

GOLETA WATER DISTRIBUTION SYSTEM CONVEYANCE
ACT OF 2008

MAY 13, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3323]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3323) to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes, 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Goleta Water Distribution System Conveyance Act of 2008”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means Agreement No. 07-LC-20-9387 between the United States and the District, entitled “Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District”.

(2) **DISTRICT.**—The term “District” means the Goleta Water District, located in Santa Barbara County, California.

(3) **GOLETA WATER DISTRIBUTION SYSTEM.**—The term “Goleta Water Distribution System” means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.

The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

SEC. 4. LIABILITY.

Effective upon the date of the conveyance authorized by section 3, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this Act, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

SEC. 5. BENEFITS.

After conveyance of the Goleta Water Distribution System under this Act—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

SEC. 6. COMPLIANCE WITH OTHER LAWS.

(a) **COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.**—Prior to any conveyance under this Act, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(b) **COMPLIANCE BY THE DISTRICT.**—Upon the conveyance of the Goleta Water Distribution System under this Act, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(c) **APPLICABLE AUTHORITY.**—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

SEC. 7. REPORT.

If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under section 3, the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this section to Congress not later than 14 months after the date of the enactment of this Act.

PURPOSE OF THE BILL

H.R. 3323 would authorize the Secretary of the Interior to convey to the Goleta Water District, Santa Barbara County, California, all rights, title and interest in held by the United States to the Goleta Water Distribution System of the Cachuma Project.

BACKGROUND AND NEED FOR LEGISLATION

The Goleta Water District (GWD) was formed in 1944 to serve the water needs of communities within the Goleta Valley. The GWD encompasses 32,000 acres of land and provides water to 80,000 customers for municipal, industrial, and agricultural uses. The GWD receives approximately 9,322 acre feet/year from the U.S. Bureau of Reclamation's (USBR) Cachuma Project, representing 80% of the GWD's water source.

The Cachuma project, authorized in 1948 and completed in 1956, stores floodwaters of the Santa Ynez River at Bradbury Dam. Water is then diverted from the reservoir through the Tecolote Tunnel, and eventually through the South Coast Conduit. Several

lateral distribution systems, including the Goleta Water Distribution System (GWDS), then deliver water to Goleta, Montecito, Summerland, and Carpinteria Water Districts, and to municipal users in the city of Santa Barbara. The GWDS delivers water specifically to the GWD, and includes all facilities proposed for conveyance.

The original 1948 authorization of the Cachuma Project included a separate contract for repayment between the USBR and the GWD solely for the GWDS. In 2002, GWD satisfied its repayment obligation to the United States. In August 2004, the GWD initiated title transfer discussions with the USBR, and has since fulfilled all requirements of the title transfer process, including holding public meetings and completing an Environmental Assessment, which resulted in a finding of no significant impact. The GWDS consists of 59 miles of pipeline and laterals, end drains, pressure relief valves, air and vacuum valves, pressure regulators, division gates, line valves, fire hydrants, and the San Antonio Booster Pump Station and the Glen Annie Pump Station. Under this legislation only the facilities of the GWDS will be transferred, not the lands on which they are located nor any other part of the larger Cachuma Project. The only remaining step to complete the process is an act of Congress enabling the Secretary to transfer the title.

The GWD has operated and maintained the GWDS since 1956. However, since the USBR owns the GWDS, when a modification is required, the GWD must go through a lengthy and expensive federal review process. To avoid all the cost, time and paperwork associated, the GWD has also paid claims on damages without requesting aid from the USBR, even though the USBR was technically liable as owners of the system. The GWD believes title transfer will significantly simplify administrative requirements and allow it to operate the GWDS more efficiently.

COMMITTEE ACTION

H.R. 3323 was introduced on August 2, 2007, by Rep. Lois Capps (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. On October 24, 2007, the Subcommittee on Water and Power held a hearing on the bill.

On April 23, 2008, the Subcommittee on Water and Power met to mark up the bill. Subcommittee Ranking Republican Member Cathy McMorris Rodgers (R-WA) offered an amendment to require that if the title transfer authorized by this bill is not completed by 12 months after of enactment of this Act, the Secretary must submit a report to Congress within 60 days explaining why and giving a date by which the title transfer will be completed. The amendment was adopted by unanimous consent. The bill, as amended, was then forwarded to the Full Committee by unanimous consent.

On April 30, 2008, the Full Natural Resources Committee met to consider the bill. The bill as amended by the Water and Power Subcommittee was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the legislation may be cited as the “Goleta Water Distribution System Conveyance Act of 2008.”

Section 2. Definitions

Section 2 provides definitions for all terms used in the bill.

Section 3. Conveyance of the Goleta Water Distribution System

Section 3 provides clear authority to the Secretary of the Interior to convey to the Goleta Water District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California.

Section 4. Liability

Section 4 states that once conveyance is complete, the United States shall not be held liable by any court for damages of any kind other than damages caused by the United States (its employees or agents) prior to the date of conveyance.

Section 5. Benefits

Section 5 provides that after the date of conveyance, the Goleta Water Distribution System shall not be considered part of the federal Cachuma Project, and the Goleta Water District shall not be eligible to receive any benefits regarding any facility comprising the Goleta Water Distribution System, with an exception for benefits that would be available to a similarly situated entity involving property that is not part of such a project.

Section 6. Compliance with other laws

Section 6 requires that the Secretary of the Interior prior to conveyance must complete any actions required under the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and all other applicable laws. This section also maintains that upon conveyance, the Goleta Water District shall comply with all applicable federal, state and local laws and regulations in the operation of the Goleta Water Distribution System, and that all provisions of federal reclamation law and Acts supplemental to and amendatory of reclamation law shall continue to be applicable.

Section 7. Report

Section 7 requires that if the Secretary of the Interior has not completed conveyance by 12 months after the date of enactment of this Act, the Secretary of the Interior must provide a report to Congress within 60 days explaining why conveyance is not completed, and providing a date by which conveyance will be completed.

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.

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. 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 convey to the Goleta Water District, Santa Barbara County, California, all rights, title and interest in held by the United States to the Goleta Water Distribution System of the Cachuma Project.

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:

H.R. 3323—Goleta Water Distribution System Conveyance Act of 2007

H.R. 3323 would authorize the Secretary of the Interior to convey to the Goleta Water District of Santa Barbara County, California, a water distribution system. CBO estimates that implementing H.R. 3323 would have no significant effect on the federal budget. All administrative costs of the conveyance would be paid by the district. Additionally, the district has repaid its obligation to the federal government for building the water distribution system, so the government does not currently collect any receipts from the project. Enacting H.R. 3323 would not affect direct spending or revenues.

H.R. 3323 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.

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

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3323 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.

