

Union Calendar No. 146

114TH CONGRESS
1ST SESSION

H. R. 2898

[Report No. 114–197, Part I]

To provide drought relief in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2015

Mr. VALADAO (for himself, Mr. MCCARTHY, Mr. CALVERT, Mr. NUNES, Mr. LAMALFA, Mr. DENHAM, Mr. MCCLINTOCK, Mr. JOYCE, Mr. DIAZ-BALART, Mr. STEWART, Mr. SIMPSON, Mr. KNIGHT, Mr. COOK, Mr. RODNEY DAVIS of Illinois, Mrs. MIMI WALTERS of California, Mr. ROHR-ABACHER, Mr. HUNTER, Mr. ROYCE, Mr. ISSA, Mr. ZINKE, Mr. COSTA, Mr. AMODEL, Mr. HARDY, Mr. TIPTON, Mr. NEWHOUSE, and Mrs. LUMMIS) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 13, 2015

Additional sponsor: Mr. GOSAR

JULY 13, 2015

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 13, 2015

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 25, 2015]

A BILL

To provide drought relief in the State of California, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Western Water and American Food Security Act of 2015”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 7 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

*TITLE I—ADJUSTING DELTA SMELT MANAGEMENT BASED ON
 INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE*

Sec. 101. Definitions.

*Sec. 102. Revise incidental take level calculation for delta smelt to reflect new
 science.*

*Sec. 103. Factoring increased real-time monitoring and updated science into
 Delta smelt management.*

*TITLE II—ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO
 NEW SCIENCE*

Sec. 201. Definitions.

Sec. 202. Process for ensuring salmonid management is responsive to new science.

*Sec. 203. Non-Federal program to protect native anadromous fish in the
 Stanislaus River.*

Sec. 204. Pilot projects to implement calfed invasive species program.

TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

Sec. 301. Definitions.

Sec. 302. Operational flexibility in times of drought.

Sec. 303. Operation of cross-channel gates.

Sec. 304. Flexibility for export/inflow ratio.

Sec. 305. Emergency environmental reviews.

Sec. 306. Increased flexibility for regular project operations.

Sec. 307. Temporary operational flexibility for first few storms of the water year.

Sec. 308. Expediting water transfers.

Sec. 309. Additional emergency consultation.

Sec. 310. Additional storage at New Melones.

Sec. 311. Regarding the operation of Folsom Reservoir.

Sec. 312. Applicants.

Sec. 313. San Joaquin River settlement.

Sec. 314. Program for water rescheduling.

TITLE IV—CALFED STORAGE FEASIBILITY STUDIES

Sec. 401. Studies.

- Sec. 402. Temperance Flat.*
Sec. 403. CALFED storage accountability.
Sec. 404. Water storage project construction.

TITLE V—WATER RIGHTS PROTECTIONS

- Sec. 501. Offset for State Water Project.*
Sec. 502. Area of origin protections.
Sec. 503. No redirected adverse impacts.
Sec. 504. Allocations for Sacramento Valley contractors.
Sec. 505. Effect on existing obligations.

TITLE VI—MISCELLANEOUS

- Sec. 601. Authorized service area.*
Sec. 602. Oversight board for Restoration Fund.
Sec. 603. Water supply accounting.
Sec. 604. Implementation of water replacement plan.
Sec. 605. Natural and artificially spawned species.
Sec. 606. Transfer the New Melones Unit, Central Valley Project to interested providers.
Sec. 607. Basin studies.
Sec. 608. Operations of the Trinity River Division.
Sec. 609. Amendment to purposes.
Sec. 610. Amendment to definition.

TITLE VII—WATER SUPPLY PERMITTING ACT

- Sec. 701. Short title.*
Sec. 702. Definitions.
Sec. 703. Establishment of lead agency and cooperating agencies.
Sec. 704. Bureau responsibilities.
Sec. 705. Cooperating agency responsibilities.
Sec. 706. Funding to process permits.

TITLE VIII—BUREAU OF RECLAMATION PROJECT STREAMLINING

- Sec. 801. Short title.*
Sec. 802. Definitions.
Sec. 803. Acceleration of studies.
Sec. 804. Expedited completion of reports.
Sec. 805. Project acceleration.
Sec. 806. Annual report to Congress.

TITLE IX—ACCELERATED REVENUE, REPAYMENT, AND SURFACE WATER STORAGE ENHANCEMENT

- Sec. 901. Short title.*
Sec. 902. Prepayment of certain repayment contracts between the United States and contractors of federally developed water supplies.

TITLE X—SAFETY OF DAMS

- Sec. 1001. Authorization of additional project benefits.*

TITLE XI—WATER RIGHTS PROTECTION

- Sec. 1101. Short title.*

Sec. 1102. Definition of water right.
Sec. 1103. Treatment of water rights.
Sec. 1104. Recognition of State authority.
Sec. 1105. Effect of title.

1 **SEC. 2. FINDINGS.**

2 *Congress finds as follows:*

3 *(1) As established in the Proclamation of a State*
4 *of Emergency issued by the Governor of the State on*
5 *January 17, 2014, the State is experiencing record*
6 *dry conditions.*

7 *(2) Extremely dry conditions have persisted in*
8 *the State since 2012, and the drought conditions are*
9 *likely to persist into the future.*

10 *(3) The water supplies of the State are at record-*
11 *low levels, as indicated by the fact that all major Cen-*
12 *tral Valley Project reservoir levels were at 20–35 per-*
13 *cent of capacity as of September 25, 2014.*

14 *(4) The lack of precipitation has been a signifi-*
15 *cant contributing factor to the 6,091 fires experienced*
16 *in the State as of September 15, 2014, and which cov-*
17 *ered nearly 400,000 acres.*

18 *(5) According to a study released by the Univer-*
19 *sity of California, Davis in July 2014, the drought*
20 *has led to the fallowing of 428,000 acres of farmland,*
21 *loss of \$810 million in crop revenue, loss of \$203 mil-*
22 *lion in dairy and other livestock value, and increased*
23 *groundwater pumping costs by \$454 million. The*

1 *statewide economic costs are estimated to be \$2.2 bil-*
2 *lion, with over 17,000 seasonal and part-time agricul-*
3 *tural jobs lost.*

4 *(6) CVPIA Level II water deliveries to refuges*
5 *have also been reduced by 25 percent in the north of*
6 *Delta region, and by 35 percent in the south of Delta*
7 *region.*

8 *(7) Only one-sixth of the usual acres of rice fields*
9 *are being flooded this fall, which leads to a significant*
10 *decline in habitat for migratory birds and an in-*
11 *creased risk of disease at the remaining wetlands due*
12 *to overcrowding of such birds.*

13 *(8) The drought of 2013 through 2014 constitutes*
14 *a serious emergency that poses immediate and severe*
15 *risks to human life and safety and to the environment*
16 *throughout the State.*

17 *(9) The serious emergency described in para-*
18 *graph (4) requires—*

19 *(A) immediate and credible action that re-*
20 *spects the complexity of the water system of the*
21 *State and the importance of the water system to*
22 *the entire State; and*

23 *(B) policies that do not pit stakeholders*
24 *against one another, which history shows only*

1 *leads to costly litigation that benefits no one and*
2 *prevents any real solutions.*

3 (10) *Data on the difference between water de-*
4 *mand and reliable water supplies for various regions*
5 *of California south of the Delta, including the San*
6 *Joaquin Valley, indicate there is a significant annual*
7 *gap between reliable water supplies to meet agricul-*
8 *tural, municipal and industrial, groundwater, and*
9 *refuges water needs within the Delta Division, San*
10 *Luis Unit and Friant Division of the Central Valley*
11 *Project and the State Water Project south of the Sac-*
12 *ramento-San Joaquin River Delta and the demands*
13 *of those areas. This gap varies depending on the*
14 *methodology of the analysis performed, but can be*
15 *represented in the following ways:*

16 (A) *For Central Valley Project South-of-*
17 *Delta water service contractors, if it is assumed*
18 *that a water supply deficit is the difference in*
19 *the amount of water available for allocation*
20 *versus the maximum contract quantity, then the*
21 *water supply deficits that have developed from*
22 *1992 to 2014 as a result of legislative and regu-*
23 *latory changes besides natural variations in hy-*
24 *drology during this timeframe range between*
25 *720,000 and 1,100,000 acre-feet.*

1 (B) For Central Valley Project and State
2 Water Project water service contractors south of
3 the Delta and north of the Tehachapi mountain
4 range, if it is assumed that a water supply def-
5 icit is the difference between reliable water sup-
6 plies, including maximum water contract deliv-
7 eries, safe yield of groundwater, safe yield of
8 local and surface supplies and long-term con-
9 tracted water transfers, and water demands, in-
10 cluding water demands from agriculture, munic-
11 ipal and industrial and refuge contractors, then
12 the water supply deficit ranges between approxi-
13 mately 2,500,000 to 2,700,000 acre-feet.

14 (11) Data of pumping activities at the Central
15 Valley Project and State Water Project delta pumps
16 identifies that, on average from Water Year 2009 to
17 Water Year 2014, take of Delta smelt is 80 percent
18 less than allowable take levels under the biological
19 opinion issued December 15, 2008.

20 (12) Data of field sampling activities of the
21 Interagency Ecological Program located in the Sac-
22 ramento-San Joaquin Estuary identifies that, on av-
23 erage from 2005 to 2013, the program “takes” 3,500
24 delta smelt during annual surveys with an authorized

1 *“take” level of 33,480 delta smelt annually—accord-*
2 *ing to the biological opinion issued December 9, 1997.*

3 (13) *In 2015, better information exists than was*
4 *known in 2008 concerning conditions and operations*
5 *that may or may not lead to high salvage events that*
6 *jeopardize the fish populations, and what alternative*
7 *management actions can be taken to avoid jeopardy.*

8 (14) *Alternative management strategies, remov-*
9 *ing non-native species, enhancing habitat, monitoring*
10 *fish movement and location in real-time, and improv-*
11 *ing water quality in the Delta can contribute signifi-*
12 *cantly to protecting and recovering these endangered*
13 *fish species, and at potentially lower costs to water*
14 *supplies.*

15 (15) *Resolution of fundamental policy questions*
16 *concerning the extent to which application of the En-*
17 *dangered Species Act of 1973 affects the operation of*
18 *the Central Valley Project and State Water Project is*
19 *the responsibility of Congress.*

20 **SEC. 3. DEFINITIONS.**

21 *In this Act:*

22 (1) *DELTA.—The term “Delta” means the Sac-*
23 *ramento-San Joaquin Delta and the Suisun Marsh,*
24 *as defined in sections 12220 and 29101 of the Cali-*
25 *ifornia Public Resources Code.*

1 (2) *EXPORT PUMPING RATES.*—The term “export
2 pumping rates” means the rates of pumping at the
3 C.W. “Bill” Jones Pumping Plant and the Harvey O.
4 Banks Pumping Plant, in the southern Delta.

5 (3) *LISTED FISH SPECIES.*—The term “listed
6 fish species” means listed salmonid species and the
7 Delta smelt.

8 (4) *LISTED SALMONID SPECIES.*—The term “list-
9 ed salmonid species” means natural origin steelhead,
10 natural origin genetic spring run Chinook, and ge-
11 netic winter run Chinook salmon including hatchery
12 steelhead or salmon populations within the evolution-
13 ary significant unit (ESU) or distinct population
14 segment (DPS).

15 (5) *NEGATIVE IMPACT ON THE LONG-TERM SUR-*
16 *VIVAL.*—The term “negative impact on the long-term
17 survival” means to reduce appreciably the likelihood
18 of the survival of a listed species in the wild by reduc-
19 ing the reproduction, numbers, or distribution of that
20 species.

21 (6) *OMR.*—The term “OMR” means the Old and
22 Middle River in the Delta.

23 (7) *OMR FLOW OF – 5,000 CUBIC FEET PER SEC-*
24 *OND.*—The term “OMR flow of – 5,000 cubic feet per

1 *second” means Old and Middle River flow of negative*
 2 *5,000 cubic feet per second as described in—*

3 *(A) the smelt biological opinion; and*

4 *(B) the salmonid biological opinion.*

5 (8) *SALMONID BIOLOGICAL OPINION.—The term*
 6 *“salmonid biological opinion” means the biological*
 7 *opinion issued by the National Marine Fisheries*
 8 *Service on June 4, 2009.*

9 (9) *SMELT BIOLOGICAL OPINION.—The term*
 10 *“smelt biological opinion” means the biological opin-*
 11 *ion on the Long-Term Operational Criteria and Plan*
 12 *for coordination of the Central Valley Project and*
 13 *State Water Project issued by the United States Fish*
 14 *and Wildlife Service on December 15, 2008.*

15 (10) *STATE.—The term “State” means the State*
 16 *of California.*

17 **TITLE I—ADJUSTING DELTA**
 18 **SMELT MANAGEMENT BASED**
 19 **ON INCREASED REAL-TIME**
 20 **MONITORING AND UPDATED**
 21 **SCIENCE**

22 **SEC. 101. DEFINITIONS.**

23 *In this title:*

1 (1) *DIRECTOR.*—*The term “Director” means the*
2 *Director of the United States Fish and Wildlife Serv-*
3 *ice.*

4 (2) *DELTA SMELT.*—*The term “Delta smelt”*
5 *means the fish species with the scientific name*
6 *Hypomesus transpacificus.*

7 (3) *SECRETARY.*—*The term “Secretary” means*
8 *the Secretary of the Interior.*

9 (4) *COMMISSIONER.*—*The term “Commissioner”*
10 *means the Commissioner of the Bureau of Reclama-*
11 *tion.*

12 **SEC. 102. REVISE INCIDENTAL TAKE LEVEL CALCULATION**
13 **FOR DELTA SMELT TO REFLECT NEW**
14 **SCIENCE.**

15 (a) *REVIEW AND MODIFICATION.*—*Not later than Octo-*
16 *ber 1, 2016, and at least every five years thereafter, the Di-*
17 *rector, in cooperation with other Federal, State, and local*
18 *agencies, shall use the best scientific and commercial data*
19 *available to complete a review and, modify the method used*
20 *to calculate the incidental take levels for adult and larval/*
21 *juvenile Delta smelt in the smelt biological opinion that*
22 *takes into account all life stages, among other consider-*
23 *ations—*

24 (1) *salvage information collected since at least*
25 *1993;*

1 (2) *updated or more recently developed statistical*
2 *models;*

3 (3) *updated scientific and commercial data; and*

4 (4) *the most recent information regarding the en-*
5 *vironmental factors affecting Delta smelt salvage.*

6 **(b) MODIFIED INCIDENTAL TAKE LEVEL.**—*Unless the*
7 *Director determines in writing that one or more of the re-*
8 *quirements described in paragraphs (1) through (4) are not*
9 *appropriate, the modified incidental take level described in*
10 *subsection (a) shall—*

11 (1) *be normalized for the abundance of*
12 *prespawning adult Delta smelt using the Fall*
13 *Midwater Trawl Index or other index;*

14 (2) *be based on a simulation of the salvage that*
15 *would have occurred from 1993 through 2012 if OMR*
16 *flow has been consistent with the smelt biological*
17 *opinions;*

18 (3) *base the simulation on a correlation between*
19 *annual salvage rates and historic water clarity and*
20 *OMR flow during the adult salvage period; and*

21 (4) *set the incidental take level as the 80 percent*
22 *upper prediction interval derived from simulated sal-*
23 *vage rates since at least 1993.*

1 **SEC. 103. FACTORING INCREASED REAL-TIME MONITORING**
2 **AND UPDATED SCIENCE INTO DELTA SMELT**
3 **MANAGEMENT.**

4 (a) *IN GENERAL.*—*The Director shall use the best sci-*
5 *entific and commercial data available to implement, con-*
6 *tinuously evaluate, and refine or amend, as appropriate,*
7 *the reasonable and prudent alternative described in the*
8 *smelt biological opinion, and any successor opinions or*
9 *court order. The Secretary shall make all significant deci-*
10 *sions under the smelt biological opinion, or any successor*
11 *opinions that affect Central Valley Project and State Water*
12 *Project operations, in writing, and shall document the sig-*
13 *nificant facts upon which such decisions are made, con-*
14 *sistent with section 706 of title 5, United States Code.*

15 (b) *INCREASED MONITORING TO INFORM REAL-TIME*
16 *OPERATIONS.*—*The Secretary shall conduct additional sur-*
17 *veys, on an annual basis at the appropriate time of the*
18 *year based on environmental conditions, in collaboration*
19 *with other Delta science interests.*

20 (1) *In implementing this section, the Secretary*
21 *shall—*

22 (A) *use the most accurate survey methods*
23 *available for the detection of Delta smelt to deter-*
24 *mine the extent that adult Delta smelt are dis-*
25 *tributed in relation to certain levels of turbidity,*

1 *or other environmental factors that may influ-*
2 *ence salvage rate; and*

3 *(B) use results from appropriate survey*
4 *methods for the detection of Delta smelt to deter-*
5 *mine how the Central Valley Project and State*
6 *Water Project may be operated more efficiently*
7 *to minimize salvage while maximizing export*
8 *pumping rates without causing a significant*
9 *negative impact on the long-term survival of the*
10 *Delta smelt.*

11 *(2) During the period beginning on December 1,*
12 *2015, and ending March 31, 2016, and in each suc-*
13 *cessive December through March period, if suspended*
14 *sediment loads enter the Delta from the Sacramento*
15 *River and the suspended sediment loads appear likely*
16 *to raise turbidity levels in the Old River north of the*
17 *export pumps from values below 12 Nephelometric*
18 *Turbidity Units (NTU) to values above 12 NTU, the*
19 *Secretary shall—*

20 *(A) conduct daily monitoring using appro-*
21 *priate survey methods at locations including, but*
22 *not limited to, the vicinity of Station 902 to de-*
23 *termine the extent that adult Delta smelt are*
24 *moving with turbidity toward the export pumps;*
25 *and*

1 (B) use results from the monitoring surveys
2 referenced in paragraph (A) to determine how
3 increased trawling can inform daily real-time
4 Central Valley Project and State Water Project
5 operations to minimize salvage while maxi-
6 mizing export pumping rates without causing a
7 significant negative impact on the long-term sur-
8 vival of the Delta smelt.

