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SENATE

{ REPORT
110-120

ARTHUR V. WATKINS DAM ENLARGEMENT ACT

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 H.R. 839]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 839) to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkin Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfil the purposes for which that project was authorized, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 839 is to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized.

BACKGROUND AND NEED

The Arthur V. Watkins Dam, completed in 1990, was authorized as part of the Weber Basin Project, Utah. The Arthur V. Watkins Dam is approximately 14.5 miles long, has a structural height of 36 feet, and is made up of 17 million cubic yards of material. The Dam is currently capable of impounding 215,120 acre-feet of water in Arthur V. Watkins Reservoir. Water contained in the Reservoir is supplied by the Willard Canal, an earthen canal with an initial capacity of 1,050 cubic feet per second. Flows that are not impounded by upstream mountain reservoirs, water released by power plants during the winter, fish releases, upstream spills, and return flow from higher diversion are diverted from the Weber

River by the Slaterville Diversion dam and conveyed eight miles north to the Reservoir.

Arthur W. Watkins Reservoir provides irrigation, municipal and industrial, fish and wildlife, and recreational benefits. Over 500,000 people currently rely on the water contained in the reservoir for industrial and municipal purposes, and this number is growing. Arthur V. Watkins Dam is authorized to store 250,000 af. However, the Dam cannot currently accommodate this amount of water. Interested water users have proposed that the Dam be raised to accommodate an additional 35,000 af of water. This equals the difference between the amount of water the Dam is authorized to impound and the amount the Dam is currently able to impound. Proponents maintain the additional storage could be accomplished by adding just a few feet to the Dam.

LEGISLATIVE HISTORY

H.R. 839 was introduced on February 6, 2007 by Representative Rob Bishop and referred to the House Committee on Natural Resources. Under suspension of the rules, H.R. 839 passed the House of Representatives on March 19, 2007. The bill was received in the Senate and referred to the Committee on Energy and Natural Resources. An identical measure, S. 512 was introduced on February 7, 2007 and referred to the Committee on Energy and Natural Resources. At its business meeting on May 23, 2007, the Committee ordered H.R. 839 favorably reported.

During the 109th Congress, the Committee considered an identical measure, S. 1811, introduced on October 3, 2005 by Senator Hatch for himself and Senator Bennett. The Subcommittee on Water and Power held a hearing on September 21, 2006. S. Hrg. 109-781. A companion measure, H.R. 3626, was introduced by Representative Rob Bishop on July 29, 2005 and referred to the House Resources Committee. Representative Chris Cannon and Representative Jim Matheson were co-sponsors. On December 13, 2005, H.R. 3626 was favorably reported by the Committee on Resources. H. Rept. 109-339. Under suspension of the rules, H.R. 3626 passed the House of Representatives on September 27, 2006. It was received in the Senate and referred to the Committee on Energy and Natural Resources. No further action occurred prior to the sine die adjournment of the 109th Congress.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 23, 2007, by voice vote of a quorum present, recommends that the Senate pass H.R. 839.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title.

Section 2 contains findings of the Congress.

Section 3 authorizes the Secretary to conduct a feasibility study on raising the height of Arthur V. Watkins Dam for the purposes, and under the conditions, described.

Section 4(a) specifies that the Federal share of the total study costs shall not exceed 50 percent.

Section 4(b) authorizes the Secretary to count in-kind contributions, as appropriate, towards the non-Federal cost-share for the study.

Section 5 authorizes \$1,000,000 in appropriations for the Federal cost share of the study.

Section 6 terminates the authority contained in the Act on the date that is 10 years after the date of enactment.

COST AND BUDGETARY CONSIDERATIONS

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

JUNE 1, 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 H.R. 839, the Arthur V. Watkins Dam Enlargement Act.

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.

