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A BILL TO AUTHORIZE THE PROJECT FOR ENVIRONMENTAL RESTORATION AT PINE FLAT DAM, CALIFORNIA

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NOVEMBER 4, 2002.—Ordered to be printed

Filed, under the authority of the order of the Senate of October 17, 2002

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Mr. JEFFORDS, from the Committee on Environment and Public Works, submitted the following

**REPORT**

[to accompany S. 2999]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2999) to authorize the project for environmental restoration at Pine Flat Dam, California having considered the same, reports favorably without amendment and recommends that the bill do pass.

**GENERAL STATEMENT AND BACKGROUND**

Projects and project modifications are ready for authorization by Congress after they have completed a reconnaissance and a feasibility study and received a positive recommendation from the Chief of Engineers in the form of a completed, signed Chief's Report. The project authorized by S. 2999 has met these requirements. This bill authorizes a project for environmental restoration at Pine Flat Dam, California.

This project is located at Pine Flat Dam in Fresno County, California. The Army Corps of Engineers completed construction of the dam in 1954. Since construction of the project there has been a recurring problem of warm water temperatures in Pine Flat Lake and downstream in the lower Kings River. The lower Kings River has also experienced loss of highly significant riparian habitat,

shaded riverine aquatic habitat, and oak-woodland habitat. The project authorizes an environmental restoration project for the restoration of the native coldwater fishery habitat for about 13 miles of the lower Kings River and in the Pine Flat Lake reservoir, and restoration of about 143.5 acres of riparian and shaded riverine aquatic habitat at Byrd Slough. The Chief's Report was completed in July 2002, and the project received a favorable recommendation.

#### OBJECTIVES OF THE LEGISLATION

S. 2999 authorizes the project.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Pine Flat Dam, California*

This section authorizes the project at a total cost of \$37,100,000 with an estimated Federal cost of \$24,116,000 and an estimated non-Federal cost of \$12,984,000.

#### LEGISLATIVE HISTORY

Senator Boxer introduced S. 2999 on September 24, 2002. The bill was referred to the Committee on Environment and Public Works. No hearing was held on the bill. The committee considered the bill in a business meeting on September 26, 2002 and ordered the bill reported to the Senate.

#### ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2999 on September 26, 2002. The committee favorably reported the bill by voice vote. Senators Smith and Voinovich recorded a "no" vote.

#### REGULATORY IMPACT STATEMENT

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

#### MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 2999 would impose no unfunded mandates on State, local, or tribal governments.

#### COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 7, 2002.*

Hon. JAMES M. JEFFORDS, *Chairman,*  
*Committee on Environment and Public Works,*

*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2999, a bill to authorize the project for environmental restoration, Pine Flat Dam, Fresno County, California.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN.

*S. 2999, A bill to authorize the project for environmental restoration, Pine Flat Dam, Fresno County, California, as ordered reported by the Senate Committee on Environment and Public Works on September 26, 2002*

*Summary*

S. 2999 would authorize the Secretary of the Army through the U.S. Army Corps of Engineers to implement a project to restore fishery habitat and streamside vegetation, and other environmental restoration projects at Pine Flat Dam in California. The bill would authorize a total project cost of \$37.1 million (in 2001 dollars), which could be adjusted for inflation. Under this bill, the Federal share of the cost would be \$24.1 million and the nonFederal share of the cost would be \$12.9 million.

Assuming appropriation of the necessary amounts, including adjustments for anticipated inflation, CBO estimates that the Federal cost for implementing this bill would total about \$23 million over the 2003–2007 period, and an additional \$4 million after that period. Enacting S. 2999 would not affect direct spending or revenues.

S. 2999 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments. The Federal assistance authorized by this bill would benefit any State and local governments choosing to participate in this project. Any costs they would incur to comply with the conditions of this assistance, including matching requirements, would be voluntary.

*Estimated Cost to the Federal Government*

The estimated budgetary impact of S. 2999 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

By Fiscal Year, in Millions of Dollars

	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	0	4	8	8	6
Estimated Outlays .....	0	3	6	7	7

*Basis of Estimate*

For this estimate, CBO assumes that S. 2999 will be enacted in fiscal year 2003 and that amounts will be appropriated to meet the anticipated construction schedule for the project. Based on information from the Army Corps of Engineers, CBO estimates that implementing this bill would cost about \$23 million over the 2003–2007 period, including adjustments for anticipated inflation, and an additional \$4 million after that period. (Those amounts represent the Federal share of the project's cost.)

*Intergovernmental and Private-Sector Impact*

S. 2999 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. The Federal assistance authorized by this bill would benefit any State and local governments choosing to participate in this project. Any costs they would incur to comply with the conditions of this assistance, including matching requirements, would be voluntary.

*Estimate Prepared By:* Federal Costs: Julie Middleton; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Lauren Marks.

*Estimate Approved By:* Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