9 (c) *PERIODIC REVIEW OF MONITORING.*—Within 12
10 months of the date of enactment of this title, and at least
11 once every 5 years thereafter, the Secretary shall—

12 (1) evaluate whether the monitoring program
13 under subsection (b), combined with other monitoring
14 programs for the Delta, is providing sufficient data to
15 inform Central Valley Project and State Water
16 Project operations to minimize salvage while maxi-
17 mizing export pumping rates without causing a sig-
18 nificant negative impact on the long-term survival of
19 the Delta smelt; and

20 (2) determine whether the monitoring efforts
21 should be changed in the short or long term to provide
22 more useful data.

23 (d) *DELTA SMELT DISTRIBUTION STUDY.*—

24 (1) *IN GENERAL.*—No later than January 1,
25 2016, and at least every five years thereafter, the Sec-

1 *retary, in collaboration with the California Depart-*
2 *ment of Fish and Wildlife, the California Department*
3 *of Water Resources, public water agencies, and other*
4 *interested entities, shall implement new targeted sam-*
5 *pling and monitoring specifically designed to under-*
6 *stand Delta smelt abundance, distribution, and the*
7 *types of habitat occupied by Delta smelt during all*
8 *life stages.*

9 (2) *SAMPLING.—The Delta smelt distribution*
10 *study shall, at a minimum—*

11 (A) *include recording water quality and*
12 *tidal data;*

13 (B) *be designed to understand Delta smelt*
14 *abundance, distribution, habitat use, and move-*
15 *ment throughout the Delta, Suisun Marsh, and*
16 *other areas occupied by the Delta smelt during*
17 *all seasons;*

18 (C) *consider areas not routinely sampled by*
19 *existing monitoring programs, including wetland*
20 *channels, near-shore water, depths below 35 feet,*
21 *and shallow water; and*

22 (D) *use survey methods, including sampling*
23 *gear, best suited to collect the most accurate data*
24 *for the type of sampling or monitoring.*

1 (e) *SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF*
2 *OMR FLOW REQUIREMENTS.*—*In implementing the provi-*
3 *sions of the smelt biological opinion, or any successor bio-*
4 *logical opinion or court order, pertaining to management*
5 *of reverse flow in the Old and Middle Rivers, the Secretary*
6 *shall—*

7 (1) *consider the relevant provisions of the bio-*
8 *logical opinion or any successor biological opinion;*

9 (2) *to maximize Central Valley project and State*
10 *Water Project water supplies, manage export pump-*
11 *ing rates to achieve a reverse OMR flow rate of*
12 *–5,000 cubic feet per second unless information de-*
13 *veloped by the Secretary under paragraphs (3) and*
14 *(4) leads the Secretary to reasonably conclude that a*
15 *less negative OMR flow rate is necessary to avoid a*
16 *negative impact on the long-term survival of the Delta*
17 *smelt. If information available to the Secretary indi-*
18 *cates that a reverse OMR flow rate more negative*
19 *than –5,000 cubic feet per second can be established*
20 *without an imminent negative impact on the long-*
21 *term survival of the Delta smelt, the Secretary shall*
22 *manage export pumping rates to achieve that more*
23 *negative OMR flow rate;*

1 (3) *document in writing any significant facts*
2 *about real-time conditions relevant to the determina-*
3 *tions of OMR reverse flow rates, including—*

4 (A) *whether targeted real-time fish moni-*
5 *toring in the Old River pursuant to this section,*
6 *including monitoring in the vicinity of Station*
7 *902, indicates that a significant negative impact*
8 *on the long-term survival of the Delta smelt is*
9 *imminent; and*

10 (B) *whether near-term forecasts with avail-*
11 *able salvage models show under prevailing condi-*
12 *tions that OMR flow of $-5,000$ cubic feet per*
13 *second or higher will cause a significant negative*
14 *impact on the long-term survival of the Delta*
15 *smelt;*

16 (4) *show in writing that any determination to*
17 *manage OMR reverse flow at rates less negative than*
18 *$-5,000$ cubic feet per second is necessary to avoid a*
19 *significant negative impact on the long-term survival*
20 *of the Delta smelt, including an explanation of the*
21 *data examined and the connection between those data*
22 *and the choice made, after considering—*

23 (A) *the distribution of Delta smelt through-*
24 *out the Delta;*

1 (B) the potential effects of documented,
2 quantified entrainment on subsequent Delta
3 smelt abundance;

4 (C) the water temperature;

5 (D) other significant factors relevant to the
6 determination; and

7 (E) whether any alternative measures could
8 have a substantially lesser water supply impact;
9 and

10 (5) for any subsequent biological opinion, make
11 the showing required in paragraph (4) for any deter-
12 mination to manage OMR reverse flow at rates less
13 negative than the most negative limit in the biological
14 opinion if the most negative limit in the biological
15 opinion is more negative than $-5,000$ cubic feet per
16 second.

17 (f) *MEMORANDUM OF UNDERSTANDING*.—No later
18 than December 1, 2015, the Commissioner and the Director
19 will execute a Memorandum of Understanding (MOU) to
20 ensure that the smelt biological opinion is implemented in
21 a manner that maximizes water supply while complying
22 with applicable laws and regulations. If that MOU alters
23 any procedures set out in the biological opinion, there will
24 be no need to reinstitute consultation if those changes will
25 not have a significant negative impact on the long-term sur-

1 *vival on listed species and the implementation of the MOU*
2 *would not be a major change to implementation of the bio-*
3 *logical opinion. Any change to procedures that does not cre-*
4 *ate a significant negative impact on the long-term survival*
5 *to listed species will not alter application of the take per-*
6 *mitted by the incidental take statement in the biological*
7 *opinion under section 7(o)(2) of the Endangered Species Act*
8 *of 1973.*

9 *(g) CALCULATION OF REVERSE FLOW IN OMR.—With-*
10 *in 90 days of the enactment of this title, the Secretary is*
11 *directed, in consultation with the California Department*
12 *of Water Resources to revise the method used to calculate*
13 *reverse flow in Old and Middle Rivers for implementation*
14 *of the reasonable and prudent alternatives in the smelt bio-*
15 *logical opinion and the salmonid biological opinion, and*
16 *any succeeding biological opinions, for the purpose of in-*
17 *creasing Central Valley Project and State Water Project*
18 *water supplies. The method of calculating reverse flow in*
19 *Old and Middle Rivers shall be reevaluated not less than*
20 *every five years thereafter to achieve maximum export*
21 *pumping rates within limits established by the smelt bio-*
22 *logical opinion, the salmonid biological opinion, and any*
23 *succeeding biological opinions.*

1 **TITLE II—ENSURING SALMONID**
2 **MANAGEMENT IS RESPON-**
3 **SIVE TO NEW SCIENCE**

4 **SEC. 201. DEFINITIONS.**

5 *In this title:*

6 (1) *ASSISTANT ADMINISTRATOR.*—*The term “As-*
7 *stant Administrator” means the Assistant Adminis-*
8 *trator of the National Oceanic and Atmospheric Ad-*
9 *ministration for Fisheries.*

10 (2) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of Commerce.*

12 (3) *OTHER AFFECTED INTERESTS.*—*The term*
13 *“other affected interests” means the State of Cali-*
14 *fornia, Indian tribes, subdivisions of the State of*
15 *California, public water agencies and those who ben-*
16 *efit directly and indirectly from the operations of the*
17 *Central Valley Project and the State Water Project.*

18 (4) *COMMISSIONER.*—*The term “Commissioner”*
19 *means the Commissioner of the Bureau of Reclama-*
20 *tion.*

21 (5) *DIRECTOR.*—*The term “Director” means the*
22 *Director of the United States Fish and Wildlife Serv-*
23 *ice.*

1 **SEC. 202. PROCESS FOR ENSURING SALMONID MANAGE-**
2 **MENT IS RESPONSIVE TO NEW SCIENCE.**

3 (a) *GENERAL DIRECTIVE.*—*The reasonable and pru-*
4 *dent alternative described in the salmonid biological opin-*
5 *ion allows for and anticipates adjustments in Central Val-*
6 *ley Project and State Water Project operation parameters*
7 *to reflect the best scientific and commercial data currently*
8 *available, and authorizes efforts to test and evaluate im-*
9 *provements in operations that will meet applicable regu-*
10 *latory requirements and maximize Central Valley Project*
11 *and State Water Project water supplies and reliability. Im-*
12 *plementation of the reasonable and prudent alternative de-*
13 *scribed in the salmonid biological opinion shall be adjusted*
14 *accordingly as new scientific and commercial data are de-*
15 *veloped. The Commissioner and the Assistant Adminis-*
16 *trator shall fully utilize these authorities as described below.*

17 (b) *ANNUAL REVIEWS OF CERTAIN CENTRAL VALLEY*
18 *PROJECT AND STATE WATER PROJECT OPERATIONS.*—*No*
19 *later than December 31, 2016, and at least annually there-*
20 *after:*

21 (1) *The Commissioner, with the assistance of the*
22 *Assistant Administrator, shall examine and identify*
23 *adjustments to the initiation of Action IV.2.3 as set*
24 *forth in the Biological Opinion and Conference Opin-*
25 *ion on the Long-Term Operations of the Central Val-*
26 *ley Project and State Water Project, Endangered Spe-*

1 *cies Act Section 7 Consultation, issued by the Na-*
2 *tional Marine Fisheries Service on June 4, 2009, per-*
3 *taining to negative OMR flows, subject to paragraph*
4 *(5).*

5 *(2) The Commissioner, with the assistance of the*
6 *Assistant Administrator, shall examine and identify*
7 *adjustments in the timing, triggers or other oper-*
8 *ational details relating to the implementation of*
9 *pumping restrictions in Action IV.2.1 pertaining to*
10 *the inflow to export ratio, subject to paragraph (5).*

11 *(3) Pursuant to the consultation and assessments*
12 *carried out under paragraphs (1) and (2) of this sub-*
13 *section, the Commissioner and the Assistant Adminis-*
14 *trator shall jointly make recommendations to the Sec-*
15 *retary of the Interior and to the Secretary on adjust-*
16 *ments to project operations that, in the exercise of the*
17 *adaptive management provisions of the salmonid bio-*
18 *logical opinion, will reduce water supply impacts of*
19 *the salmonid biological opinion on the Central Valley*
20 *Project and the California State Water Project and*
21 *are consistent with the requirements of applicable law*
22 *and as further described in subsection (c).*

23 *(4) The Secretary and the Secretary of the Inte-*
24 *rior shall direct the Commissioner and Assistant Ad-*
25 *ministrator to implement recommended adjustments*

1 to Central Valley Project and State Water Project op-
2 erations for which the conditions under subsection (c)
3 are met.

4 (5) *The Assistant Administrator and the Com-*
5 *missioner shall review and identify adjustments to*
6 *Central Valley Project and State Water Project oper-*
7 *ations with water supply restrictions in any successor*
8 *biological opinion to the salmonid biological opinion,*
9 *applying the provisions of this section to those water*
10 *supply restrictions where there are references to Ac-*
11 *tions IV.2.1 and IV.2.3.*

12 (c) *IMPLEMENTATION OF OPERATIONAL ADJUST-*
13 *MENTS.—After reviewing the recommendations under sub-*
14 *section (b), the Secretary of the Interior and the Secretary*
15 *shall direct the Commissioner and the Assistant Adminis-*
16 *trator to implement those operational adjustments, or any*
17 *combination, for which, in aggregate—*

18 (1) *the net effect on listed species is equivalent*
19 *to those of the underlying project operational param-*
20 *eters in the salmonid biological opinion, taking into*
21 *account both—*

22 (A) *efforts to minimize the adverse effects of*
23 *the adjustment to project operations; and*

24 (B) *whatever additional actions or measures*
25 *may be implemented in conjunction with the ad-*

1 *justments to operations to offset the adverse ef-*
2 *fects to listed species, consistent with (d), that*
3 *are in excess of the adverse effects of the under-*
4 *lying operational parameters, if any; and*

5 *(2) the effects of the adjustment can be reason-*
6 *ably expected to fall within the incidental take au-*
7 *thorizations.*

8 *(d) EVALUATION OF OFFSETTING MEASURES.—When*
9 *examining and identifying opportunities to offset the poten-*
10 *tial adverse effect of adjustments to operations under sub-*
11 *section (c)(1)(B), the Commissioner and the Assistant Ad-*
12 *ministrator shall take into account the potential species*
13 *survival improvements that are likely to result from other*
14 *measures which, if implemented in conjunction with such*
15 *adjustments, would offset adverse effects, if any, of the ad-*
16 *justments. When evaluating offsetting measures, the Com-*
17 *missioner and the Assistant Administrator shall consider*
18 *the type, timing and nature of the adverse effects, if any,*
19 *to specific species and ensure that the measures likely pro-*
20 *vide equivalent overall benefits to the listed species in the*
21 *aggregate, as long as the change will not cause a significant*
22 *negative impact on the long-term survival of a listed*
23 *salmonid species.*

24 *(e) FRAMEWORK FOR EXAMINING OPPORTUNITIES TO*
25 *MINIMIZE OR OFFSET THE POTENTIAL ADVERSE EFFECT*

1 *OF ADJUSTMENTS TO OPERATIONS.—Not later than Decem-*
2 *ber 31, 2015, and every five years thereafter, the Assistant*
3 *Administrator shall, in collaboration with the Director of*
4 *the California Department of Fish and Wildlife, based on*
5 *the best scientific and commercial data available and for*
6 *each listed salmonid species, issue estimates of the increase*
7 *in through-Delta survival the Secretary expects to be*
8 *achieved—*

9 (1) *through restrictions on export pumping rates*
10 *as specified by Action IV.2.3 as compared to limiting*
11 *OMR flow to a fixed rate of $-5,000$ cubic feet per*
12 *second within the time period Action IV.2.3 is appli-*
13 *cable, based on a given rate of San Joaquin River in-*
14 *flow to the Delta and holding other relevant factors*
15 *constant;*

16 (2) *through San Joaquin River inflow to export*
17 *restrictions on export pumping rates specified within*
18 *Action IV.2.1 as compared to the restrictions in the*
19 *April/May period imposed by the State Water Re-*
20 *sources Control Board decision D-1641, based on a*
21 *given rate of San Joaquin River inflow to the Delta*
22 *and holding other relevant factors constant;*

23 (3) *through physical habitat restoration im-*
24 *provements;*

25 (4) *through predation control programs;*

1 (5) through the installation of temporary bar-
2 riers, the management of Cross Channel Gates oper-
3 ations, and other projects affecting flow in the Delta;

4 (6) through salvaging fish that have been en-
5 trained near the entrance to Clifton Court Forebay;

6 (7) through any other management measures
7 that may provide equivalent or better protections for
8 listed species while maximizing export pumping rates
9 without causing a significant negative impact on the
10 long-term survival of a listed salmonid species; and

11 (8) through development and implementation of
12 conservation hatchery programs for salmon and
13 steelhead to aid in the recovery of listed salmon and
14 steelhead species.

