

LAKE THUNDERBIRD EFFICIENT USE ACT OF 2011

APRIL 16, 2012.—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. 3263]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3263) to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, 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. 3263 is to authorize the Secretary of the Interior to allow the storage and conveyance of non-project water at the Norman Project in Oklahoma.

BACKGROUND AND NEED FOR LEGISLATION

Lake Thunderbird was developed as part of the federal Norman Project in the early 1960s. The Norman Project is located on the Little River in central Oklahoma and includes Lake Thunderbird, Norman Dam, and a water conveyance pumping and pipeline system that provides supplemental water to the Oklahoma cities of Norman, Del City, and Midwest City. Additional uses include flood control and recreation. Since 1966, the Central Oklahoma Master Conservancy District (District) has operated and maintained the Norman Project under contract with the Bureau of Reclamation (Reclamation).

The Lake Thunderbird watershed experienced a major drought in 2005 and 2006, which resulted in the lowest lake level since the dam was constructed. That drought highlighted the need for addi-

tional water supply. Reclamation and the District have determined that Lake Thunderbird has the capacity to store up to 4,600 acre feet of non-project water. The District wants the ability to purchase non-project water from Oklahoma City to augment storage in Lake Thunderbird during times of drought.

Reclamation has general authority under the Warren Act of 1911 to allow for the storage and conveyance of non-project water. However, Reclamation does not have the administrative authority to approve the Lake Thunderbird action since the water does not originate within the same watershed. H.R. 3263 would give Reclamation such authority by amending the underlying Norman Project authorization. All costs, including water costs and environmental planning, would be borne by the water users.

#### COMMITTEE ACTION

H.R. 3263 was introduced on October 26, 2011, by Congressman Tom Cole (R–OK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. On December 2, 2011, the Subcommittee held a hearing on the bill. On February 29, 2012, 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 ordered favorably reported to the House of Representatives by voice vote.

#### 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. 3263—Lake Thunderbird Efficient Use Act of 2011*

H.R. 3263 would authorize the Secretary of the Interior to allow the Norman water project in central Oklahoma to store water conveyed from other projects. Enacting H.R. 3263 would affect direct spending; therefore, pay-as-you-go procedures apply. Based on information from the Bureau of Reclamation, however, CBO estimates that any impact on net direct spending would be negligible. Enacting the legislation would not affect revenues.

The Norman Project consists of Norman Dam, Lake Thunderbird, and a pipeline system. It provides municipal and industrial water and flood protection to nearby communities. In 1966, the operation and maintenance responsibilities for the project were transferred from the federal government to the Central Oklahoma Master Conservancy District.

H.R. 3263 would authorize the bureau to approve the conveyance and storage of water from other water projects in Lake Thunderbird. Under the bill, the district would purchase water from Oklahoma City's Atoka Reservoir by accessing the nearby Atoka pipeline. The district would be required to pay all costs associated with constructing any additional facilities and associated operation and maintenance costs. Based on information from the bureau, CBO estimates that enacting the bill would affect direct spending (through the collection and spending of receipts), but such effects would not be significant.

H.R. 3263 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 January 12, 2012, CBO transmitted a cost estimate for S. 802, the Lake Thunderbird Efficient Use Act of 2011, as ordered reported by the Senate Committee on Energy and Natural Resources on November 10, 2011. The two pieces of legislation are similar, and the CBO cost estimates 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, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information from the Bureau of Reclamation, CBO estimates that enacting the bill would affect direct spending through the collection and spending of receipts, but any impact on net direct spending would be negligible.

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 authorize the Secretary of the Interior to allow the storage and conveyance of non-project water at the Norman Project in Oklahoma.

#### 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 as defined under Public Law 104-4.e.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any 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 (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**ACT OF JUNE 27, 1960**

(Public Law 86-529)

AN ACT To authorize the Secretary of the Interior to construct, operate, and maintain the Norman project, Oklahoma, and for other purposes.

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**SEC. 10. LAKE THUNDERBIRD.**

(a) *IN GENERAL.*—If the Secretary of the Interior determines that there is enough excess capacity in the reservoir on the Little River known as “Lake Thunderbird” that nonproject water can be stored in Lake Thunderbird, the Secretary of the Interior may, in accordance with the reclamation laws, amend an existing contract, or enter into 1 or more new contracts, with the Central Oklahoma Master Conservancy District for the storage and conveyance of non-project water in Norman project facilities to augment municipal and industrial supplies for the cities served by the Central Oklahoma Master Conservancy District.

(b) *COSTS.*—If any additional infrastructure is needed to enable the storage and conveyance of non-project water in Norman project facilities under subsection (a) or any other provision of this Act, the costs of constructing, operating, and maintaining the infrastructure shall be the responsibility of the non-Federal entity contracting with the Secretary of the Interior for storage and conveyance rights.