

COLUSA BASIN WATERSHED INTEGRATED RESOURCES  
MANAGEMENT ACT

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SEPTEMBER 6, 2000.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 1113]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1113) to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California, 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 out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Colusa Basin Watershed Integrated Resources Management Act”.

**SEC. 2. AUTHORIZATION OF ASSISTANCE.**

The Secretary of the Interior (in this Act referred to as the “Secretary”), acting within existing budgetary authority, may provide financial assistance to the Colusa Basin Drainage District, California (in this Act referred to as the “District”), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399) as in effect on the date of the enactment of this Act (in this Act referred to as the “State statute”), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

**SEC. 3. PROJECT SELECTION.**

(a) **ELIGIBLE PROJECTS.**—A project shall be an eligible project for purposes of section 2 only if it is—

(1) consistent with the plan for flood protection and integrated resources management described in the document entitled “Draft Programmatic Environmental Impact Statement/Environmental Impact Report and Draft Program Financing Plan, Integrated Resources Management Program for Flood Control in the Colusa Basin”, dated May 2000; and

(2) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(b) **COMPATIBILITY REQUIREMENT.**—The Secretary shall ensure that projects for which assistance is provided under this Act are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

**SEC. 4. COST SHARING.**

(a) **NON-FEDERAL SHARE.**—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(1) 25 percent of the costs associated with construction of any project carried out with assistance provided under this Act; and

(2) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project.

(b) **PLANNING, DESIGN, AND COMPLIANCE ASSISTANCE.**—Funds appropriated pursuant to this Act may be made available to fund all costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(c) **TREATMENT OF CONTRIBUTIONS.**—For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

**SEC. 5. COSTS NONREIMBURSABLE.**

Amounts expended pursuant to this Act shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

**SEC. 6. AGREEMENTS.**

Funds appropriated pursuant to this Act may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by section 4(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 4(b).

**SEC. 7. REIMBURSEMENT.**

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute in section 2 before the date amounts are provided for the project under this Act, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under section 4.

**SEC. 8. COOPERATIVE AGREEMENTS.**

(a) **IN GENERAL.**—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this Act.

(b) **SUBCONTRACTING.**—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

**SEC. 9. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.**

Activities carried out, and financial assistance provided, under this Act shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

**SEC. 10. APPROPRIATIONS AUTHORIZED.**

Within existing budgetary authority and subject to the availability of appropriations, the Secretary is authorized to expend up to \$25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes to carry out this Act. Sums appropriated under this section shall remain available until expended.

**PURPOSE OF THE BILL**

The purposes of H.R. 1113 is to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California.

**BACKGROUND AND NEED FOR LEGISLATION**

The Colusa Basin watershed covers approximately one million acres in three counties (Glenn, Colusa and Northern Yolo) in California's upper Sacramento Valley along the Sacramento River. Land within the Basin is devoted primarily to agriculture production including irrigated crops, orchards, and vineyards in the valley lands. The majority of the irrigation water is obtained through the Central Valley Project (CVP). In addition to water from the CVP, 32 ephemeral (seasonal) streams provide additional water to the Basin. The water then flows and empties into the 75-mile-long Colusa Basin Drain, which then returns to the Sacramento River or the Yolo Bypass.

Over the decades, devastating floods have repeatedly struck the Colusa Basin resulting in costly damages to public and private property and loss of life. In 1995 and again in 1998 the three counties suffered an estimated \$100 million in damages, with public infrastructure damages accounting for 65 percent of the loss.

H.R. 1113 addresses issues associated with water management, flood control, drainage and subsidence occurring within the multi-county Colusa Basin in California. To minimize these problems, the Colusa Basin Drainage District in California, covering 600,000 acres of valley land, was formed. Projects for which assistance may be provided under this bill shall not be inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706) or the CALFED Bay-Delta Program. One of the prime objectives of local project proponents in seeking this legislation was to specifically identify a Congressional priority for funding from within existing federal programs. This authorization does not expand existing federal expenditure but is intended to prioritize existing spending.