15 (f) SURVIVAL ESTIMATES.—

16 (1) To the maximum extent practicable, the As-
17 sistant Administrator shall make quantitative esti-
18 mates of survival such as a range of percentage in-
19 creases in through-Delta survival that could result
20 from the management measures, and if the scientific
21 information is lacking for quantitative estimates,
22 shall do so on qualitative terms based upon the best
23 available science.

24 (2) If the Assistant Administrator provides qual-
25 itative survival estimates for a species resulting from

1 *one or more management measures, the Secretary*
2 *shall, to the maximum extent feasible, rank the man-*
3 *agement measures described in subsection (e) in terms*
4 *of their most likely expected contribution to increased*
5 *through-Delta survival relative to the other measures.*

6 *(3) If at the time the Assistant Administrator*
7 *conducts the reviews under subsection (b), the Sec-*
8 *retary has not issued an estimate of increased*
9 *through-Delta survival from different management*
10 *measures pursuant to subsection (e), the Secretary*
11 *shall compare the protections to the species from dif-*
12 *ferent management measures based on the best sci-*
13 *entific and commercial data available at the time.*

14 *(g) COMPARISON OF ADVERSE CONSEQUENCES FOR*
15 *ALTERNATIVE MANAGEMENT MEASURES OF EQUIVALENT*
16 *PROTECTION FOR A SPECIES.—*

17 *(1) For the purposes of this subsection and sub-*
18 *section (c)—*

19 *(A) the alternative management measure or*
20 *combination of alternative management meas-*
21 *ures identified in paragraph (2) shall be known*
22 *as the “equivalent alternative measure”;*

23 *(B) the existing measure or measures iden-*
24 *tified in subparagraphs (2) (A), (B), (C), or (D)*

1 shall be known as the “equivalent existing meas-
2 ure”; and

3 (C) an “equivalent increase in through-
4 Delta survival rates for listed salmonid species”
5 shall mean an increase in through-Delta survival
6 rates that is equivalent when considering the
7 change in through-Delta survival rates for the
8 listed salmonid species in the aggregate, and not
9 the same change for each individual species, as
10 long as the change in survival rates will not
11 cause a significant negative impact on the long-
12 term survival of a listed salmonid species.

13 (2) As part of the reviews of project operations
14 pursuant to subsection (b), the Assistant Adminis-
15 trator shall determine whether any alternative man-
16 agement measures or combination of alternative man-
17 agement measures listed in subsection (e) (3) through
18 (8) would provide an increase in through-Delta sur-
19 vival rates for listed salmonid species that is equiva-
20 lent to the increase in through-Delta survival rates for
21 listed salmonid species from the following:

22 (A) Through restrictions on export pumping
23 rates as specified by Action IV.2.3, as compared
24 to limiting OMR flow to a fixed rate of $-5,000$

1 *cubic feet per second within the time period Ac-*
2 *tion IV.2.3 is applicable.*

3 *(B) Through restrictions on export pumping*
4 *rates as specified by Action IV.2.3, as compared*
5 *to a modification of Action IV.2.3 that would*
6 *provide additional water supplies, other than*
7 *that described in subparagraph (A).*

8 *(C) Through San Joaquin River inflow to*
9 *export restrictions on export pumping rates spec-*
10 *ified within Action IV.2.1, as compared to the*
11 *restrictions in the April/May period imposed by*
12 *the State Water Resources Control Board deci-*
13 *sion D-1641.*

14 *(D) Through San Joaquin River inflow to*
15 *export restrictions on export pumping rates spec-*
16 *ified within Action IV.2.1, as compared to a*
17 *modification of Action IV.2.1 that would reduce*
18 *water supply impacts of the salmonid biological*
19 *opinion on the Central Valley Project and the*
20 *California State Water Project, other than that*
21 *described in subparagraph (C).*

22 *(3) If the Assistant Administrator identifies an*
23 *equivalent alternative measure pursuant to para-*
24 *graph (2), the Assistant Administrator shall deter-*
25 *mine whether—*

1 (A) *it is technically feasible and within*
2 *Federal jurisdiction to implement the equivalent*
3 *alternative measure;*

4 (B) *the State of California, or subdivision*
5 *thereof, or local agency with jurisdiction has cer-*
6 *tified in writing within 10 calendar days to the*
7 *Assistant Administrator that it has the authority*
8 *and capability to implement the pertinent equiv-*
9 *alent alternative measure; or*

10 (C) *the adverse consequences of doing so are*
11 *less than the adverse consequences of the equiva-*
12 *lent existing measure, including a concise eval-*
13 *uation of the adverse consequences to other af-*
14 *ected interests.*

15 (4) *If the Assistant Administrator makes the de-*
16 *terminations in subparagraph (3)(A) or (3)(B), the*
17 *Commissioner shall adjust project operations to im-*
18 *plement the equivalent alternative measure in place of*
19 *the equivalent existing measure in order to increase*
20 *export rates of pumping to the greatest extent possible*
21 *while maintaining a net combined effect of equivalent*
22 *through-Delta survival rates for the listed salmonid*
23 *species.*

24 (h) *TRACKING ADVERSE EFFECTS BEYOND THE*
25 *RANGE OF EFFECTS ACCOUNTED FOR IN THE SALMONID*

1 *BIOLOGICAL OPINION AND COORDINATED OPERATION WITH*
2 *THE DELTA SMELT BIOLOGICAL OPINION.—*

3 (1) *Among the adjustments to the project oper-*
4 *ations considered through the adaptive management*
5 *process under this section, the Assistant Adminis-*
6 *trator and the Commissioner shall—*

7 (A) *evaluate the effects on listed salmonid*
8 *species and water supply of the potential adjust-*
9 *ment to operational criteria described in sub-*
10 *paragraph (B); and*

11 (B) *consider requiring that before some or*
12 *all of the provisions of Actions IV.2.1. or IV.2.3*
13 *are imposed in any specific instance, the Assist-*
14 *ant Administrator show that the implementation*
15 *of these provisions in that specific instance is*
16 *necessary to avoid a significant negative impact*
17 *on the long-term survival of a listed salmonid*
18 *species.*

19 (2) *The Assistant Administrator, the Director,*
20 *and the Commissioner, in coordination with State of-*
21 *ficials as appropriate, shall establish operational cri-*
22 *teria to coordinate management of OMR flows under*
23 *the smelt and salmonid biological opinions, in order*
24 *to take advantage of opportunities to provide addi-*

1 *tional water supplies from the coordinated implemen-*
2 *tation of the biological opinions.*

3 *(3) The Assistant Administrator and the Com-*
4 *missioner shall document the effects of any adaptive*
5 *management decisions related to the coordinated oper-*
6 *ation of the smelt and salmonid biological opinions*
7 *that prioritizes the maintenance of one species at the*
8 *expense of the other.*

9 *(i) REAL-TIME MONITORING AND MANAGEMENT.—*
10 *Notwithstanding the calendar based triggers described in*
11 *the salmonid biological opinion Reasonable and Prudent*
12 *Alternative (RPA), the Assistant Administrator and the*
13 *Commissioner shall not limit OMR reverse flow to $-5,000$*
14 *cubic feet per second unless current monitoring data indi-*
15 *cate that this OMR flow limitation is reasonably required*
16 *to avoid a significant negative impact on the long-term sur-*
17 *vival of a listed salmonid species.*

18 *(j) EVALUATION AND IMPLEMENTATION OF MANAGE-*
19 *MENT MEASURES.—If the quantitative estimates of*
20 *through-Delta survival established by the Secretary for the*
21 *adjustments in subsection (b)(2) exceed the through-Delta*
22 *survival established for the RPAs, the Secretary shall evalu-*
23 *ate and implement the management measures in subsection*
24 *(b)(2) as a prerequisite to implementing the RPAs con-*
25 *tained in the Salmonid Biological Opinion.*

1 (k) *ACCORDANCE WITH OTHER LAW.*—Consistent with
2 *section 706 of title 5, United States Code, decisions of the*
3 *Assistant Administrator and the Commissioner described in*
4 *subsections (b) through (j) shall be made in writing, on the*
5 *basis of best scientific and commercial data currently avail-*
6 *able, and shall include an explanation of the data examined*
7 *at the connection between those data and the decisions*
8 *made.*

9 **SEC. 203. NON-FEDERAL PROGRAM TO PROTECT NATIVE**
10 **ANADROMOUS FISH IN THE STANISLAUS**
11 **RIVER.**

12 (a) *ESTABLISHMENT OF NONNATIVE PREDATOR FISH*
13 *REMOVAL PROGRAM.*—The Secretary and the districts, in
14 *consultation with the Director, shall jointly develop and*
15 *conduct a nonnative predator fish removal program to re-*
16 *move nonnative striped bass, smallmouth bass, largemouth*
17 *bass, black bass, and other nonnative predator fish species*
18 *from the Stanislaus River. The program shall—*

19 (1) *be scientifically based;*

20 (2) *include methods to quantify the number and*
21 *size of predator fish removed each year, the impact of*
22 *such removal on the overall abundance of predator*
23 *fish, and the impact of such removal on the popu-*
24 *lations of juvenile anadromous fish found in the*
25 *Stanislaus River by, among other things, evaluating*

1 *the number of juvenile anadromous fish that migrate*
2 *past the rotary screw trap located at Caswell;*

3 (3) *among other methods, use wire fyke trapping,*
4 *portable resistance board weirs, and boat*
5 *electrofishing; and*

6 (4) *be implemented as quickly as possible fol-*
7 *lowing the issuance of all necessary scientific re-*
8 *search.*

9 (b) *MANAGEMENT.*—*The management of the program*
10 *shall be the joint responsibility of the Secretary and the dis-*
11 *tricts. Such parties shall work collaboratively to ensure the*
12 *performance of the program, and shall discuss and agree*
13 *upon, among other things, changes in the structure, man-*
14 *agement, personnel, techniques, strategy, data collection, re-*
15 *porting, and conduct of the program.*

16 (c) *CONDUCT.*—

17 (1) *IN GENERAL.*—*By agreement between the*
18 *Secretary and the districts, the program may be con-*
19 *ducted by their own personnel, qualified private con-*
20 *tractors hired by the districts, personnel of, on loan*
21 *to, or otherwise assigned to the National Marine Fish-*
22 *eries Service, or a combination thereof.*

23 (2) *PARTICIPATION BY THE NATIONAL MARINE*
24 *FISHERIES SERVICE.*—*If the districts elect to conduct*
25 *the program using their own personnel or qualified*

1 *private contractors hired by them in accordance with*
2 *paragraph (1), the Secretary may assign an employee*
3 *of, on loan to, or otherwise assigned to the National*
4 *Marine Fisheries Service, to be present for all activi-*
5 *ties performed in the field. Such presence shall ensure*
6 *compliance with the agreed-upon elements specified in*
7 *subsection (b). The districts shall pay the cost of such*
8 *participation in accordance with subsection (d).*

9 (3) *TIMING OF ELECTION.*—*The districts shall*
10 *notify the Secretary of their election on or before Oc-*
11 *tober 15 of each calendar year of the program. Such*
12 *an election shall apply to the work performed in the*
13 *subsequent calendar year.*

14 (i) *FUNDING.*—

15 (1) *IN GENERAL.*—*The districts shall be respon-*
16 *sible for 100 percent of the cost of the program.*

17 (2) *CONTRIBUTED FUNDS.*—*The Secretary may*
18 *accept and use contributions of funds from the dis-*
19 *tricts to carry out activities under the program.*

20 (3) *ESTIMATION OF COST.*—*On or before Decem-*
21 *ber 1 of each year of the program, the Secretary shall*
22 *submit to the districts an estimate of the cost to be*
23 *incurred by the National Marine Fisheries Service for*
24 *the program in the following calendar year, if any,*
25 *including the cost of any data collection and posting*

1 *under subsection (e). If an amount equal to the esti-*
2 *mate is not provided through contributions pursuant*
3 *to paragraph (2) before December 31 of that year—*

4 *(A) the Secretary shall have no obligation to*
5 *conduct the program activities otherwise sched-*
6 *uled for such following calendar year until such*
7 *amount is contributed by the districts; and*

8 *(B) the districts may not conduct any as-*
9 *pect of the program until such amount is con-*
10 *tributed by the districts.*

11 *(4) ACCOUNTING.—On or before September 1 of*
12 *each year, the Secretary shall provide to the districts*
13 *an accounting of the costs incurred by the Secretary*
14 *for the program in the preceding calendar year. If the*
15 *amount contributed by the districts pursuant to para-*
16 *graph (2) for that year was greater than the costs in-*
17 *curring by the Secretary, the Secretary shall—*

18 *(A) apply the excess contributions to costs of*
19 *activities to be performed by the Secretary under*
20 *the program, if any, in the next calendar year;*
21 *or*

22 *(B) if no such activities are to be per-*
23 *formed, repay the excess contribution to the dis-*
24 *tricts.*

1 (e) *POSTING AND EVALUATION.*—*On or before the 15th*
2 *day of each month, the Secretary shall post on the Internet*
3 *website of the National Marine Fisheries Service a tabular*
4 *summary of the raw data collected under the program in*
5 *the preceding month.*

6 (f) *IMPLEMENTATION.*—*The program is hereby found*
7 *to be consistent with the requirements of the Central Valley*
8 *Project Improvement Act (Public Law 102–575). No provi-*
9 *sion, plan or definition established or required by the Cen-*
10 *tral Valley Project Improvement Act (Public Law 102–575)*
11 *shall be used to prohibit the imposition of the program, or*
12 *to prevent the accomplishment of its goals.*

13 (g) *TREATMENT OF STRIPED BASS.*—*For purposes of*
14 *the application of the Central Valley Project Improvement*
15 *Act (title XXXIV of Public Law 102–575) with respect to*
16 *the program, striped bass shall not be treated as anad-*
17 *romous fish.*

18 (h) *DEFINITION.*—*For the purposes of this section, the*
19 *term “districts” means the Oakdale Irrigation District and*
20 *the South San Joaquin Irrigation District, California.*

21 **SEC. 204. PILOT PROJECTS TO IMPLEMENT CALFED**
22 **INVASIVE SPECIES PROGRAM.**

23 (a) *IN GENERAL.*—*Not later than January 1, 2017,*
24 *the Secretary of the Interior, in collaboration with the Sec-*
25 *retary of Commerce, the Director of the California Depart-*

1 *ment of Fish and Wildlife, and other relevant agencies and*
2 *interested parties, shall begin pilot projects to implement*
3 *the invasive species control program authorized pursuant*
4 *to section 103(d)(6)(A)(iv) of Public Law 108–361 (118*
5 *Stat. 1690).*

6 (b) *REQUIREMENTS.—The pilot projects shall—*

7 (1) *seek to reduce invasive aquatic vegetation,*
8 *predators, and other competitors which contribute to*
9 *the decline of native listed pelagic and anadromous*
10 *species that occupy the Sacramento and San Joaquin*
11 *Rivers and their tributaries and the Sacramento-San*
12 *Joaquin Bay-Delta; and*

13 (2) *remove, reduce, or control the effects of spe-*
14 *cies, including Asiatic clams, silversides, gobies, Bra-*
15 *zilian water weed, largemouth bass, smallmouth bass,*
16 *striped bass, crappie, bluegill, white and channel cat-*
17 *fish, and brown bullheads.*

18 (c) *SUNSET.—The authorities provided under this sub-*
19 *section shall expire seven years after the Secretaries com-*
20 *mence implementation of the pilot projects pursuant to sub-*
21 *section (a).*

22 (d) *EMERGENCY ENVIRONMENTAL REVIEWS.—To ex-*
23 *pedite the environmentally beneficial programs for the con-*
24 *servation of threatened and endangered species, the Secre-*
25 *taries shall consult with the Council on Environmental*

1 *Quality in accordance with section 1506.11 of title 40, Code*
2 *of Federal Regulations (or successor regulations), to develop*
3 *alternative arrangements to comply with the National En-*
4 *vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
5 *for the projects pursuant to subsection (a).*

