Calendar No. 937

106TH CONGRESS, *2d Session* | SENATE | REPORT 106–488

CHANDLER PUMPING PLANT AT PROSSER DIVERSION DAM, WASHINGTON

OCTOBER 4 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2163]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2163) 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, Washington, having considered the same, reports favorably thereon with an amendment and recommends 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. 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 MEASURE

The purpose of S. 2163 is to provide for a study of the engineering feasibility of using water from the Columbia River, instead of the Yakima River or electricity, to power pumps at the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

BACKGROUND AND NEED

The Yakima Project in Washington State provides irrigation water for a narrow strip of fertile land that extends for 175 miles on both sides of the Yakima River in south-central Washington. There are seven divisions in the project, one of which is the Kennewick Division. This Division is a combined irrigation and power development and includes the Chandler Powerplant and 19,171 acres or irrigable land, of which 4,637 are in the Kennewick highlands and have been irrigated for many years. The Prosser Diversion Dam, on the Yakima River near Prosser, is a 9-foot-high concrete weir. Two fishways are provided to facilitate movement of fish over the dam. The Chandler Powerplant develops 12,000 kilowatts, which are delivered to the Bonneville Power Administration.

The Kennewick Irrigation District (KID) currently diverts water from the Yakima River at Prosser, Washington. The water flows down Chandler Canal to the Chandler Pump Station where it is pumped into the KID's Main Canal. Up to 333 cubic feet per second (cfs) of irrigation water is pumped into the Main Canal. The pumps in Chandler Pump Station are hydraulically driven turbine pumps which require approximately 1.25 gallons of water to lift (pump) one gallon of water into KID's Main Canal. Therefore, furnishing KID's irrigation and pumping water requires a peak diversion from the Yakima River of 749 cfs. At Chandler Pump Station, the 416 cfs used to drive the hydraulic pumps is returned to the Yakima River. In the roughly 10-mile stretch of the Yakima River between Prosser Dam and Chandler Pump Station, the diversion of KID's 749 cfs can result in low instream flows. Downstream from Chandler Pump Station, instream flows are not as significantly impacted because water used to drive the turbine pumps has been returned to the river.

Much of the KID's irrigated acreage is adjacent to the Columbia River. The proximal location of KID's irrigated acreage and the Columbia River make it possible to serve much or all of the KID's irrigated land from the Columbia River. Relocation of KID's diversion to the Columbia River is being evaluated as a means of increasing Yakima instream flows and thereby improving anadromous fish habitat.

Section 1208 of Public Law 103–434 authorized a specific project to electrify hydraulic turbines at the Chandler Pumping Plant. By converting these pumps from hydraulic to electrical power, an additional 400 second feet of water would be added to a 12-mile stretch of the Yakima River below Prosser Dam called Chandler Reach. This project would increase survival rates and provide important new habitat for both the anadromous and resident fisheries. Although the electrification project is still a good approach to augmenting Yakima River flows, early in its implementation, an alternative idea was developed that could nearly double the benefits projected from electrification.

S. 2163 amends section 1208 of Public Law 103–434 to require the Secretary of the Interior to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River. This new approach could result in completely eliminating the need to divert water at Prosser Dam and Wanasish Dam for use by the KID and the Columbia Irrigation District. The plan will require building a new pumping plant on the Columbia River and a pipeline to connect this new facility to KID. Taking this approach could add back to the Yakima River during critical flow periods, the entire 749 second feet of water now diverted at Prosser Dam.

LEGISLATIVE HISTORY

S. 2163 was introduced by Senator Gorton on March 2, 2000 and a Subcommittee hearing as held on May 24, 2000. At the business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered S. 2163, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 20, 2000, by a unanimous voice vote with a quorum present, recommends that the Senate pass S. 2163, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 2163, the Committee adopted an amendment in the nature of a substitute that incorporated suggestions made by the Bonneville Power Administration at the Subcommittee hearing. The changes are: (1) the cost of the study is limited to $4,000,000, rather than "such sums as necessary;" and (2) in conducting the study, the Secretary is directed to cooperate with the Columbia Irrigation District (in addition to the Kennewick Irrigation District) and consult with the Bonneville Power Administration.

S. 2163 makes several amendments to section 1208 of Public Law 103–434. This Act authorized appropriations to electrify pumps at the Kennewick Irrigation District (KID). The substantive changes made by S. 2163 authorize the Secretary of the Interior to use up to $4,000,000 of sums already authorized to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River. This exchange, if deemed feasible, would be done in place of the electrification pro-

posed in P.L. 103–434. In carrying out the feasibility, the Secretary, in coordination with KID and the Bonneville Power Administration, is directed to: (1) prepare a report that describes project benefits and contains feasibility level designs and cost estimates; (2) secure critical right-of-ways; (3) prepare an environmental assessment; (4) and conduct other studies and investigations as necessary. S. 2163 also makes technical and conforming amendments to P.L. 103–434.

In testimony on this measure at the May 24, 2000 hearing, the Administration witness objected to the provision authorizing the Secretary to "secure the critical right of way areas for the pipeline alignment" in advance of the conclusion of the study. The Committee chose to retain this provision because testimony of the project sponsors indicated that the potential for development along a small but critical section of the necessary pipeline alignment could make later acquisition of the necessary rights of way difficult and substantially more costly. If the results of the feasibility study indicate that the pump exchange is the best option for the District and the environment—and preliminary reports suggest that such an exchange will provide more benefits than the previously considered electrification project—the rights of way will be necessary and possibly not available if not acquired in advance. If the exchange is not selected as the preferable option, and the rights of way are then not necessary, the Committee anticipates that the rights of way would be reconveyed to the original holders.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2163, a bill 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.