**COMMITTEE ACTION**

H.R. 1113 was introduced on March 16, 1999, by Congressman Doug Ose (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water

and Power. On April 6, 2000, the Subcommittee held a hearing on the bill. On June 15, 2000, the Subcommittee met to mark up the bill. No amendments were offered and the bill was then ordered to be reported to the Full Committee by voice vote. On June 21, 2000, the Full Resources Committee met to consider the bill. Congressman John T. Doolittle (R-CA) offered an amendment to clarify what projects would be eligible for consideration under the bill. 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. Short title*

The short title of the bill is the “Colusa Basin Watershed Integrated Resources Management Act”.

##### *Section 2. Authorization of assistance*

This section authorizes the Secretary of the Interior to provide financial assistance to the Colusa Basin Drainage District in California. The section also outlines the areas where the Secretary of the Interior may assist the Colusa Basin Watershed in alleviating its problems.

##### *Section 3. Project selection*

This sections creates a guideline for the Secretary of the Interior to use when deciding which projects to assist. Eligible projects must be consistent with a recently released draft programmatic EIS/EIR prepared by the Bureau of Reclamation and local authorities.

##### *Section 4. Cost sharing*

This section specifies the non-federal cost share associated with the construction, the operation, maintenance, replacement and rehabilitation, and the planning, design and compliance assistance of any project carried out under the bill.

##### *Section 5. Costs nonreimbursable*

This section declares that money spent due to this bill shall be considered nonreimbursable.

##### *Section 6. Agreements*

This section maintains that funds will only be given to the local district or agency if, first, the District has entered into a contract with the Secretary.

##### *Section 7. Reimbursement*

This section gives the Secretary the power to reimburse the district for funds that the district might have previously advanced, on behalf of the federal government, that were a federal responsibility.

##### *Section 8. Cooperative agreements*

This section authorizes the Secretary to contract with the district, as well as letting the district subcontract its duties, to help in carrying out the purpose of this bill.

*Section 9. Relationship to Reclamation Reform Act of 1982*

This section declares that this bill is not a supplement nor an addition to the Reclamation Reform Act of 1982.

*Section 10. Appropriations authorized*

This section designates the amount of funds that the Secretary may use to attain this bill's purposes, and that the money will need to come from existing budget authority.

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.

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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

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 received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 11, 2000.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1113, the Colusa Basin Watershed Integrated Resources Management Act.

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.

*H.R. 1113—Colusa Basin Watershed Integrated Resources*

Summary: H.R. 1113 would authorize the Secretary of the Interior to provide financial assistance to the Colusa Basin Drainage District for reducing damage from flooding, alleviating land subsidence, restoring or preserving wetland and riparian habitats, and capturing surface and storm water. The Colusa Basin Drainage District covers about 600,000 acres of land in California. H.R. 1113 would authorize the appropriation of \$25 million, plus additional amounts that may be necessary to cover increased costs of this assistance that are attributable to inflation.

Assuming appropriation of necessary amounts, CBO estimates that implementing H.R. 1113 would cost \$11 million over the 2001–2005 period, and about \$16 million after 2005. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 1113 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs as a result of the bill's enactment but those costs would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1113 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—				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	0	1	2	4	4
Estimated Outlays .....	0	1	2	4	4

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted near the beginning of fiscal year 2001 and that the estimated amounts necessary to implement the bill will be appropriated for each year. The bill would authorize the appropriation of \$25 million for financial assistance to the district. Our estimate of the timing of this spending is based on information provided by the Colusa Basin Drainage District. CBO estimates that spending of about \$16 million would occur after 2005, assuming the necessary funds are provided.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 1113 contains no intergovernmental or private-sector mandates as defined in UMRA. State and local governments might incur some costs as a result of the bill's enactment, but those costs would be voluntary.

Estimate prepared by: Federal Costs: Rachel Applebaum; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Sarah Sitarek.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

If enacted, this bill would make no changes in existing law.