6 **TITLE III—OPERATIONAL FLEXI-**
7 **BILITY AND DROUGHT RELIEF**

8 **SEC. 301. DEFINITIONS.**

9 *In this title:*

10 (1) *CENTRAL VALLEY PROJECT.*—*The term “Cen-*
11 *tral Valley Project” has the meaning given the term*
12 *in section 3403 of the Central Valley Project Improve-*
13 *ment Act (Public Law 102–575; 106 Stat. 4707).*

14 (2) *RECLAMATION PROJECT.*—*The term “Rec-*
15 *lamation Project” means a project constructed pursu-*
16 *ant to the authorities of the reclamation laws and*
17 *whose facilities are wholly or partially located in the*
18 *State.*

19 (3) *SECRETARIES.*—*The term “Secretaries”*
20 *means—*

21 (A) *the Secretary of Agriculture;*

22 (B) *the Secretary of Commerce; and*

23 (C) *the Secretary of the Interior.*

24 (4) *STATE WATER PROJECT.*—*The term “State*
25 *Water Project” means the water project described by*

1 *California Water Code section 11550 et seq. and oper-*
2 *ated by the California Department of Water Re-*
3 *sources.*

4 (5) *STATE.—The term “State” means the State*
5 *of California.*

6 **SEC. 302. OPERATIONAL FLEXIBILITY IN TIMES OF**
7 **DROUGHT.**

8 (a) *WATER SUPPLIES.—For the period of time such*
9 *that in any year that the Sacramento Valley Index is 6.5*
10 *or lower, or at the request of the State of California, and*
11 *until two succeeding years following either of those events*
12 *have been completed where the final Sacramento Valley*
13 *Index is 7.8 or greater, the Secretaries shall provide the*
14 *maximum quantity of water supplies practicable to all in-*
15 *dividuals or district who receive Central Valley Project*
16 *water under water service or repayments contracts, water*
17 *rights settlement contracts, exchange contracts, or refuge*
18 *contracts or agreements entered into prior to or after the*
19 *date of enactment of this title; State Water Project contrac-*
20 *tors, and any other tribe, locality, water agency, or municipi-*
21 *pality in the State, by approving, consistent with applica-*
22 *ble laws (including regulations), projects and operations to*
23 *provide additional water supplies as quickly as practicable*
24 *based on available information to address the emergency*
25 *conditions.*

1 **(b) ADMINISTRATION.**—*In carrying out subsection (a),*
2 *the Secretaries shall, consistent with applicable laws (in-*
3 *cluding regulations)—*

4 **(1)** *issue all necessary permit decisions under the*
5 *authority of the Secretaries not later than 30 days*
6 *after the date on which the Secretaries receive a com-*
7 *pleted application from the State to place and use*
8 *temporary barriers or operable gates in Delta chan-*
9 *nels to improve water quantity and quality for the*
10 *State Water Project and the Central Valley Project*
11 *south of Delta water contractors and other water*
12 *users, on the condition that the barriers or operable*
13 *gates—*

14 **(A)** *do not result in a significant negative*
15 *impact on the long-term survival of listed species*
16 *within the Delta and provide benefits or have a*
17 *neutral impact on in-Delta water user water*
18 *quality; and*

19 **(B)** *are designed so that formal consulta-*
20 *tions under section 7 of the Endangered Species*
21 *Act of 1973 (16 U.S.C. 1536) are not necessary;*

22 **(2)** *require the Director of the United States Fish*
23 *and Wildlife Service and the Commissioner of Rec-*
24 *lamation—*

1 (A) to complete, not later than 30 days after
2 the date on which the Director or the Commis-
3 sioner receives a complete written request for
4 water transfer, all requirements under the Na-
5 tional Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.) and the Endangered Species
7 Act of 1973 (16 U.S.C. 1531 et seq.) necessary to
8 make final permit decisions on the request; and

9 (B) to approve any water transfer request
10 described in subparagraph (A) to maximize the
11 quantity of water supplies available for non-
12 habitat uses, on the condition that actions associ-
13 ated with the water transfer comply with appli-
14 cable Federal laws (including regulations);

15 (3) adopt a 1:1 inflow to export ratio, as meas-
16 ured as a 3-day running average at Vernalis during
17 the period beginning on April 1, and ending on May
18 31, absent a determination in writing that a more re-
19 strictive inflow to export ratio is required to avoid a
20 significant negative impact on the long-term survival
21 of a listed salmonid species under the Endangered
22 Species Act of 1973 (16 U.S.C. 1531 et seq.); provided
23 that the 1:1 inflow to export ratio shall apply for the
24 increment of increased flow of the San Joaquin River
25 resulting from the voluntary sale, transfers, or ex-

1 *changes of water from agencies with rights to divert*
2 *water from the San Joaquin River or its tributaries*
3 *and provided that the movement of the acquired,*
4 *transferred, or exchanged water through the Delta*
5 *consistent with the Central Valley Project's and the*
6 *State Water Project's permitted water rights and pro-*
7 *vided that movement of the Central Valley Project*
8 *water is consistent with the requirements of section*
9 *3405(a)(1)(H) of the Central Valley Project Improve-*
10 *ment Act; and*

11 *(4) allow and facilitate, consistent with existing*
12 *priorities, water transfers through the C.W. "Bill"*
13 *Jones Pumping Plant or the Harvey O. Banks Pump-*
14 *ing Plant from April 1 to November 30 provided*
15 *water transfers comply with State law, including the*
16 *California Environmental Quality Act.*

17 *(c) ACCELERATED PROJECT DECISION AND ELE-*
18 *VATION.—*

19 *(1) IN GENERAL.—On request by the Governor of*
20 *the State, the Secretaries shall use the expedited pro-*
21 *cedures under this subsection to make final decisions*
22 *relating to a Federal project or operation, or to local*
23 *or State projects or operations that require decisions*
24 *by the Secretary of the Interior or the Secretary of*
25 *Commerce to provide additional water supplies if the*

1 *project's or operation's purpose is to provide relief for*
2 *emergency drought conditions pursuant to subsections*
3 *(a) and (b).*

4 (2) *REQUEST FOR RESOLUTION.—*

5 (A) *IN GENERAL.—On request by the Gov-*
6 *ernor of the State, the Secretaries referenced in*
7 *paragraph (1), or the head of another Federal*
8 *agency responsible for carrying out a review of*
9 *a project, as applicable, the Secretary of the In-*
10 *terior shall convene a final project decision meet-*
11 *ing with the heads of all relevant Federal agen-*
12 *cies to decide whether to approve a project to*
13 *provide relief for emergency drought conditions.*

14 (B) *MEETING.—The Secretary of the Inte-*
15 *rior shall convene a meeting requested under sub-*
16 *paragraph (A) not later than 7 days after the*
17 *date on which the meeting request is received.*

18 (3) *NOTIFICATION.—On receipt of a request for*
19 *a meeting under paragraph (2), the Secretary of the*
20 *Interior shall notify the heads of all relevant Federal*
21 *agencies of the request, including information on the*
22 *project to be reviewed and the date of the meeting.*

23 (4) *DECISION.—Not later than 10 days after the*
24 *date on which a meeting is requested under para-*
25 *graph (2), the head of the relevant Federal agency*

1 *shall issue a final decision on the project, subject to*
2 *subsection (e)(2).*

3 (5) *MEETING CONVENED BY SECRETARY.*—*The*
4 *Secretary of the Interior may convene a final project*
5 *decision meeting under this subsection at any time, at*
6 *the discretion of the Secretary, regardless of whether*
7 *a meeting is requested under paragraph (2).*

8 (d) *APPLICATION.*—*To the extent that a Federal agen-*
9 *cy, other than the agencies headed by the Secretaries, has*
10 *a role in approving projects described in subsections (a) and*
11 *(b), this section shall apply to those Federal agencies.*

12 (e) *LIMITATION.*—*Nothing in this section authorizes*
13 *the Secretaries to approve projects—*

14 (1) *that would otherwise require congressional*
15 *authorization; or*

16 (2) *without following procedures required by ap-*
17 *plicable law.*

18 (f) *DROUGHT PLAN.*—*For the period of time such that*
19 *in any year that the Sacramento Valley index is 6.5 or*
20 *lower, or at the request of the State of California, and until*
21 *two succeeding years following either of those events have*
22 *been completed where the final Sacramento Valley Index is*
23 *7.8 or greater, the Secretaries of Commerce and the Interior,*
24 *in consultation with appropriate State officials, shall de-*
25 *velop a drought operations plan that is consistent with the*

1 *provisions of this Act including the provisions that are in-*
2 *tended to provide additional water supplies that could be*
3 *of assistance during the current drought.*

4 **SEC. 303. OPERATION OF CROSS-CHANNEL GATES.**

5 *(a) IN GENERAL.—The Secretary of Commerce and the*
6 *Secretary of the Interior shall jointly—*

7 *(1) authorize and implement activities to ensure*
8 *that the Delta Cross Channel Gates remain open to*
9 *the maximum extent practicable using findings from*
10 *the United States Geological Survey on diurnal be-*
11 *havior of juvenile salmonids, timed to maximize the*
12 *peak flood tide period and provide water supply and*
13 *water quality benefits for the duration of the drought*
14 *emergency declaration of the State, and for the period*
15 *of time such that in any year that the Sacramento*
16 *Valley index is 6.5 or lower, or at the request of the*
17 *State of California, and until two succeeding years*
18 *following either of those events have been completed*
19 *where the final Sacramento Valley Index is 7.8 or*
20 *greater, consistent with operational criteria and mon-*
21 *itoring criteria set forth into the Order Approving a*
22 *Temporary Urgency Change in License and Permit*
23 *Terms in Response to Drought Conditions of the Cali-*
24 *fornia State Water Resources Control Board, effective*

1 *January 31, 2014 (or a successor order) and other*
2 *authorizations associated with it;*

3 *(2) with respect to the operation of the Delta*
4 *Cross Channel Gates described in paragraph (1), col-*
5 *lect data on the impact of that operation on—*

6 *(A) species listed as threatened or endan-*
7 *gered under the Endangered Species Act of 1973*
8 *(16 U.S.C. 1531 et seq.);*

9 *(B) water quality; and*

10 *(C) water supply;*

11 *(3) collaborate with the California Department*
12 *of Water Resources to install a deflection barrier at*
13 *Georgiana Slough in coordination with Delta Cross*
14 *Channel Gate diurnal operations to protect migrating*
15 *salmonids, consistent with knowledge gained from ac-*
16 *tivities carried out during 2014 and 2015;*

17 *(4) evaluate the combined salmonid survival in*
18 *light of activities carried out pursuant to paragraphs*
19 *(1) through (3) in deciding how to operate the Delta*
20 *Cross Channel gates to enhance salmonid survival*
21 *and water supply benefits; and*

22 *(5) not later than May 15, 2016, submit to the*
23 *appropriate committees of the House of Representa-*
24 *tives and the Senate a notice and explanation on the*
25 *extent to which the gates are able to remain open.*

1 (b) *RECOMMENDATIONS.*—*After assessing the informa-*
2 *tion collected under subsection (a), the Secretary of the Inte-*
3 *rior shall recommend revisions to the operation of the Delta*
4 *Cross-Channel Gates, to the Central Valley Project, and to*
5 *the State Water Project, including, if appropriate, any rea-*
6 *sonable and prudent alternative contained in the biological*
7 *opinion issued by the National Marine Fisheries Service on*
8 *June 4, 2009, that are likely to produce water supply bene-*
9 *fits without causing a significant negative impact on the*
10 *long-term survival of the listed fish species within the Delta*
11 *or on water quality.*

12 **SEC. 304. FLEXIBILITY FOR EXPORT/INFLOW RATIO.**

13 *For the period of time such that in any year that the*
14 *Sacramento Valley index is 6.5 or lower, or at the request*
15 *of the State of California, and until two succeeding years*
16 *following either of those events have been completed where*
17 *the final Sacramento Valley Index is 7.8 or greater, the*
18 *Commissioner of the Bureau of Reclamation shall continue*
19 *to vary the averaging period of the Delta Export/Inflow*
20 *ratio pursuant to the California State Water Resources*
21 *Control Board decision D1641—*

22 (1) *to operate to a 35-percent Export/Inflow*
23 *ratio with a 3-day averaging period on the rising*
24 *limb of a Delta inflow hydrograph; and*

1 (2) to operate to a 14-day averaging period on
2 the falling limb of the Delta inflow hydrograph.

3 **SEC. 305. EMERGENCY ENVIRONMENTAL REVIEWS.**

4 (a) *NEPA COMPLIANCE.*—To minimize the time spent
5 carrying out environmental reviews and to deliver water
6 quickly that is needed to address emergency drought condi-
7 tions in the State during the duration of an emergency
8 drought declaration, the Secretaries shall, in carrying out
9 this Act, consult with the Council on Environmental Qual-
10 ity in accordance with section 1506.11 of title 40, Code of
11 Federal Regulations (including successor regulations), to
12 develop alternative arrangements to comply with the Na-
13 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
14 et seq.) during the emergency.

15 (b) *DETERMINATIONS.*—For the purposes of this sec-
16 tion, a Secretary may deem a project to be in compliance
17 with all necessary environmental regulations and reviews
18 if the Secretary determines that the immediate implementa-
19 tion of the project is necessary to address—

20 (1) human health and safety; or

21 (2) a specific and imminent loss of agriculture
22 production upon which an identifiable region depends
23 for 25 percent or more of its tax revenue used to sup-
24 port public services including schools, fire or police

1 services, city or county health facilities, unemploy-
2 ment services or other associated social services.

3 **SEC. 306. INCREASED FLEXIBILITY FOR REGULAR PROJECT**
4 **OPERATIONS.**

5 *The Secretaries shall, consistent with applicable laws*
6 *(including regulations)—*

7 (1) *in coordination with the California Depart-*
8 *ment of Water Resources and the California Depart-*
9 *ment of Fish and Wildlife, implement offsite up-*
10 *stream projects in the Delta and upstream of the Sac-*
11 *ramento River and San Joaquin basins that offset the*
12 *effects on species listed as threatened or endangered*
13 *under the Endangered Species Act of 1973 (16 U.S.C.*
14 *1531 et seq.) due to activities carried out pursuant*
15 *this Act, as determined by the Secretaries;*

16 (2) *manage reverse flow in the Old and Middle*
17 *Rivers at $-6,100$ cubic feet per second if real-time*
18 *monitoring indicates that flows of $-6,100$ cubic feet*
19 *per second or more negative can be established for*
20 *specific periods without causing a significant negative*
21 *impact on the long-term survival of the Delta smelt,*
22 *or if real-time monitoring does not support flows of*
23 *$-6,100$ cubic feet per second than manage OMR*
24 *flows at $-5,000$ cubic feet per second subject to sec-*
25 *tion 103(e) (3) and (4); and*

1 (3) *use all available scientific tools to identify*
2 *any changes to real-time operations of the Bureau of*
3 *Reclamation, State, and local water projects that*
4 *could result in the availability of additional water*
5 *supplies.*

6 **SEC. 307. TEMPORARY OPERATIONAL FLEXIBILITY FOR**
7 **FIRST FEW STORMS OF THE WATER YEAR.**

8 (a) *IN GENERAL.*—*Consistent with avoiding a signifi-*
9 *cant negative impact on the long-term survival in the short*
10 *term upon listed fish species beyond the range of those au-*
11 *thorized under the Endangered Species Act of 1973 and*
12 *other environmental protections under subsection (e), the*
13 *Secretaries shall authorize the Central Valley Project and*
14 *the State Water Project, combined, to operate at levels that*
15 *result in negative OMR flows at $-7,500$ cubic feet per sec-*
16 *ond (based on United States Geological Survey gauges on*
17 *Old and Middle Rivers) daily average for 56 cumulative*
18 *days after October 1 as described in subsection (c).*

19 (b) *DAYS OF TEMPORARY OPERATIONAL FLEXI-*
20 *BILITY.*—*The temporary operational flexibility described in*
21 *subsection (a) shall be authorized on days that the Cali-*
22 *fornia Department of Water Resources determines the daily*
23 *average river flow of the Sacramento River is at, or above,*
24 *17,000 cubic feet per second as measured at the Sacramento*

