

CHANDLER PUMPING PLANT AND POWERPLANT
OPERATIONS AT PROSSER DIVERSION DAM, WASHINGTON

SEPTEMBER 19, 2000.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3986]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CHANDLER PUMPING PLANT AND POWERPLANT OPERATIONS AT PROSSER DIVERSION DAM, WASHINGTON.

Section 1208 of Public Law 103-434 (108 Stat. 4562) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “OR WATER EXCHANGE” after “ELECTRIFICATION”;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(C) by striking “In order to” and inserting the following:

“(1) ELECTRIFICATION.—In order to”; and

(D) by adding at the end the following:

“(2) WATER EXCHANGE ALTERNATIVE.—

“(A) IN GENERAL.—As an alternative to the measures authorized under paragraph (1) for electrification, the Secretary is authorized to use not more than \$4,000,000 of sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.

“(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and in consultation with the Bonneville Power Administration, shall—

“(i) prepare a report that describes project benefits and contains feasibility level designs and cost estimates;

- “(ii) secure the critical right-of-way areas for the pipeline alignment;
- “(iii) prepare an environmental assessment; and
- “(iv) conduct such other studies or investigations as are necessary to develop a water exchange.”;
- (2) in subsection (b)—
 - (A) in paragraph (1), by inserting “or water exchange” after “electrification”; and
 - (B) in the second sentence of paragraph (2)(A), by inserting “or the equivalent of the rate” before the period;
- (3) in subsection (d), by striking “electrification,” each place it appears and inserting “electrification or water exchange”; and
- (4) in subsection (d), by striking “of the two” and inserting “thereof”.

PURPOSE OF THE BILL

The purpose of H.R. 3986 is to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

BACKGROUND AND NEED

H.R. 3986 authorizes a study of the feasibility of exchanging water historically diverted from the Yakima River for use by the Kennewick and Columbia Irrigation Districts for water from the Columbia River. The study would be conducted as part of the Yakima River Basin Water Enhancement Project. These two irrigation district systems currently take their water from the lower Yakima River. Proponents of the exchange believe that taking water from the much larger volume of the Columbia River would reduce the impact on threatened and endangered species. The objective of the legislation is to promote salmon recovery in the Yakima River without reducing the amount of water available to irrigators.

COMMITTEE ACTION

H.R. 3986 was introduced on March 15, 2000, by Representative Doc Hastings (R-WA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On September 13, 2000, the Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the measure by unanimous consent. Congressman John T. Doolittle (R-CA) offered an amendment to make technical corrections to the language in the bill and limit to \$4 million the amount authorized for the study. The amendment was adopted by voice vote. No further amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Chandler Pumping Plant and powerplant operations at Prosser Diversion Dam, Washington

Section 1208 of Public Law 103-434 (108 Stat. 4562) is amended to allow for the study of the engineering feasibility of water exchange in addition to the electrification authorized in the legislation. The Secretary of the Interior shall prepare a report that describes project benefits, contains feasibility level designs and cost

estimates; may obtain critical rights-of-way; prepare an environmental assessment; and conduct other studies as necessary to develop a water exchange.

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. A cost estimate was requested but was not received in time to file with this bill report. Therefore, the Committee estimates that the costs incurred in carrying out this bill would be insignificant because it earmarks already authorized and appropriated funds.

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, credit authority, or an increase or decrease in revenues or tax expenditures. The bill authorizes a new use of appropriated funds.

3. **Government Reform Oversight Findings.** Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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 requested but has not received a cost estimate for this bill from the Director of the Congressional Budget Office.

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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 1208 OF THE ACT OF OCTOBER 31, 1994

AN ACT To provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes.

SEC. 1208. CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ELECTRIFICATION OR WATER EXCHANGE.—[In order to]

(1) *ELECTRIFICATION.*—*In order to provide for electrification to enhance instream flows by eliminating the need to divert water to operate the hydraulic turbines which pump water to the Kennewick Irrigation District, there is authorized to be appropriated—*

[(1)] (A) \$50,000 to conduct an assessment of opportunities for alternative pumping plant locations;

[(2)] (B) \$4,000,000 for construction; and

[(3)] (C) such sums as may be necessary for the prorata share of the operation and maintenance allocated to fish and wildlife as determined by the Secretary.

(2) *WATER EXCHANGE ALTERNATIVE.*—

(A) *IN GENERAL.*—*As an alternative to the measures authorized under paragraph (1) for electrification, the Secretary is authorized to use not more than \$4,000,000 of sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.*

(B) *REQUIREMENTS.*—*In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and in consultation with the Bonneville Power Administration, shall—*

(i) prepare a report that describes project benefits and contains feasibility level designs and cost estimates;

(ii) secure the critical right-of-way areas for the pipeline alignment;

(iii) prepare an environmental assessment; and

(iv) conduct such other studies or investigations as are necessary to develop a water exchange.

(b) POWER FOR PROJECT PUMPING.—(1) The Administrator of the Bonneville Power Administration shall provide for project power needed to effect the electrification *or water exchange* as provided in subsection (a).

(2)(A) There is authorized to be appropriated for the Bureau of Reclamation for each fiscal year in which the Administrator provides power under this subsection an amount equal to the cost to the Bonneville Power Administration of providing power under this subsection during such fiscal year. The rate to be utilized by the Administrator in determining the cost of power under this paragraph in a fiscal year shall be the rate for priority firm power charged by the Bonneville Power Administration in that fiscal year under section 7(b) of the Pacific Northwest Electric Power Planning

and Conservation Act (16 U.S.C. 839e(b)) *or the equivalent of the rate.*

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(d) WATER SUPPLY FOR KENNEWICK IRRIGATION DISTRICT.—The Secretary shall ensure that the irrigation water supply for the Kennewick Irrigation District shall not be affected by conservation, **[electrification,]** *electrification or water exchange* or subordination pursuant to this title and any reduction in its irrigation water supply resulting from conservation measures adopted or implemented by other entities pursuant to this title shall be replaced by water developed through subordination, **[electrification,]** *electrification or water exchange* or a combination **[of the two]** *thereof.*

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