H.R. 839—Arthur V. Watkins Dam Enlargement Act

H.R. 839 would authorize the Bureau of Reclamation to participate in a water management feasibility study of the Arthur V. Watkins Dam in northern Utah. The study would consider increasing the height of the dam in order to increase the water storage capacity of the Watkins Reservoir and the water supply to the Weber Basin Project area and the Wasatch Front. H.R. 839 would authorize the appropriation of \$1 million for the federal share of the cost of this study, which could not exceed 50 percent of the total cost.

Assuming appropriation of the specified amount, CBO estimates that implementing H.R. 839 would cost \$1 million over the 2008–2009 period. Enacting the legislation would not affect direct spending or revenues.

H.R. 839 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. Funds authorized in the legislation to conduct a study of the Arthur V. Watkins Dam would benefit the Weber Basin Conservancy District. Any costs it might incur, including matching funds, 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

H.R. 839. 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 H.R. 839, as ordered reported.

EXECUTIVE COMMUNICATIONS

Because H.R. 839 is identical to legislation considered by the Committee in the 109th Congress, the Committee did not request Executive Agency Views. The testimony provided by the Bureau of Reclamation at the subcommittee hearing in the 109th Congress on S. 1811 follows:

STATEMENT OF WILLIAM E. RINNE, ACTING COMMISSIONER OF THE BUREAU OF RECLAMATION, U.S. DEPARTMENT OF THE INTERIOR

Madam Chairwoman, thank you for the opportunity to present the Department of the Interior's views on S. 1811, a bill to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam. I am William Rinne, Acting Commissioner of the Bureau of Reclamation. The Department regrets that it is not possible to support S. 1811 in its current form because it contains neither non-federal cost sharing for the study nor an overall Federal cost ceiling.

Arthur V. Watkins Dam, built in 1964, is located 12 miles northwest of Ogden, Utah, on the shore of the Great Salt Lake. It is an off-stream structure which extends into the Great Salt Lake and is constructed on lake deposits. The embankment is 14.5 miles long, has a structural height of 36 feet, and contains about 17 million cubic yards of material. It encloses a reservoir of 215,000 acre-feet, with a surface area of more than 9,900 acres.

Arthur V. Watkins Dam forms Willard Bay Reservoir. The dam is a Reclamation feature of the Weber Basin Project and was authorized by Congress in the Weber Basin Project Act of August 29, 1949 (PL 81-273). The Weber Basin Project was constructed in the 1950's.

The original design anticipated settling of the foundation of the embankment during the life of the dam. In the early 1990's, the embankment was raised, re-establishing the original elevation of the embankment. The project was completed by the Weber Basin Water Conservancy District (WBWCD) under a Rehabilitation and Betterment loan.

The proposed feasibility study would analyze viable alternatives for water storage and consider environmental issues, foundation stability, and public safety. In addition, the feasibility study would evaluate potential future foundation settling. Due to the limited focus of the 1 to 2 foot dam raise, the estimated cost of this study is \$2 million.

Growth in the project area has been significant during the last decade. The State population projections for the

future show continued growth. With the extensive growth, water development projects and supplies are being investigated for the northern part of the Wasatch Front. The WBWCD has asked Reclamation to provide additional storage in Willard Bay for approximately 10,000 acre-feet of annual yield available under existing Weber Basin Project water rights.

The additional storage of water would be used for municipal and industrial, flood control, fish and wildlife enhancement, and recreation purposes along the Wasatch Front in northern Utah. The added capacity could postpone the need for the State of Utah to begin development of the water resources of the Bear River in northern Utah. The additional storage of water would be consistent with the purposes identified in the original authorizing legislation (PL 81-273) and current contracts.

If the legislation were amended to include a reasonable Federal cost ceiling and a minimum of fifty percent non-federal cost-sharing in the financing of the feasibility study, in line with Reclamation policy and practice applied in virtually every similar situation, we would not oppose enactment of S. 1811. Of course, we will be happy to work with the bill's sponsors, Senator Hatch and Senator Bennett, and this Committee to make this improvement. However, any potential authorization to raise the dam would have to compete with the many other Reclamation projects vying for funding.

This concludes my testimony. 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 Act H.R. 839, as ordered reported.