1 *River at Freeport gauge maintained by the United States*
2 *Geologic Survey.*

3 (c) *COMPLIANCE WITH ENDANGERED SPECIES ACT*
4 *AUTHORIZATIONS.—In carrying out this section, the Secre-*
5 *taries may continue to impose any requirements under the*
6 *smelt and salmonid biological opinions during any period*
7 *of temporary operational flexibility as they determine are*
8 *reasonably necessary to avoid an additional significant*
9 *negative impacts on the long-term survival of a listed fish*
10 *species beyond the range of those authorized under the En-*
11 *dangered Species Act of 1973, provided that the require-*
12 *ments imposed do not reduce water supplies available for*
13 *the Central Valley Project and the State Water Project.*

14 (d) *OTHER ENVIRONMENTAL PROTECTIONS.—*

15 (1) *STATE LAW.—The Secretaries' actions under*
16 *this section shall be consistent with applicable regu-*
17 *latory requirements under State law.*

18 (2) *FIRST SEDIMENT FLUSH.—During the first*
19 *flush of sediment out of the Delta in each water year,*
20 *and provided that such determination is based upon*
21 *objective evidence, OMR flow may be managed at*
22 *rates less negative than $-5,000$ cubic feet per second*
23 *for a minimum duration to avoid movement of adult*
24 *Delta smelt (*Hypomesus transpacificus*) to areas in*
25 *the southern Delta that would be likely to increase en-*

1 *trainment at Central Valley Project and State Water*
2 *Project pumping plants.*

3 (3) *APPLICABILITY OF OPINION.*—*This section*
4 *shall not affect the application of the salmonid bio-*
5 *logical opinion from April 1 to May 31, unless the*
6 *Secretary of Commerce finds that some or all of such*
7 *applicable requirements may be adjusted during this*
8 *time period to provide emergency water supply relief*
9 *without resulting in additional adverse effects beyond*
10 *those authorized under the Endangered Species Act of*
11 *1973. In addition to any other actions to benefit*
12 *water supply, the Secretary of the Interior and the*
13 *Secretary of Commerce shall consider allowing*
14 *through-Delta water transfers to occur during this pe-*
15 *riod if they can be accomplished consistent with sec-*
16 *tion 3405(a)(1)(H) of the Central Valley Project Im-*
17 *provement Act. Water transfers solely or exclusively*
18 *through the State Water Project are not required to*
19 *be consistent with section 3405(a)(1)(H) of the Cen-*
20 *tral Valley Project Improvement Act.*

21 (4) *MONITORING.*—*During operations under this*
22 *section, the Commissioner of Reclamation, in coordi-*
23 *nation with the Fish and Wildlife Service, National*
24 *Marine Fisheries Service, and California Department*
25 *of Fish and Wildlife, shall undertake a monitoring*

1 *program and other data gathering to ensure inci-*
2 *dental take levels are not exceeded, and to identify po-*
3 *tential negative impacts and actions, if any, nec-*
4 *essary to mitigate impacts of the temporary oper-*
5 *ational flexibility to species listed under the Endan-*
6 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.).*

7 *(e) TECHNICAL ADJUSTMENTS TO TARGET PERIOD.—*
8 *If, before temporary operational flexibility has been imple-*
9 *mented on 56 cumulative days, the Secretaries operate the*
10 *Central Valley Project and the State Water Project com-*
11 *bined at levels that result in OMR flows less negative than*
12 *−7,500 cubic feet per second during days of temporary*
13 *operational flexibility as defined in subsection (c), the dura-*
14 *tion of such operation shall not be counted toward the 56*
15 *cumulative days specified in subsection (a).*

16 *(f) EMERGENCY CONSULTATION; EFFECT ON RUNNING*
17 *AVERAGES.—*

18 *(1) If necessary to implement the provisions of*
19 *this section, the Commissioner is authorized to take*
20 *any action necessary to implement this section for up*
21 *to 56 cumulative days. If during the 56 cumulative*
22 *days the Commissioner determines that actions nec-*
23 *essary to implement this section will exceed 56 days,*
24 *the Commissioner shall use the emergency consulta-*
25 *tion procedures under the Endangered Species Act of*

1 *1973 and its implementing regulation at section*
2 *402.05 of title 50, Code of Federal Regulations, to*
3 *temporarily adjust the operating criteria under the*
4 *biological opinions—*

5 *(A) solely for extending beyond the 56 cu-*
6 *mulative days for additional days of temporary*
7 *operational flexibility—*

8 *(i) no more than necessary to achieve*
9 *the purposes of this section consistent with*
10 *the environmental protections in subsections*
11 *(d) and (e); and*

12 *(ii) including, as appropriate, adjust-*
13 *ments to ensure that the actual flow rates*
14 *during the periods of temporary operational*
15 *flexibility do not count toward the 5-day*
16 *and 14-day running averages of tidally fil-*
17 *tered daily OMR flow requirements under*
18 *the biological opinions, or*

19 *(B) for other adjustments to operating cri-*
20 *teria or to take other urgent actions to address*
21 *water supply shortages for the least amount of*
22 *time or volume of diversion necessary as deter-*
23 *mined by the Commissioner.*

24 *(2) Following the conclusion of the 56 cumu-*
25 *lative days of temporary operational flexibility, or the*

1 *extended number of days covered by the emergency*
2 *consultation procedures, the Commissioner shall not*
3 *reinitiate consultation on these adjusted operations,*
4 *and no mitigation shall be required, if the effects on*
5 *listed fish species of these operations under this sec-*
6 *tion remain within the range of those authorized*
7 *under the Endangered Species Act of 1973 (16 U.S.C.*
8 *1531 et seq.). If the Commissioner reinitiates con-*
9 *sultation, no mitigation measures shall be required.*

10 *(g) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—In*
11 *articulating the determinations required under this section,*
12 *the Secretaries shall fully satisfy the requirements herein*
13 *but shall not be expected to provide a greater level of sup-*
14 *porting detail for the analysis than feasible to provide with-*
15 *in the short timeframe permitted for timely decisionmaking*
16 *in response to changing conditions in the Delta.*

17 **SEC. 308. EXPEDITING WATER TRANSFERS.**

18 *(a) IN GENERAL.—Section 3405(a) of the Central Val-*
19 *ley Project Improvement Act (Public Law 102–575; 106*
20 *Stat. 4709(a)) is amended—*

21 *(1) by redesignating paragraphs (1) through (3)*
22 *as paragraphs (4) through (6), respectively;*

23 *(2) in the matter preceding paragraph (4) (as so*
24 *designated)—*

1 (A) *in the first sentence, by striking “In*
2 *order to” and inserting the following:*

3 “(1) *IN GENERAL.—In order to*”; and

4 (B) *in the second sentence, by striking “Ex-*
5 *cept as provided herein” and inserting the fol-*
6 *lowing:*

7 “(3) *TERMS.—Except as otherwise provided in*
8 *this section*”;

9 (3) *by inserting before paragraph (3) (as so des-*
10 *ignated) the following:*

11 “(2) *EXPEDITED TRANSFER OF WATER.—The*
12 *Secretary shall take all necessary actions to facilitate*
13 *and expedite transfers of Central Valley Project water*
14 *in accordance with—*

15 “(A) *this Act;*

16 “(B) *any other applicable provision of the*
17 *reclamation laws; and*

18 “(C) *the National Environmental Policy*
19 *Act of 1969 (42 U.S.C. 4321 et seq.)*.”;

20 (4) *in paragraph (4) (as so designated)—*

21 (A) *in subparagraph (A), by striking “to*
22 *combination” and inserting “or combination*”;
23 *and*

24 (B) *by striking “3405(a)(2) of this title”*
25 *each place it appears and inserting “(5)”*;

1 (5) in paragraph (5) (as so designated), by add-
2 ing at the end the following:

3 “(E) The contracting district from which
4 the water is coming, the agency, or the Secretary
5 shall determine if a written transfer proposal is
6 complete within 45 days after the date of submis-
7 sion of the proposal. If the contracting district or
8 agency or the Secretary determines that the pro-
9 posal is incomplete, the district or agency or the
10 Secretary shall state with specificity what must
11 be added to or revised for the proposal to be com-
12 plete.”; and

13 (6) in paragraph (6) (as so designated), by strik-
14 ing “3405(a)(1)(A)–(C), (E), (G), (H), (I), (L), and
15 (M) of this title” and inserting “(A) through (C), (E),
16 (G), (H), (I), (L), and (M) of paragraph (4)”.

17 (b) *CONFORMING AMENDMENTS.*—*The Central Valley*
18 *Project Improvement Act (Public Law 102–575) is amend-*
19 *ed—*

20 (1) in section 3407(c)(1) (106 Stat. 4726), by
21 striking “3405(a)(1)(C)” and inserting
22 “3405(a)(4)(C)”; and

23 (2) in section 3408(i)(1) (106 Stat. 4729), by
24 striking “3405(a)(1) (A) and (J) of this title” and in-

1 serting “subparagraphs (A) and (J) of section
2 3405(a)(4)”.

3 **SEC. 309. ADDITIONAL EMERGENCY CONSULTATION.**

4 *For adjustments to operating criteria other than under*
5 *section 308 of this Act or to take urgent actions to address*
6 *water supply shortages for the least amount of time or vol-*
7 *ume of diversion necessary as determined by the Commis-*
8 *sioner of Reclamation, no mitigation measures shall be re-*
9 *quired during any year that the Sacramento Valley index*
10 *is 6.5 or lower, or at the request of the State of California,*
11 *and until two succeeding years following either of those*
12 *events have been completed where the final Sacramento Val-*
13 *ley Index is 7.8 or greater, and any mitigation measures*
14 *imposed must be based on quantitative data and required*
15 *only to the extent that such data demonstrates actual harm*
16 *to species.*

17 **SEC. 310. ADDITIONAL STORAGE AT NEW MELONES.**

18 *The Commissioner of Reclamation is directed to work*
19 *with local water and irrigation districts in the Stanislaus*
20 *River Basin to ascertain the water storage made available*
21 *by the Draft Plan of Operations in New Melones Reservoir*
22 *(DRPO) for water conservation programs, conjunctive use*
23 *projects, water transfers, rescheduled project water and*
24 *other projects to maximize water storage and ensure the*
25 *beneficial use of the water resources in the Stanislaus River*

1 *Basin. All such programs and projects shall be implemented*
2 *according to all applicable laws and regulations. The source*
3 *of water for any such storage program at New Melones Res-*
4 *ervoir shall be made available under a valid water right,*
5 *consistent with the State of California water transfer guide-*
6 *lines and any other applicable State water law. The Com-*
7 *missioner shall inform the Congress within 18 months set-*
8 *ting forth the amount of storage made available by the*
9 *DRPO that has been put to use under this program, includ-*
10 *ing proposals received by the Commissioner from interested*
11 *parties for the purpose of this section.*

12 **SEC. 311. REGARDING THE OPERATION OF FOLSOM RES-**
13 **ERVOIR.**

14 *The Secretary of the Interior, in collaboration with the*
15 *Sacramento Water Forum, shall expedite evaluation, com-*
16 *pletion and implementation of the Modified Lower Amer-*
17 *ican River Flow Management Standard developed by the*
18 *Water Forum in 2015 to improve water supply reliability*
19 *for Central Valley Project American River water contrac-*
20 *tors and resource protection in the lower American River*
21 *during consecutive dry-years under current and future de-*
22 *mand and climate change conditions.*

23 **SEC. 312. APPLICANTS.**

24 *In the event that the Bureau of Reclamation or another*
25 *Federal agency initiates or reinitiates consultation with the*

1 *U.S. Fish and Wildlife Service or the National Marine*
2 *Fisheries Service under section 7(a)(2) of the Endangered*
3 *Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect*
4 *to construction or operation of the Central Valley Project*
5 *and State Water Project, or any part thereof, the State*
6 *Water Project contractors and the Central Valley Project*
7 *contractors will be accorded all the rights and responsibil-*
8 *ities extended to applicants in the consultation process.*

9 **SEC. 313. SAN JOAQUIN RIVER SETTLEMENT.**

10 (a) *CALIFORNIA STATE LAW SATISFIED BY WARM*
11 *WATER FISHERY.—*

12 (1) *IN GENERAL.—Sections 5930 through 5948 of*
13 *the California Fish and Game Code, and all applica-*
14 *ble Federal laws, including the San Joaquin River*
15 *Restoration Settlement Act (Public Law 111–11) and*
16 *the Stipulation of Settlement (Natural Resources De-*
17 *fense Council, et al. v. Kirk Rodgers, et al., Eastern*
18 *District of California, No. Civ. S–88–1658–LKK/*
19 *GGH), shall be satisfied by the existence of a warm*
20 *water fishery in the San Joaquin River below Friant*
21 *Dam, but upstream of Gravelly Ford.*

22 (2) *DEFINITION OF WARM WATER FISHERY.—For*
23 *the purposes of this section, the term “warm water*
24 *fishery” means a water system that has an environ-*
25 *ment suitable for species of fish other than salmon*

1 *(including all subspecies) and trout (including all*
2 *subspecies).*

3 **(b) REPEAL OF THE SAN JOAQUIN RIVER SETTLE-**
4 **MENT.**—*As of the date of enactment of this section, the Sec-*
5 *retary of the Interior shall cease any action to implement*
6 *the San Joaquin River Restoration Settlement Act (subtitle*
7 *A of title X of Public Law 111–11) and the Stipulation*
8 *of Settlement (Natural Resources Defense Council, et al. v.*
9 *Kirk Rodgers, et al., Eastern District of California, No. Civ.*
10 *S–88–1658 LKK/GGH).*

11 **SEC. 314. PROGRAM FOR WATER RESCHEDULING.**

12 *By December 31, 2015, the Secretary of the Interior*
13 *shall develop and implement a program, including resched-*
14 *uling guidelines for Shasta and Folsom Reservoirs, to allow*
15 *existing Central Valley Project agricultural water service*
16 *contractors within the Sacramento River Watershed, and*
17 *refuge service and municipal and industrial water service*
18 *contractors within the Sacramento River Watershed and the*
19 *American River Watershed to reschedule water, provided for*
20 *under their Central Valley Project contracts, from one year*
21 *to the next; provided, that the program is consistent with*
22 *existing rescheduling guidelines as utilized by the Bureau*
23 *of Reclamation for rescheduling water for Central Valley*
24 *Project water service contractors that are located South of*
25 *the Delta.*

1 **TITLE IV—CALFED STORAGE**
2 **FEASIBILITY STUDIES**

3 **SEC. 401. STUDIES.**

4 *The Secretary of the Interior, through the Commis-*
5 *sioner of Reclamation, shall—*

6 (1) *complete the feasibility studies described in*
7 *clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of*
8 *Public Law 108–361 (118 Stat. 1684) and submit*
9 *such studies to the appropriate committees of the*
10 *House of Representatives and the Senate not later*
11 *than December 31, 2015;*

12 (2) *complete the feasibility studies described in*
13 *clauses (i)(II) and (ii)(I) of section 103(d)(1)(A) of*
14 *Public Law 108–361 and submit such studies to the*
15 *appropriate committees of the House of Representa-*
16 *tives and the Senate not later than November 30,*
17 *2016;*

18 (3) *complete the feasibility study described in*
19 *section 103(f)(1)(A) of Public Law 108–361 (118*
20 *Stat. 1694) and submit such study to the appropriate*
21 *Committees of the House of Representatives and the*
22 *Senate not later than December 31, 2017;*

23 (4) *provide a progress report on the status of the*
24 *feasibility studies referred to in paragraphs (1)*
25 *through (3) to the appropriate committees of the*

1 *House of Representatives and the Senate not later*
2 *than 90 days after the date of the enactment of this*
3 *Act and each 180 days thereafter until December 31,*
4 *2017, as applicable. The report shall include timelines*
5 *for study completion, draft environmental impact*
6 *statements, final environmental impact statements,*
7 *and Records of Decision;*

8 *(5) in conducting any feasibility study under*
9 *this Act, the reclamation laws, the Central Valley*
10 *Project Improvement Act (title XXXIV of Public Law*
11 *102–575; 106 Stat. 4706), the Fish and Wildlife Co-*
12 *ordination Act (16 U.S.C. 661 et seq.), the Endan-*
13 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.),*
14 *and other applicable law, for the purposes of deter-*
15 *mining feasibility the Secretary shall document, de-*
16 *lineate, and publish costs directly relating to the engi-*
17 *neering and construction of a water storage project*
18 *separately from the costs resulting from regulatory*
19 *compliance or the construction of auxiliary facilities*
20 *necessary to achieve regulatory compliance; and*

