

AMENDING CERTAIN DEFINITIONS CONTAINED IN THE PROVO RIVER
PROJECT TRANSFER ACT FOR PURPOSES OF CLARIFYING CERTAIN
PROPERTY DESCRIPTIONS, AND FOR OTHER PURPOSES

SEPTEMBER 10, 2013.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 255]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 255) to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 255 is to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions.

BACKGROUND AND NEED FOR LEGISLATION

The Provo Reservoir Canal (PRC) diverts water from the Provo River beginning at the Murdock Diversion Dam near the mouth of Provo Canyon, Utah, and runs 21 miles to the northwest. The PRC, which provides agricultural water for over 46,000 acres, was initially an open, earthen canal that ran through pastures and orchards in rural Utah. Increased suburban development adjacent to the PRC led to minor boundary disputes, bank erosion, and significant threats to public safety over the last few decades. The Provo River Water Users Association, the primary beneficiary of the PRC, began promoting the enclosure (i.e. piping the canal and covering it) of the PRC in 1995 to resolve these issues. In 2004, the Association successfully pursued legislation (Public Law 108-382) transferring title of the PRC from the federal government to the Association. This was intended to help generate non-federal capital invest-

ments towards enclosure since local ownership would have provided equity. Under P.L. 108–382, the Association was required to pay the balance of the PRC’s capital cost owed to the federal government before the occurrence of any title transfer.

Despite the intent of P.L. 108–382 to convey to the Association all right, title, and interest of the United States to the PRC facilities, an agreement on the terms of title transfer could not be reached between various local parties. However, the PRC enclosure project was eventually completed using a combination of financial sources. Due to the enclosure of the PRC prior to execution of the title transfer, the Bureau of Reclamation contends that the definition of “canal” in current law is no longer legally sufficient to convey what is now a piped PRC. Amending the definition of the PRC to reflect its enclosure will allow for the completion of the title transfer originally intended in federal law.

COMMITTEE ACTION

H.R. 255 was introduced on January 15, 2013, by Congressman Jason Chaffetz (R–UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. On May 23, 2013, the Subcommittee held a hearing on the bill. On July 31, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged by unanimous consent. No amendments were offered, and the bill was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Clarifying certain property descriptions in Provo River Project Transfer Act

Section one amends the Provo River Transfer Act (Public Law 108–382) by striking the term “canal” in the definition and replacing it with the “water conveyance facility historically known as the Provo Reservoir Canal.” The section also directs the transfer of “all associated bridges, fixtures, structures, facilities, lands, interests in land and rights-of-way held.”

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 Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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:

H.R. 255—A bill to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions

H.R. 255 would direct the Secretary of the Interior to transfer the title of the water conveyance facilities located on the Provo Reservoir to the Provo River Water Users Association. Based on information from the Bureau of Reclamation, CBO estimates that implementing the legislation would affect net direct spending; therefore, pay-as-you-go procedures apply. However, we expect that those impacts would be insignificant. The legislation would not affect revenues.

The Bureau had the authority to transfer the title to the Provo Reservoir Canal to the association as the project existed in 2004. The facilities have been modified since 2004, so that transfer authority no longer applies. H.R. 255 would direct the bureau to transfer the title to the water conveyance facilities associated with the Provo Reservoir, including bridges, lands, and pipelines. Upon transfer of the title, the association would be required to pay, in one lump sum, the present value of the remaining costs for construction of the canal and the value of receipts that the bureau would no longer collect for issuing special-use permits and selling surplus water.

Based on information from the bureau, if H.R. 255 is enacted, CBO expects that the bureau would transfer the title to the Provo Reservoir facilities in 2014. Upon transfer, the association would pay the U.S. Treasury about \$700,000. Annual offsetting receipts would decrease by about \$60,000 because the association would no longer make annual payments of about \$40,000 for the canal's construction cost, and the bureau would no longer collect amounts for issuing special-use permits and selling surplus water, which total about \$20,000 each year. In total, CBO estimates that enacting the legislation would result in a net reduction in direct spending of about \$400,000 over the 2014–2018 period and \$100,000 over the 2014–2023 period.

H.R. 255 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.

On June 7, 2013, CBO transmitted a cost estimate for S. 211, a bill to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, as ordered reported by the Senate Committee on Energy and Natural Resources on May 16, 2013. The two pieces of legislation are identical, and the estimated costs are the same.

The CBO staff contact for this estimate is Aurora Swanson. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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. In total, CBO estimates that enacting the legislation would result in a net reduction in direct spending of about \$400,000 over the 2014–2018 period and \$100,000 over the 2014–2023 period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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):

PROVO RIVER PROJECT TRANSFER ACT

* * * * *

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term “Agreement” means the contract numbered 04–WC–40–8950 and entitled “Agreement Among the United States, the Provo River Water Users Association, and the Metropolitan Water District of Salt Lake & Sandy to Transfer Title to Certain Lands and Facilities of the Provo

River Project” and shall include maps of the land and features to be conveyed under the Agreement.

(2) ASSOCIATION.—The term “Association” means the Provo River Water Users Association, a nonprofit corporation organized under the laws of the State.

(3) DISTRICT.—The term “District” means the Metropolitan Water District of Salt Lake & Sandy, a political subdivision of the State.

(4) PLEASANT GROVE PROPERTY.—

(A) IN GENERAL.—The term “Pleasant Grove Property” means the 3.79-acre parcel of land acquired by the United States for the Provo River Project, Deer Creek Division, located at approximately 285 West 1100 North, Pleasant Grove, Utah, as in existence on the date [of enactment of this Act] *on which the parcel is conveyed under section 3(a)(2).*

(B) INCLUSIONS.—The term “Pleasant Grove Property” includes the office building and shop complex constructed by the Association on the parcel of land described in subparagraph (A).

(5) PROVO RESERVOIR CANAL.—The term “Provo Reservoir Canal” means the [canal, and any associated land, rights-of-way, and facilities] *water conveyance facility historically known as the Provo Reservoir Canal and all associated bridges, fixtures, structures, facilities, lands, interests in land, and rights-of-way held,* acquired, constructed, or improved by the United States as part of the Provo River Project, Deer Creek Division, extending from, and including, the Murdock Diversion Dam *and forebay* at the mouth of Provo Canyon, Utah, to and including the Provo Reservoir Canal Siphon and Penstock *near the Jordan Narrows to the point where water is discharged to the Welby-Jacob Canal and the Utah Lake Distributing Canal,* as in existence on the date [of enactment of this Act] *on which the Provo Reservoir Canal is conveyed under section 3(a)(1).*

(6) SALT LAKE AQUEDUCT.—The term “Salt Lake Aqueduct” means the aqueduct and associated land, rights-of-way, and facilities acquired, constructed or improved by the United States as part of the Provo River Project, Aqueduct Division, extending from, and including, the Salt Lake Aqueduct Intake at the base of Deer Creek Dam to and including the Terminal Reservoirs located at 3300 South St. and Interstate Route 215 in Salt Lake City, Utah, as in existence on the date of enactment of this Act.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior or a designee of the Secretary.

(8) STATE.—The term “State” means the State of Utah.

* * * * *