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.

S. 2163—A bill 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

Summary: The Kennewich and Columbia Irrigation Districts in Washington use water diverted from the Yakima River. S. 2163 would authorize the Secretary of the Interior to conduct a feasi-

bility study, prepare an environmental assessment, and acquire right-of-way areas necessary to divert water from the Columbia River rather than the Yakima River to meet the needs of these irrigation districts.

Based on information from the Bureau of Reclamation, CBO estimates that implementing S. 2163 would cost $6 million over the 2001–2003 period, assuming the appropriation of the necessary funds. Enacting S. 2163 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 2163 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2163 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	6	0	0	0	0
Estimated Outlays	1	2	3	0	0

Basis of estimate; Based on information from the Bureau of Reclamation, CBO estimates that the feasibility study and the environmental assessment authorized by the bill would cost $4 million, and that the acquisition of right-of-way areas for this water diversion project would cost $2 million.

Current law authorizes the appropriation of $4 million for an electrification project at the Chandler pumping plant. Although S. 2163 authorizes the exchange of water as an alternative to this electrification project, appropriated funds for the electrification project have already been spent by the bureau to study this project and on other activities. Consequently, S. 2163 provides new authority to study the exchange of water from the Yakima to the Columbia River and for the acquisition of right-of-way areas.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact; S. 2163 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On September 20, 2000, CBO transmitted a cost estimate for H.R. 3986, a bill to provide for study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, as reported by the House Committee on Resources on September 19, 2000. These two bills are nearly identical, and their estimated costs are the same.

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

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

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2163. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2163, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 10, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2163. These reports had not been received at the time the report on S. 2163 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Commissioner of the Bureau of Reclamation at the Subcommittee hearing follows:

STATEMENT OF ELUID L. MARTINEZ, COMMISSIONER, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

I am Eluid Martinez, Commissioner of the Bureau of Reclamation (Reclamation). I appreciate the opportunity to testify on S. 2163, a bill that would amend Public Law 103–434 to authorize the Secretary of the Interior (Interior), in cooperation with the Kennewick Irrigation District (District), to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington. Although the Administration supports the authorization of the feasibility study proposed in the legislation, we have concerns with S. 2163 as introduced. The Administration believes that any further authorization beyond this study is premature.

The Chandler Pumping Plant is currently hydraulically powered by water that has been diverted from the Yakima River at Prosser, Washington. This diverted water could remain in the Yakima River if the pumps were powered by electric motors (electrified) or if the project lands were irrigated by water pumped from the Columbia River (exchanged).

To date, Reclamation has pursued study of water conservation opportunities for the Kennewick and Columbia Irrigation Districts, including hydraulic pump electrification and pump exchange opportunities, under its Yakima River Basin Water Enhancement Project water conservation planning authority. Preliminary reports suggest that a water exchange may provide more benefits than the

Chandler Electrification Project for both the District and for fishery restoration in the lower Yakima River.

Authorization of the feasibility study under S. 2163 is urgently needed because of the key location of the proposed pump exchange on the lower fifty miles of the Yakima River. Preliminary reports suggested a very significant relationship between Yakima River flows and the survival of migrating juvenile salmon and steelhead below the Prosser Diversion Dam. Delay of this project could jeopardize or lessen the positive impact of fishery restoration activities in the entire upper Yakima Basin above this fifty mile exchange reach. Such activities include the Yakama Nation's Full Supplementation Hatchery (the only supplementation hatchery in the Northwest), fish ladders and screens, full scale water conservation improvements, water and habitat acquisition programs including the Governor's salmon program, and Yakama Indian Nation water acquisition programs.

The Administration does not support the provision in S. 2163 authorizing the Secretary to "secure the critical right of way areas for the pipeline alignment." Federal contributions for land acquisition should await the outcome of the study. The Administration also does not support authorizing use of project power for the water exchange until after the study is completed.

Full feasibility studies would include a Feasibility Level Planning/Environmental Impact Statement, full benefit and cost analyses of the alternatives identified (both partial and full water exchange options), and would include Endangered Species Act consultation. We estimate the cost to complete the studies to be about $4 million over a three-year period. The Chandler Electrification Project was put on hold by the Regional Director in 1998, to allow the district to pursue an exchange option. A reconnaissance report prepared by the District shows that a water exchange project from the Columbia River has promise. We recommend that the feasibility level studies be completed.

This concludes my statement. I will be glad to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2163, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 103–434 (108 Stat. 4562)

* * * * * * *

SEC. 1206. 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.*

(B) The Bureau of Reclamation shall, using funds appropriated pursuant to the authorization of appropriations in subparagraph (A), reimburse the Bonneville Power Administration for the costs of the project power provided under this subsection. Such funds shall be available for such purpose without fiscal year limitation.

(c) SUBORDINATION.—Any diversions for hydropower generation at the Chandler Powerplant shall be subordinated to meet the flow targets determined under subsection (f).

(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*.

(e) TREATMENT OF CERTAIN FUNDS.—Funds appropriated and project power provided pursuant to this section shall be nonreimbursable since such funds are used for fish and wildlife purposes and such funds are not subject to cost share under section 1203(d).

(f) TARGET FLOWS.—Target flows measured at appropriate biological and hydrological location or locations shall be determined by the Yakima Project Superintendent in consultation with the System Operations Advisory Committee.

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