21 *(6) communicate, coordinate and cooperate with*
22 *public water agencies that contract with the United*
23 *States for Central Valley Project water and that are*
24 *expected to participate in the cost pools that will be*

1 *created for the projects proposed in the feasibility*
2 *studies under this section.*

3 **SEC. 402. TEMPERANCE FLAT.**

4 (a) *DEFINITIONS.—For the purposes of this section:*

5 (1) *PROJECT.—The term “Project” means the*
6 *Temperance Flat Reservoir Project on the Upper San*
7 *Joaquin River.*

8 (2) *RMP.—The term “RMP” means the docu-*
9 *ment titled “Bakersfield Field Office, Record of Deci-*
10 *sion and Approved Resource Management Plan,”*
11 *dated December 2014.*

12 (3) *SECRETARY.—The term “Secretary” means*
13 *the Secretary of the Interior.*

14 (b) *APPLICABILITY OF RMP.—The RMP and findings*
15 *related thereto shall have no effect on or applicability to*
16 *the Secretary’s determination of feasibility of, or on any*
17 *findings or environmental review documents related to—*

18 (1) *the Project; or*

19 (2) *actions taken by the Secretary pursuant to*
20 *section 103(d)(1)(A)(ii)(II) of the Bay-Delta Author-*
21 *ization Act (title I of Public Law 108–361).*

22 (c) *DUTIES OF SECRETARY UPON DETERMINATION OF*
23 *FEASIBILITY.—If the Secretary finds the Project to be fea-*
24 *sible, the Secretary shall manage the land recommended in*
25 *the RMP for designation under the Wild and Scenic Rivers*

1 *Act (16 U.S.C. 1271 et seq.) in a manner that does not*
2 *impede any environmental reviews, preconstruction, con-*
3 *struction, or other activities of the Project, regardless of*
4 *whether or not the Secretary submits any official rec-*
5 *ommendation to Congress under the Wild and Scenic Rivers*
6 *Act.*

7 *(d) RESERVED WATER RIGHTS.—Effective December*
8 *22, 2014, there shall be no Federal reserved water rights*
9 *to any segment of the San Joaquin River related to the*
10 *Project as a result of any designation made under the Wild*
11 *and Scenic Rivers Act (16 U.S.C. 1271 et seq.).*

12 **SEC. 403. CALFED STORAGE ACCOUNTABILITY.**

13 *If the Secretary of the Interior fails to provide the fea-*
14 *sibility studies described in section 401 to the appropriate*
15 *committees of the House of Representatives and the Senate*
16 *by the times prescribed, the Secretary shall notify each com-*
17 *mittee chair individually in person on the status of each*
18 *project once a month until the feasibility study for that*
19 *project is provided to Congress.*

20 **SEC. 404. WATER STORAGE PROJECT CONSTRUCTION.**

21 *(a) PARTNERSHIP AND AGREEMENTS.—The Secretary*
22 *of the Interior, acting through the Commissioner of the Bu-*
23 *reau of Reclamation, may partner or enter into an agree-*
24 *ment on the water storage projects identified in section*
25 *103(d)(1) of the Water Supply Reliability and Environ-*

1 *mental Improvement Act (Public Law 108–361) (and Acts*
 2 *supplemental and amendatory to the Act) with local joint*
 3 *powers authorities formed pursuant to State law by irriga-*
 4 *tion districts and other local water districts and local gov-*
 5 *ernments within the applicable hydrologic region, to ad-*
 6 *vance those projects.*

7 **(b) AUTHORIZATION FOR PROJECT.**—*If the Secretary*
 8 *determines a project described in section 402(a)(1) and (2)*
 9 *is feasible, the Secretary is authorized to carry out the*
 10 *project in a manner that is substantially in accordance*
 11 *with the recommended plan, and subject to the conditions*
 12 *described in the feasibility study, provided that no Federal*
 13 *funding shall be used to construct the project.*

14 **TITLE V—WATER RIGHTS**
 15 **PROTECTIONS**

16 **SEC. 501. OFFSET FOR STATE WATER PROJECT.**

17 **(a) IMPLEMENTATION IMPACTS.**—*The Secretary of the*
 18 *Interior shall confer with the California Department of Fish*
 19 *and Wildlife in connection with the implementation of this*
 20 *Act on potential impacts to any consistency determination*
 21 *for operations of the State Water Project issued pursuant*
 22 *to California Fish and Game Code section 2080.1.*

23 **(b) ADDITIONAL YIELD.**—*If, as a result of the applica-*
 24 *tion of this Act, the California Department of Fish and*
 25 *Wildlife—*

1 (1) *revokes the consistency determinations pursu-*
2 *ant to California Fish and Game Code section 2080.1*
3 *that are applicable to the State Water Project;*

4 (2) *amends or issues one or more new consist-*
5 *ency determinations pursuant to California Fish and*
6 *Game Code section 2080.1 in a manner that directly*
7 *or indirectly results in reduced water supply to the*
8 *State Water Project as compared with the water sup-*
9 *ply available under the smelt biological opinion and*
10 *the salmonid biological opinion; or*

11 (3) *requires take authorization under California*
12 *Fish and Game Code section 2081 for operation of the*
13 *State Water Project in a manner that directly or in-*
14 *directly results in reduced water supply to the State*
15 *Water Project as compared with the water supply*
16 *available under the smelt biological opinion and the*
17 *salmonid biological opinion, and as a consequence of*
18 *the Department's action, Central Valley Project yield*
19 *is greater than it would have been absent the Depart-*
20 *ment's actions, then that additional yield shall be*
21 *made available to the State Water Project for delivery*
22 *to State Water Project contractors to offset losses re-*
23 *sulting from the Department's action.*

24 (c) *NOTIFICATION RELATED TO ENVIRONMENTAL PRO-*
25 *TECTIONS.—The Secretary of the Interior shall immediately*

1 *notify the Director of the California Department of Fish*
2 *and Wildlife in writing if the Secretary of the Interior de-*
3 *termines that implementation of the smelt biological opin-*
4 *ion and the salmonid biological opinion consistent with this*
5 *Act reduces environmental protections for any species cov-*
6 *ered by the opinions.*

7 **SEC. 502. AREA OF ORIGIN PROTECTIONS.**

8 (a) *IN GENERAL.*—*The Secretary of the Interior is di-*
9 *rected, in the operation of the Central Valley Project, to ad-*
10 *here to California’s water rights laws governing water*
11 *rights priorities and to honor water rights senior to those*
12 *held by the United States for operation of the Central Valley*
13 *Project, regardless of the source of priority, including any*
14 *appropriative water rights initiated prior to December 19,*
15 *1914, as well as water rights and other priorities perfected*
16 *or to be perfected pursuant to California Water Code Part*
17 *2 of Division 2. Article 1.7 (commencing with section 1215*
18 *of chapter 1 of part 2 of division 2, sections 10505, 10505.5,*
19 *11128, 11460, 11461, 11462, and 11463, and sections 12200*
20 *to 12220, inclusive).*

21 (b) *DIVERSIONS.*—*Any action undertaken by the Sec-*
22 *retary of the Interior and the Secretary of Commerce pursu-*
23 *ant to both this Act and section 7 of the Endangered Species*
24 *Act of 1973 (16 U.S.C. 1531 et seq.) that requires that di-*
25 *versions from the Sacramento River or the San Joaquin*

1 *River watersheds upstream of the Delta be bypassed shall*
2 *not be undertaken in a manner that alters the water rights*
3 *priorities established by California law.*

4 (c) *ENDANGERED SPECIES ACT.*—*Nothing in this title*
5 *alters the existing authorities provided to and obligations*
6 *placed upon the Federal Government under the Endangered*
7 *Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended.*

8 (d) *CONTRACTS.*—*With respect to individuals and en-*
9 *tities with water rights on the Sacramento River, the man-*
10 *dates of this section may be met, in whole or in part,*
11 *through a contract with the Secretary of the Interior exe-*
12 *cuted pursuant to section 14 of Public Law 76–260; 53*
13 *Stat. 1187 (43 U.S.C. 389) that is in conformance with*
14 *the Sacramento River Settlement Contracts renewed by the*
15 *Secretary of the Interior in 2005.*

16 **SEC. 503. NO REDIRECTED ADVERSE IMPACTS.**

17 (a) *IN GENERAL.*—*The Secretary of the Interior shall*
18 *ensure that, except as otherwise provided for in a water*
19 *service or repayment contract, actions taken in compliance*
20 *with legal obligations imposed pursuant to or as a result*
21 *of this Act, including such actions under section 7 of the*
22 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)*
23 *and other applicable Federal and State laws, shall not di-*
24 *rectly or indirectly—*

1 (1) result in the involuntary reduction of water
2 supply or fiscal impacts to individuals or districts
3 who receive water from either the State Water Project
4 or the United States under water rights settlement
5 contracts, exchange contracts, water service contracts,
6 repayment contracts, or water supply contracts; or

7 (2) cause redirected adverse water supply or fis-
8 cal impacts to those within the Sacramento River wa-
9 tershed, the San Joaquin River watershed or the State
10 Water Project service area.

11 (b) COSTS.—To the extent that costs are incurred sole-
12 ly pursuant to or as a result of this Act and would not
13 otherwise have been incurred by any entity or public or
14 local agency or subdivision of the State of California, such
15 costs shall not be borne by any such entity, agency, or sub-
16 division of the State of California, unless such costs are in-
17 curred on a voluntary basis.

18 (c) RIGHTS AND OBLIGATIONS NOT MODIFIED OR
19 AMENDED.—Nothing in this Act shall modify or amend the
20 rights and obligations of the parties to any existing—

21 (1) water service, repayment, settlement, pur-
22 chase, or exchange contract with the United States,
23 including the obligation to satisfy exchange contracts
24 and settlement contracts prior to the allocation of any
25 other Central Valley Project water; or

1 (2) *State Water Project water supply or settle-*
2 *ment contract with the State.*

3 **SEC. 504. ALLOCATIONS FOR SACRAMENTO VALLEY CON-**
4 **TRACTORS.**

5 (a) *ALLOCATIONS.*—

6 (1) *IN GENERAL.*—*Subject to paragraph (2) and*
7 *subsection (b), the Secretary of the Interior is di-*
8 *rected, in the operation of the Central Valley Project,*
9 *to allocate water provided for irrigation purposes to*
10 *existing Central Valley Project agricultural water*
11 *service contractors within the Sacramento River Wa-*
12 *tershed in compliance with the following:*

13 (A) *Not less than 100 percent of their con-*
14 *tract quantities in a “Wet” year.*

15 (B) *Not less than 100 percent of their con-*
16 *tract quantities in an “Above Normal” year.*

17 (C) *Not less than 100 percent of their con-*
18 *tract quantities in a “Below Normal” year that*
19 *is preceded by an “Above Normal” or a “Wet”*
20 *year.*

21 (D) *Not less than 50 percent of their con-*
22 *tract quantities in a “Dry” year that is preceded*
23 *by a “Below Normal,” an “Above Normal,” or a*
24 *“Wet” year.*

1 (E) In all other years not identified herein,
2 the allocation percentage for existing Central
3 Valley Project agricultural water service contrac-
4 tors within the Sacramento River Watershed
5 shall not be less than twice the allocation per-
6 centage to south-of-Delta Central Valley Project
7 agricultural water service contractors, up to 100
8 percent; provided, that nothing herein shall pre-
9 clude an allocation to existing Central Valley
10 Project agricultural water service contractors
11 within the Sacramento River Watershed that is
12 greater than twice the allocation percentage to
13 south-of-Delta Central Valley Project agricul-
14 tural water service contractors.

15 (2) CONDITIONS.—The Secretary’s actions under
16 paragraph (a) shall be subject to—

17 (A) the priority of individuals or entities
18 with Sacramento River water rights, including
19 those with Sacramento River Settlement Con-
20 tracts, that have priority to the diversion and
21 use of Sacramento River water over water rights
22 held by the United States for operations of the
23 Central Valley Project;

1 (B) the United States obligation to make a
2 substitute supply of water available to the San
3 Joaquin River Exchange Contractors; and

4 (C) the Secretary's obligation to make water
5 available to managed wetlands pursuant to sec-
6 tion 3406(d) of the Central Valley Project Im-
7 provement Act (Public Law 102–575).

8 (b) *PROTECTION OF MUNICIPAL AND INDUSTRIAL SUP-*
9 *PLIES.*—Nothing in subsection (a) shall be deemed to—

10 (1) modify any provision of a water service con-
11 tract that addresses municipal and industrial water
12 shortage policies of the Secretary;

13 (2) affect or limit the authority of the Secretary
14 to adopt or modify municipal and industrial water
15 shortage policies;

16 (3) affect or limit the authority of the Secretary
17 to implement municipal and industrial water short-
18 age policies; or

19 (4) affect allocations to Central Valley Project
20 municipal and industrial contractors pursuant to
21 such policies.

22 Neither subsection (a) nor the Secretary's implementation
23 of subsection (a) shall constrain, govern or affect, directly,
24 the operations of the Central Valley Project's American

1 *River Division or any deliveries from that Division, its*
2 *units or facilities.*

3 (c) *NO EFFECT ON ALLOCATIONS.—This section shall*
4 *not—*

5 (1) *affect the allocation of water to Friant Divi-*
6 *sion contractors; or*

7 (2) *result in the involuntary reduction in con-*
8 *tract water allocations to individuals or entities with*
9 *contracts to receive water from the Friant Division.*

10 (d) *PROGRAM FOR WATER RESCHEDULING.—The Sec-*
11 *retary of the Interior shall develop and implement a pro-*
12 *gram, not later than 1 year after the date of the enactment*
13 *of this Act, to provide for the opportunity for existing Cen-*
14 *tral Valley Project agricultural water service contractors*
15 *within the Sacramento River Watershed to reschedule*
16 *water, provided for under their Central Valley Project water*
17 *service contracts, from one year to the next.*

18 (e) *DEFINITIONS.—In this section:*

19 (1) *The term “existing Central Valley Project ag-*
20 *ricultural water service contractors within the Sac-*
21 *ramento River Watershed” means water service con-*
22 *tractors within the Shasta, Trinity, and Sacramento*
23 *River Divisions of the Central Valley Project, that*
24 *have a water service contract in effect, on the date of*

1 *the enactment of this section, that provides water for*
2 *irrigation.*

3 (2) *The year type terms used in subsection (a)*
4 *have the meaning given those year types in the Sac-*
5 *ramento Valley Water Year Type (40–30–30) Index.*

6 **SEC. 505. EFFECT ON EXISTING OBLIGATIONS.**

7 *Nothing in this Act preempts or modifies any existing*
8 *obligation of the United States under Federal reclamation*
9 *law to operate the Central Valley Project in conformity with*
10 *State law, including established water rights priorities.*

11 **TITLE VI—MISCELLANEOUS**

12 **SEC. 601. AUTHORIZED SERVICE AREA.**

13 (a) *IN GENERAL.*—*The authorized service area of the*
14 *Central Valley Project authorized under the Central Valley*
15 *Project Improvement Act (Public Law 102–575; 106 Stat.*
16 *4706) shall include the area within the boundaries of the*
17 *Kettleman City Community Services District, California,*
18 *as in existence on the date of enactment of this Act.*

19 (b) *LONG-TERM CONTRACT.*—

20 (1) *IN GENERAL.*—*Notwithstanding the Central*
21 *Valley Project Improvement Act (Public Law 102–*
22 *575; 106 Stat. 4706) and subject to paragraph (2),*
23 *the Secretary of the Interior, in accordance with the*
24 *Federal reclamation laws, shall enter into a long-term*
25 *contract with the Kettleman City Community Serv-*

1 *ices District, California, under terms and conditions*
2 *mutually agreeable to the parties, for the delivery of*
3 *up to 900 acre-feet of Central Valley Project water for*
4 *municipal and industrial use.*

5 (2) *LIMITATION.*—*Central Valley Project water*
6 *deliveries authorized under the contract entered into*
7 *under paragraph (1) shall be limited to the minimal*
8 *quantity necessary to meet the immediate needs of the*
9 *Kettleman City Community Services District, Cali-*
10 *fornia, in the event that local supplies or State Water*
11 *Project allocations are insufficient to meet those*
12 *needs.*

13 (c) *PERMIT.*—*The Secretary shall apply for a permit*
14 *with the State for a joint place of use for water deliveries*
15 *authorized under the contract entered into under subsection*
16 *(b) with respect to the expanded service area under sub-*
17 *section (a), consistent with State law.*

18 (d) *ADDITIONAL COSTS.*—*If any additional infra-*
19 *structure, water treatment, or related costs are needed to*
20 *implement this section, those costs shall be the responsibility*
21 *of the non-Federal entity.*

22 **SEC. 602. OVERSIGHT BOARD FOR RESTORATION FUND.**

23 (a) *PLAN; ADVISORY BOARD.*—*Section 3407 of the*
24 *Central Valley Project Improvement Act (Public Law 102–*

1 575; 106 Stat. 4726) is amended by adding at the end the
2 following:

3 “(g) *PLAN ON EXPENDITURE OF FUNDS.*—

4 “(1) *IN GENERAL.*—For each fiscal year, the Sec-
5 retary, in consultation with the Advisory Board, shall
6 submit to Congress a plan for the expenditure of all
7 of the funds deposited into the Restoration Fund dur-
8 ing the preceding fiscal year.

