thunderbird Lake and delivers water to these cities via pipelines and pumping plants.

The population of Central Oklahoma continues to grow, resulting in increased demands for M&I water. Along with receiving water from Thunderbird Lake, the region relies on groundwater from the Garber-Wellington aquifer to help meet water demands. As the area population increases, the demand for water is expected to grow beyond the combined yield of the aquifer and Thunderbird Lake. Beginning in 1988, the city of Norman first exceeded its allocation of Thunderbird Lake water, and over the past decade has exceeded it for nine consecutive years. To help meet needs during water emergencies, Norman built a waterline to connect with Oklahoma City's treated water supply in 1999. However, the high cost of operating this waterline necessitates that it be used for emergency purposes only. To meet future demand, the region began looking at other potential solutions.

In 2005, Reclamation, in cooperation with the District, completed an appraisal report on alternative measures to augment water supplies at Lake Thunderbird. The report concluded that a M&I water need exists and that there are a range of alternatives to meet that need. A feasibility study is needed to fully evaluate all the alternatives.

LEGISLATIVE HISTORY

S. 175 was introduced by Senator Inhofe on January 4, 2007, and referred to the Committee on Energy and Natural Resources. The Water and Power Subcommittee held a hearing on S. 175 on April 25, 2007. At the business meeting on May 23, 2007, the Committee on Energy and Natural Resources ordered S. 175 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business meeting on May 23, 2007, by voice vote of a quorum present, recommends that the Senate pass S. 175, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 175, the Committee adopted an amendment in the nature of a substitute which addresses concerns raised during the committee hearing and in written submissions.

The first change deletes all findings from section 1(a) of the bill as introduced. The second change provides for a 3-year period to conduct the study. The third change incorporates a cost-share provision into the bill. The fourth and final change increases the authorization of appropriations from \$300,000 to \$900,000.

SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary, acting through the Commissioner of Reclamation, to conduct a feasibility study to augment the water supplies of the Central Oklahoma Master Conservancy District and provide recommendations as appropriate.

Section 1(b) requires that the Federal share of the costs of the feasibility study not exceed 50% of the total costs and authorizes the non-Federal share to be in the form of in-kind services.

Section 1(c) authorizes \$900,000 to be appropriated for the Secretary to conduct the feasibility study.

COST AND BUDGETARY CONSIDERATIONS

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

MAY 29, 2007.

Hon. JEFF BINGAMAN,
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. 175, a bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the district.

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

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 175—A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the district

S. 175 would require the Bureau of Reclamation to conduct a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and the cities that it serves. Assuming appropriation of the amount authorized by the bill, CBO estimates that implementing S. 175 would cost \$900,000 over the 2008–2012 period. Enacting the bill would not affect direct spending or revenues.

S. 175 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act; any costs incurred by the Central Oklahoma Master Conservation District would result from complying with conditions of federal assistance.

The CBO staff contact for this estimate is Tyler Kruzich. 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. 175. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and business.

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. 175.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the Subcommittee hearing on S. 175 follows:

STATEMENT OF ROBERT JOHNSON, COMMISSIONER, BUREAU
OF RECLAMATION, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, I am Robert Johnson, Commissioner of the Bureau of Reclamation. I am pleased to present the views of the Department of the Interior on S. 175 concerning the Central Oklahoma Master Conservancy District (District) Feasibility Study.

S. 175 would authorize Reclamation to conduct a Feasibility Study of alternatives to augment the water supplies of the District and cities served by the District. S. 175 would also require the study to be conducted within one year of the date of enactment, and authorize \$300,000 to be spent in conducting the study. The Department does not support S. 175.

The one-year timeframe for the study described in S. 175 is insufficient for a thorough evaluation of alternatives to meet future water needs of surrounding communities not presently served by the District and would be a very aggressive schedule. This timeframe would also make completion of the Feasibility Study, including preparation of the appropriate National Environmental Policy Act (NEPA) compliance document, extremely problematic and may prove difficult to achieve with any degree of accuracy.

The Department recognizes that a water need exists for the District. Reclamation is currently preparing a scope of work in coordination with the District, which focuses the plan of study to be completed. However, the Department does not support authorization of a Feasibility Study at this time.

Thank you for the opportunity to comment on S. 175. This concludes my statement and I am happy 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. 175, as ordered reported.

