

BOLTS DITCH ACCESS AND USE ACT

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JULY 14, 2016.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 4510]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4510) to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, 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. 4510 is to ensure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado.

BACKGROUND AND NEED FOR LEGISLATION

Congress inadvertently included the existing Bolts Ditch diversion structure and approximately 450 feet of Bolts Ditch within the Holy Cross Wilderness Area when it passed the Colorado Wilderness Act in 1980. Since 1882, the structure and ditch have continuously delivered water to Bolts Lake. Bolts Ditch is the only physical source of water that can fill Bolts Lake by gravity instead of pumping, with the attendant cost and use of energy.

Bolts Lake is an off-stream reservoir located outside the Wilderness boundary and originally served as a fishing and recreation site. Bolts Lake is designed for upgrades in the future to store the town of Minturn's municipal water and support the town's municipal water supply and augmentation needs.

Questions have arisen with respect to continued use, maintenance and repair of the Bolts Ditch headgate and Bolts Ditch seg-

ment within the Wilderness, and the town cannot currently use Bolts Ditch to fill Bolts Lake with its municipal water rights. Therefore, the town seeks to obtain authorization from Congress to use Bolts Ditch to fill Bolts Lake in accordance with a settlement.

H.R. 4510 directs the Secretary of Agriculture to issue a special use permit to the town of Minturn, Colorado, to maintain the Bolts Ditch headgate for the diversion of water, and use, maintenance, and repair of the ditch.

COMMITTEE ACTION

H.R. 4510 was introduced on February 9, 2016, by Congressman Jared Polis (D-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On February 25, 2016, the Subcommittee held a hearing on the bill. On June 14, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on June 15, 2016.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4510, the Bolts Ditch Access and Use Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 4510—Bolts Ditch Access and Use Act

H.R. 4510 would require the Forest Service to provide a special use authorization to the town of Mintum, Colorado, to allow the town to manage and maintain a headgate used to divert water to Bolts Lake. Based on information from the Forest Service, CBO estimates the enacting the bill would increase offsetting receipts from annual fees associated with the authorization by about \$150 a year; therefore pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4510 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the town of Mintum, Colorado by facilitating the maintenance of the town's water supply. Any costs the town might incur in the process of maintaining its water supply would result from voluntary commitments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, 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. According to the Congressional Budget Office (CBO), implementing H.R. 4510 would “increase offsetting receipts from annual fees associated with the authorization by about \$150 a year”. CBO estimates that the bill “would not increase net direct spending or on-budget deficits in any of the four consecutive 10 year periods beginning in 2027”.

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 ensure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado.

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

This bill does not amend existing law.