9 “(2) *CONTENTS.*—The plan shall include an
10 analysis of the cost-effectiveness of each expenditure.

11 “(h) *ADVISORY BOARD.*—

12 “(1) *ESTABLISHMENT.*—There is established the
13 Restoration Fund Advisory Board (referred to in this
14 section as the ‘Advisory Board’), which shall be com-
15 posed of 11 members appointed by the Secretary.

16 “(2) *MEMBERSHIP.*—

17 “(A) *IN GENERAL.*—The Secretary shall ap-
18 point members to the Advisory Board that rep-
19 resent the various Central Valley Project stake-
20 holders, of whom—

21 “(i) 4 members shall be agricultural
22 users of the Central Valley Project, includ-
23 ing at least one agricultural user from
24 north-of-the-Delta and one agricultural user
25 from south-of-the-Delta;

1 “(ii) 2 members shall be municipal
2 and industrial users of the Central Valley
3 Project, including one municipal and in-
4 dustrial user from north-of-the-Delta and
5 one municipal and industrial user from
6 south-of-the-Delta;

7 “(iii) 3 members shall be power con-
8 tractors of the Central Valley Project, in-
9 cluding at least one power contractor from
10 north-of-the-Delta and from south-of-the-
11 Delta;

12 “(iv) 1 member shall be a representa-
13 tive of a Federal national wildlife refuge
14 that contracts for Central Valley Project
15 water supplies with the Bureau of Reclama-
16 tion; and

17 “(v) 1 member shall have expertise in
18 the economic impacts of the changes to
19 water operations.

20 “(B) OBSERVER.—The Secretary and the
21 Secretary of Commerce may each designate a
22 representative to act as an observer of the Advi-
23 sory Board.

1 “(C) *CHAIR.*—*The Secretary shall appoint*
2 *1 of the members described in subparagraph (A)*
3 *to serve as Chair of the Advisory Board.*

4 “(3) *TERMS.*—*The term of each member of the*
5 *Advisory Board shall be 4 years.*

6 “(4) *DATE OF APPOINTMENTS.*—*The appoint-*
7 *ment of a member of the Panel shall be made not*
8 *later than—*

9 “(A) *the date that is 120 days after the date*
10 *of enactment of this Act; or*

11 “(B) *in the case of a vacancy on the Panel*
12 *described in subsection (c)(2), the date that is*
13 *120 days after the date on which the vacancy oc-*
14 *curs.*

15 “(5) *VACANCIES.*—

16 “(A) *IN GENERAL.*—*A vacancy on the Panel*
17 *shall be filled in the manner in which the origi-*
18 *nal appointment was made and shall be subject*
19 *to any conditions that applied with respect to*
20 *the original appointment.*

21 “(B) *FILLING UNEXPIRED TERM.*—*An indi-*
22 *vidual chosen to fill a vacancy shall be ap-*
23 *pointed for the unexpired term of the member re-*
24 *placed.*

1 “(C) *EXPIRATION OF TERMS.*—*The term of*
2 *any member shall not expire before the date on*
3 *which the successor of the member takes office.*

4 “(6) *REMOVAL.*—*A member of the Panel may be*
5 *removed from office by the Secretary of the Interior.*

6 “(7) *FEDERAL ADVISORY COMMITTEE ACT.*—*The*
7 *Panel shall not be subject to the requirements of the*
8 *Federal Advisory Committee Act.*

9 “(8) *DUTIES.*—*The duties of the Advisory Board*
10 *are—*

11 “(A) *to meet not less frequently than semi-*
12 *annually to develop and make recommendations*
13 *to the Secretary regarding priorities and spend-*
14 *ing levels on projects and programs carried out*
15 *under this title;*

16 “(B) *to ensure that any advice given or rec-*
17 *ommendation made by the Advisory Board re-*
18 *fects the independent judgment of the Advisory*
19 *Board;*

20 “(C) *not later than December 31, 2015, and*
21 *annually thereafter, to submit to the Secretary*
22 *and Congress the recommendations under sub-*
23 *paragraph (A); and*

24 “(D) *not later than December 31, 2015, and*
25 *biennially thereafter, to submit to Congress de-*

1 *tails of the progress made in achieving the ac-*
2 *tions required under section 3406.*

3 “(9) *ADMINISTRATION.*—*With the consent of the*
4 *appropriate agency head, the Advisory Board may*
5 *use the facilities and services of any Federal agency.*

6 “(10) *COOPERATION AND ASSISTANCE.*—

7 “(A) *PROVISION OF INFORMATION.*—*Upon*
8 *request of the Panel Chair for information or as-*
9 *sistance to facilitate carrying out this section,*
10 *the Secretary of the Interior shall promptly pro-*
11 *vide such information, unless otherwise prohib-*
12 *ited by law.*

13 “(B) *SPACE AND ASSISTANCE.*—*The Sec-*
14 *retary of the Interior shall provide the Panel*
15 *with appropriate and adequate office space, to-*
16 *gether with such equipment, office supplies, and*
17 *communications facilities and services as may be*
18 *necessary for the operation of the Panel, and*
19 *shall provide necessary maintenance services for*
20 *such offices and the equipment and facilities lo-*
21 *cated therein.”.*

22 **SEC. 603. WATER SUPPLY ACCOUNTING.**

23 “(a) *IN GENERAL.*—*All Central Valley Project water,*
24 *except Central Valley Project water released pursuant to*
25 *U.S. Department of the Interior Record of Decision, Trinity*

1 *River Mainstem Fishery Restoration Final Environmental*
2 *Impact Statement/Environmental Impact Report dated De-*
3 *cember 2000 used to implement an action undertaken for*
4 *a fishery beneficial purpose that was not imposed by terms*
5 *and conditions existing in licenses, permits, and other*
6 *agreements pertaining to the Central Valley Project under*
7 *applicable State or Federal law existing on October 30,*
8 *1992, shall be credited to the quantity of Central Valley*
9 *Project yield dedicated and managed under this section;*
10 *provided, that nothing herein shall affect the Secretary of*
11 *the Interior's duty to comply with any otherwise lawful re-*
12 *quirement imposed on operations of the Central Valley*
13 *Project under any provision of Federal or State law.*

14 (b) *RECLAMATION POLICIES AND ALLOCATIONS.—Rec-*
15 *lamation policies and allocations shall not be based upon*
16 *any premise or assumption that Central Valley Project con-*
17 *tract supplies are supplemental or secondary to any other*
18 *contractor source of supply.*

19 **SEC. 604. IMPLEMENTATION OF WATER REPLACEMENT**
20 **PLAN.**

21 (a) *IN GENERAL.—Not later than October 1, 2016, the*
22 *Secretary of the Interior shall update and implement the*
23 *plan required by section 3408(j) of title XXXIV of Public*
24 *Law 102–575. The Secretary shall notify the Congress an-*
25 *nually describing the progress of implementing the plan re-*

1 *quired by section 3408(j) of title XXXIV of Public Law*
2 *102–575.*

3 *(b) POTENTIAL AMENDMENT.—If the plan required in*
4 *subsection (a) has not increased the Central Valley Project*
5 *yield by 800,000 acre-feet within 5 years after the enact-*
6 *ment of this Act, then section 3406 of the Central Valley*
7 *Project Improvement Act (title XXXIV of Public Law 102–*
8 *575) is amended as follows:*

9 *(1) In subsection (b)—*

10 *(A) by amending paragraph (2)(C) to read:*

11 *“(C) If by March 15, 2021, and any year*
12 *thereafter the quantity of Central Valley Project*
13 *water forecasted to be made available to all*
14 *water service or repayment contractors of the*
15 *Central Valley Project is below 50 percent of the*
16 *total quantity of water to be made available*
17 *under said contracts, the quantity of Central*
18 *Valley Project yield dedicated and managed for*
19 *that year under this paragraph shall be reduced*
20 *by 25 percent.”.*

21 **SEC. 605. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.**

22 *After the date of the enactment of this title, and regard-*
23 *less of the date of listing, the Secretaries of the Interior and*
24 *Commerce shall not distinguish between natural-spawned*
25 *and hatchery-spawned or otherwise artificially propagated*

1 *strains of a species in making any determination under the*
2 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)*
3 *that relates to any anadromous or pelagic fish species that*
4 *resides for all or a portion of its life in the Sacramento-*
5 *San Joaquin Delta or rivers tributary thereto.*

6 **SEC. 606. TRANSFER THE NEW MELONES UNIT, CENTRAL**
7 **VALLEY PROJECT TO INTERESTED PRO-**
8 **VIDERS.**

9 (a) *DEFINITIONS.—For the purposes of this section, the*
10 *following terms apply:*

11 (1) *INTERESTED LOCAL WATER AND POWER PRO-*
12 *VIDERS.—The term “interested local water and power*
13 *providers” includes the Calaveras County Water Dis-*
14 *trict, Calaveras Public Power Agency, Central San*
15 *Joaquin Water Conservation District, Oakdale Irriga-*
16 *tion District, Stockton East Water District, South*
17 *San Joaquin Irrigation District, Tuolumne Utilities*
18 *District, Tuolumne Public Power Agency, and Union*
19 *Public Utilities District.*

20 (2) *NEW MELONES UNIT, CENTRAL VALLEY*
21 *PROJECT.—The term “New Melones Unit, Central*
22 *Valley Project” means all Federal reclamation*
23 *projects located within or diverting water from or to*
24 *the watershed of the Stanislaus and San Joaquin riv-*
25 *ers and their tributaries as authorized by the Act of*

1 *August 26, 1937 (50 Stat. 850), and all Acts amend-*
2 *atory or supplemental thereto, including the Act of*
3 *October 23, 1962 (76 Stat. 1173).*

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

6 (b) *NEGOTIATIONS.*—*Notwithstanding any other pro-*
7 *vision of law, not later than 180 days after the date of the*
8 *enactment of this Act, the Secretary shall enter into negotia-*
9 *tions with interested local water and power providers for*
10 *the transfer ownership, control, and operation of the New*
11 *Melones Unit, Central Valley Project to interested local*
12 *water and power providers within the State of California.*

13 (c) *TRANSFER.*—*The Secretary shall transfer the New*
14 *Melones Unit, Central Valley Project in accordance with an*
15 *agreement reached pursuant to negotiations conducted*
16 *under subsection (b).*

17 (d) *NOTIFICATION.*—*Not later than 360 days after the*
18 *date of the enactment of this Act, and every 6 months there-*
19 *after, the Secretary shall notify the appropriate committees*
20 *of the House of Representatives and the Senate—*

21 (1) *if an agreement is reached pursuant to nego-*
22 *tiations conducted under subsection (b), the terms of*
23 *that agreement;*

24 (2) *of the status of formal discussions with inter-*
25 *ested local water and power providers for the transfer*

1 *of ownership, control, and operation of the New*
2 *Melones Unit, Central Valley Project to interested*
3 *local water and power providers;*

4 *(3) of all unresolved issues that are preventing*
5 *execution of an agreement for the transfer of owner-*
6 *ship, control, and operation of the New Melones Unit,*
7 *Central Valley Project to interested local water and*
8 *power providers;*

9 *(4) on analysis and review of studies, reports,*
10 *discussions, hearing transcripts, negotiations, and*
11 *other information about past and present formal dis-*
12 *cussions that—*

13 *(A) have a serious impact on the progress of*
14 *the formal discussions;*

15 *(B) explain or provide information about*
16 *the issues that prevent progress or finalization of*
17 *formal discussions; or*

18 *(C) are, in whole or in part, preventing exe-*
19 *cution of an agreement for the transfer; and*

20 *(5) of any actions the Secretary recommends that*
21 *the United States should take to finalize an agreement*
22 *for that transfer.*

23 **SEC. 607. BASIN STUDIES.**

24 *(a) AUTHORIZED STUDIES.—The Secretary of the In-*
25 *terior is authorized and directed to expand opportunities*

1 *and expedite completion of assessments under section*
2 *9503(b) of the SECURE Water Act (42 U.S.C. 10363(b)),*
3 *with non-Federal partners, of individual sub-basins and*
4 *watersheds within major Reclamation river basins; and*
5 *shall ensure timely decision and expedited implementation*
6 *of adaptation and mitigation strategies developed through*
7 *the special study process.*

8 (b) *FUNDING.—*

9 (1) *IN GENERAL.—The non-Federal partners*
10 *shall be responsible for 100 percent of the cost of the*
11 *special studies.*

12 (2) *CONTRIBUTED FUNDS.—The Secretary may*
13 *accept and use contributions of funds from the non-*
14 *Federal partners to carry out activities under the spe-*
15 *cial studies.*

16 **SEC. 608. OPERATIONS OF THE TRINITY RIVER DIVISION.**

17 *The Secretary of the Interior, in the operation of the*
18 *Trinity River Division of the Central Valley Project, shall*
19 *not make releases from Lewiston Dam in excess of the vol-*
20 *ume for each water-year type required by the U.S. Depart-*
21 *ment of the Interior Record of Decision, Trinity River*
22 *Mainstem Fishery Restoration Final Environmental Im-*
23 *pact Statement/Environmental Impact Report dated De-*
24 *cember 2000.*

1 (1) *A maximum of 369,000 acre-feet in a “Criti-*
2 *cally Dry” year.*

3 (2) *A maximum of 453,000 acre-feet in a “Dry”*
4 *year.*

5 (3) *A maximum of 647,000 acre-feet in a “Nor-*
6 *mal” year.*

7 (4) *A maximum of 701,000 acre-feet in a “Wet”*
8 *year.*

9 (5) *A maximum of 815,000 acre-feet in an “Ex-*
10 *tremely Wet” year.*

11 **SEC. 609. AMENDMENT TO PURPOSES.**

12 *Section 3402 of the Central Valley Project Improve-*
13 *ment Act (106 Stat. 4706) is amended—*

14 (1) *in subsection (f), by striking the period at the*
15 *end; and*

16 (2) *by adding at the end the following:*

17 *“(g) to ensure that water dedicated to fish and wildlife*
18 *purposes by this title is replaced and provided to Central*
19 *Valley Project water contractors by December 31, 2018, at*
20 *the lowest cost reasonably achievable; and*

21 *“(h) to facilitate and expedite water transfers in ac-*
22 *cordance with this Act.”.*

23 **SEC. 610. AMENDMENT TO DEFINITION.**

24 *Section 3403 of the Central Valley Project Improve-*
25 *ment Act (106 Stat. 4707) is amended—*

1 (1) *by amending subsection (a) to read as fol-*
2 *lows:*

3 “(a) *the term ‘anadromous fish’ means those native*
4 *stocks of salmon (including steelhead) and sturgeon that,*
5 *as of October 30, 1992, were present in the Sacramento and*
6 *San Joaquin Rivers and their tributaries and ascend those*
7 *rivers and their tributaries to reproduce after maturing in*
8 *San Francisco Bay or the Pacific Ocean;”;*

9 (2) *in subsection (l), by striking “and,”;*

10 (3) *in subsection (m), by striking the period and*
11 *inserting “; and”; and*

12 (4) *by adding at the end the following:*

13 “(n) *the term ‘reasonable flow’ means water flows ca-*
14 *pable of being maintained taking into account competing*
15 *consumptive uses of water and economic, environmental,*
16 *and social factors.”.*

17 **TITLE VII—WATER SUPPLY**
18 **PERMITTING ACT**

19 **SEC. 701. SHORT TITLE.**

20 *This title may be cited as the “Water Supply Permit-*
21 *ting Coordination Act”.*

22 **SEC. 702. DEFINITIONS.**

23 *In this title:*

24 (1) **SECRETARY.**—*The term “Secretary” means*
25 *the Secretary of the Interior.*

1 (2) *BUREAU*.—The term “Bureau” means the
2 *Bureau of Reclamation*.

3 (3) *QUALIFYING PROJECTS*.—The term “quali-
4 *fying projects*” means new surface water storage
5 *projects in the States covered under the Act of June*
6 *17, 1902 (32 Stat. 388, chapter 1093), and Acts sup-*
7 *plemental to and amendatory of that Act (43 U.S.C.*
8 *371 et seq.) constructed on lands administered by the*
9 *Department of the Interior or the Department of Ag-*
10 *riculture, exclusive of any easement, right-of-way,*
11 *lease, or any private holding.*

12 (4) *COOPERATING AGENCIES*.—The term “cooper-
13 *ating agency*” means a Federal agency with jurisdic-
14 *tion over a review, analysis, opinion, statement, per-*
15 *mit, license, or other approval or decision required for*
16 *a qualifying project under applicable Federal laws*
17 *and regulations, or a State agency subject to section*
18 *703(c).*

19 **SEC. 703. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**
20 **ATING AGENCIES.**

21 (a) *ESTABLISHMENT OF LEAD AGENCY*.—The Bureau
22 *of Reclamation is established as the lead agency for pur-*
23 *poses of coordinating all reviews, analyses, opinions, state-*
24 *ments, permits, licenses, or other approvals or decisions re-*
25 *quired under Federal law to construct qualifying projects.*

1 (b) *IDENTIFICATION AND ESTABLISHMENT OF CO-*
2 *OPERATING AGENCIES.—The Commissioner of the Bureau*
3 *shall—*

4 (1) *identify, as early as practicable upon receipt*
5 *of an application for a qualifying project, any Fed-*
6 *eral agency that may have jurisdiction over a review,*
7 *analysis, opinion, statement, permit, license, ap-*
8 *proval, or decision required for a qualifying project*
9 *under applicable Federal laws and regulations; and*

10 (2) *notify any such agency, within a reasonable*
11 *timeframe, that the agency has been designated as a*
12 *cooperating agency in regards to the qualifying*
13 *project unless that agency responds to the Bureau in*
14 *writing, within a timeframe set forth by the Bureau,*
15 *notifying the Bureau that the agency—*

16 (A) *has no jurisdiction or authority with*
17 *respect to the qualifying project;*

18 (B) *has no expertise or information relevant*
19 *to the qualifying project or any review, analysis,*
20 *opinion, statement, permit, license, or other ap-*
21 *proval or decision associated therewith; or*

22 (C) *does not intend to submit comments on*
23 *the qualifying project or conduct any review of*
24 *such a project or make any decision with respect*

1 to such project in a manner other than in co-
2 operation with the Bureau.

3 (c) *STATE AUTHORITY.*—A State in which a quali-
4 fying project is being considered may choose, consistent
5 with State law—

6 (1) to participate as a cooperating agency; and

7 (2) to make subject to the processes of this title
8 all State agencies that—

9 (A) have jurisdiction over the qualifying
10 project;

11 (B) are required to conduct or issue a re-
12 view, analysis, or opinion for the qualifying
13 project; or

14 (C) are required to make a determination
15 on issuing a permit, license, or approval for the
16 qualifying project.

17 **SEC. 704. BUREAU RESPONSIBILITIES.**

18 (a) *IN GENERAL.*—The principal responsibilities of the
19 Bureau under this title are to—

20 (1) serve as the point of contact for applicants,
21 State agencies, Indian tribes, and others regarding
22 proposed qualifying projects;

23 (2) coordinate preparation of unified environ-
24 mental documentation that will serve as the basis for

1 *all Federal decisions necessary to authorize the use of*
2 *Federal lands for qualifying projects; and*

3 (3) *coordinate all Federal agency reviews nec-*
4 *essary for project development and construction of*
5 *qualifying projects.*

6 (b) *COORDINATION PROCESS.—The Bureau shall have*
7 *the following coordination responsibilities:*

8 (1) *PRE-APPLICATION COORDINATION.—Notify*
9 *cooperating agencies of proposed qualifying projects*
10 *not later than 30 days after receipt of a proposal and*
11 *facilitate a preapplication meeting for prospective ap-*
12 *plicants, relevant Federal and State agencies, and In-*
13 *dian tribes to—*

14 (A) *explain applicable processes, data re-*
15 *quirements, and applicant submissions necessary*
16 *to complete the required Federal agency reviews*
17 *within the timeframe established; and*

18 (B) *establish the schedule for the qualifying*
19 *project.*

20 (2) *CONSULTATION WITH COOPERATING AGEN-*
21 *CIES.—Consult with the cooperating agencies through-*
22 *out the Federal agency review process, identify and*
23 *obtain relevant data in a timely manner, and set nec-*
24 *essary deadlines for cooperating agencies.*

1 (3) *SCHEDULE.*—*Work with the qualifying*
2 *project applicant and cooperating agencies to estab-*
3 *lish a project schedule. In establishing the schedule,*
4 *the Bureau shall consider, among other factors—*

5 (A) *the responsibilities of cooperating agen-*
6 *cies under applicable laws and regulations;*

7 (B) *the resources available to the cooper-*
8 *ating agencies and the non-Federal qualifying*
9 *project sponsor, as applicable;*

10 (C) *the overall size and complexity of the*
11 *qualifying project;*

12 (D) *the overall schedule for and cost of the*
13 *qualifying project; and*

14 (E) *the sensitivity of the natural and his-*
15 *toric resources that may be affected by the quali-*
16 *fying project.*

17 (4) *ENVIRONMENTAL COMPLIANCE.*—*Prepare a*
18 *unified environmental review document for each*
19 *qualifying project application, incorporating a single*
20 *environmental record on which all cooperating agen-*
21 *cies with authority to issue approvals for a given*
22 *qualifying project shall base project approval deci-*
23 *sions. Help ensure that cooperating agencies make*
24 *necessary decisions, within their respective authori-*

1 *ties, regarding Federal approvals in accordance with*
2 *the following timelines:*

3 *(A) Not later than one year after acceptance*
4 *of a completed project application when an envi-*
5 *ronmental assessment and finding of no signifi-*
6 *cant impact is determined to be the appropriate*
7 *level of review under the National Environ-*
8 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
9 *seq.).*

10 *(B) Not later than one year and 30 days*
11 *after the close of the public comment period for*
12 *a draft environmental impact statement under*
13 *the National Environmental Policy Act of 1969*
14 *(42 U.S.C. 4321 et seq.), when an environmental*
15 *impact statement is required under the same.*

16 *(5) CONSOLIDATED ADMINISTRATIVE RECORD.—*
17 *Maintain a consolidated administrative record of the*
18 *information assembled and used by the cooperating*
19 *agencies as the basis for agency decisions.*

20 *(6) PROJECT DATA RECORDS.—To the extent*
21 *practicable and consistent with Federal law, ensure*
22 *that all project data is submitted and maintained in*
23 *generally accessible electronic format, compile, and*
24 *where authorized under existing law, make available*

1 *such project data to cooperating agencies, the quali-*
2 *fying project applicant, and to the public.*

3 (7) *PROJECT MANAGER.*—*Appoint a project*
4 *manager for each qualifying project. The project man-*
5 *ager shall have authority to oversee the project and to*
6 *facilitate the issuance of the relevant final authorizing*
7 *documents, and shall be responsible for ensuring ful-*
8 *fillment of all Bureau responsibilities set forth in this*
9 *section and all cooperating agency responsibilities*
10 *under section 705.*

11 **SEC. 705. COOPERATING AGENCY RESPONSIBILITIES.**

12 (a) *ADHERENCE TO BUREAU SCHEDULE.*—*Upon noti-*
13 *fication of an application for a qualifying project, all co-*
14 *operating agencies shall submit to the Bureau a timeframe*
15 *under which the cooperating agency reasonably considers*
16 *it will be able to complete its authorizing responsibilities.*
17 *The Bureau shall use the timeframe submitted under this*
18 *subsection to establish the project schedule under section*
19 *704, and the cooperating agencies shall adhere to the project*
20 *schedule established by the Bureau.*

21 (b) *ENVIRONMENTAL RECORD.*—*Cooperating agencies*
22 *shall submit to the Bureau all environmental review mate-*
23 *rial produced or compiled in the course of carrying out ac-*
24 *tivities required under Federal law consistent with the*
25 *project schedule established by the Bureau.*

1 (c) *DATA SUBMISSION.*—*To the extent practicable and*
2 *consistent with Federal law, the cooperating agencies shall*
3 *submit all relevant project data to the Bureau in a gen-*
4 *erally accessible electronic format subject to the project*
5 *schedule set forth by the Bureau.*

6 **SEC. 706. FUNDING TO PROCESS PERMITS.**

7 (a) *IN GENERAL.*—*The Secretary, after public notice*
8 *in accordance with the Administrative Procedures Act (5*
9 *U.S.C. 553), may accept and expend funds contributed by*
10 *a non-Federal public entity to expedite the evaluation of*
11 *a permit of that entity related to a qualifying project.*

12 (b) *EFFECT ON PERMITTING.*—

13 (1) *IN GENERAL.*—*In carrying out this section,*
14 *the Secretary shall ensure that the use of funds ac-*
15 *cepted under subsection (a) will not impact impartial*
16 *decisionmaking with respect to permits, either sub-*
17 *stantively or procedurally.*

18 (2) *EVALUATION OF PERMITS.*—*In carrying out*
19 *this section, the Secretary shall ensure that the eval-*
20 *uation of permits carried out using funds accepted*
21 *under this section shall—*

22 (A) *be reviewed by the Regional Director of*
23 *the Bureau, or the Regional Director's designee,*
24 *of the region in which the qualifying project or*
25 *activity is located; and*

1 (B) use the same procedures for decisions
2 that would otherwise be required for the evalua-
3 tion of permits for similar projects or activities
4 not carried out using funds authorized under
5 this section.

6 (3) *IMPARTIAL DECISIONMAKING.*—In carrying
7 out this section, the Secretary and the cooperating
8 agencies receiving funds under this section for quali-
9 fying projects shall ensure that the use of the funds
10 accepted under this section for such projects shall
11 not—

12 (A) impact impartial decisionmaking with
13 respect to the issuance of permits, either sub-
14 stantively or procedurally; or

15 (B) diminish, modify, or otherwise affect
16 the statutory or regulatory authorities of such
17 agencies.

18 (c) *LIMITATION ON USE OF FUNDS.*—None of the funds
19 accepted under this section shall be used to carry out a re-
20 view of the evaluation of permits required under subsection
21 (b)(2)(A).

22 (d) *PUBLIC AVAILABILITY.*—The Secretary shall en-
23 sure that all final permit decisions carried out using funds
24 authorized under this section are made available to the pub-
25 lic, including on the Internet.

1 **TITLE VIII—BUREAU OF REC-**
2 **LAMATION PROJECT STREAM-**
3 **LINING**

4 **SEC. 801. SHORT TITLE.**

5 *This title may be cited as the “Bureau of Reclamation*
6 *Project Streamlining Act”.*

7 **SEC. 802. DEFINITIONS.**

8 *In this title:*

9 (1) *ENVIRONMENTAL IMPACT STATEMENT.*—*The*
10 *term “environmental impact statement” means the*
11 *detailed statement of environmental impacts of a*
12 *project required to be prepared pursuant to the Na-*
13 *tional Environmental Policy Act of 1969 (42 U.S.C.*
14 *4321 et seq.).*

15 (2) *ENVIRONMENTAL REVIEW PROCESS.*—

16 (A) *IN GENERAL.*—*The term “environ-*
17 *mental review process” means the process of pre-*
18 *paring an environmental impact statement, en-*
19 *vironmental assessment, categorical exclusion, or*
20 *other document under the National Environ-*
21 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
22 *seq.) for a project study.*

23 (B) *INCLUSIONS.*—*The term “environmental*
24 *review process” includes the process for and com-*
25 *pletion of any environmental permit, approval,*

1 *review, or study required for a project study*
2 *under any Federal law other than the National*
3 *Environmental Policy Act of 1969 (42 U.S.C.*
4 *4321 et seq.).*

5 (3) *FEDERAL JURISDICTIONAL AGENCY.*—*The*
6 *term “Federal jurisdictional agency” means a Federal*
7 *agency with jurisdiction delegated by law, regulation,*
8 *order, or otherwise over a review, analysis, opinion,*
9 *statement, permit, license, or other approval or deci-*
10 *sion required for a project study under applicable*
11 *Federal laws (including regulations).*

12 (4) *FEDERAL LEAD AGENCY.*—*The term “Federal*
13 *lead agency” means the Bureau of Reclamation.*

14 (5) *PROJECT.*—*The term “project” means a sur-*
15 *face water project, a project under the purview of title*
16 *XVI of Public Law 102–575, or a rural water supply*
17 *project investigated under Public Law 109–451 to be*
18 *carried out, funded or operated in whole or in party*
19 *by the Secretary pursuant to the Act of June 17, 1902*
20 *(32 Stat. 388, chapter 1093), and Acts supplemental*
21 *to and amendatory of that Act (43 U.S.C. 371 et*
22 *seq.).*

23 (6) *PROJECT SPONSOR.*—*The term “project spon-*
24 *sor” means a State, regional, or local authority or in-*
25 *strumentality or other qualifying entity, such as a*

1 *water conservation district, irrigation district, water*
2 *conservancy district, joint powers authority, mutual*
3 *water company, canal company, rural water district*
4 *or association, or any other entity that has the capac-*
5 *ity to contract with the United States under Federal*
6 *reclamation law.*

7 (7) *PROJECT STUDY.*—*The term “project study”*
8 *means a feasibility study for a project carried out*
9 *pursuant to the Act of June 17, 1902 (32 Stat. 388,*
10 *chapter 1093), and Acts supplemental to and amend-*
11 *atory of that Act (43 U.S.C. 371 et seq.).*

12 (8) *SECRETARY.*—*The term “Secretary” means*
13 *the Secretary of the Interior.*

14 (9) *SURFACE WATER STORAGE.*—*The term “sur-*
15 *face water storage” means any surface water reservoir*
16 *or impoundment that would be owned, funded or op-*
17 *erated in whole or in part by the Bureau of Reclama-*
18 *tion or that would be integrated into a larger system*
19 *owned, operated or administered in whole or in part*
20 *by the Bureau of Reclamation.*

21 **SEC. 803. ACCELERATION OF STUDIES.**

22 (a) *IN GENERAL.*—*To the extent practicable, a project*
23 *study initiated by the Secretary, after the date of enactment*
24 *of this Act, under the Reclamation Act of 1902 (32 Stat.*

1 388), and all Acts amendatory thereof or supplementary
2 thereto, shall—

3 (1) result in the completion of a final feasibility
4 report not later than 3 years after the date of initi-
5 ation;

6 (2) have a maximum Federal cost of \$3,000,000;
7 and

8 (3) ensure that personnel from the local project
9 area, region, and headquarters levels of the Bureau of
10 Reclamation concurrently conduct the review required
11 under this section.

12 (b) *EXTENSION.*—If the Secretary determines that a
13 project study described in subsection (a) will not be con-
14 ducted in accordance with subsection (a), the Secretary, not
15 later than 30 days after the date of making the determina-
16 tion, shall—

17 (1) prepare an updated project study schedule
18 and cost estimate;

19 (2) notify the non-Federal project cost-sharing
20 partner that the project study has been delayed; and

21 (3) provide written notice to the Committee on
22 Natural Resources of the House of Representatives
23 and the Committee on Energy and Natural Resources
24 of the Senate as to the reasons the requirements of
25 subsection (a) are not attainable.

1 (c) *EXCEPTION.*—

2 (1) *IN GENERAL.*—*Notwithstanding the require-*
3 *ments of subsection (a), the Secretary may extend the*
4 *timeline of a project study by a period not to exceed*
5 *3 years, if the Secretary determines that the project*
6 *study is too complex to comply with the requirements*
7 *of subsection (a).*

8 (2) *FACTORS.*—*In making a determination that*
9 *a study is too complex to comply with the require-*
10 *ments of subsection (a), the Secretary shall consider—*

11 (A) *the type, size, location, scope, and over-*
12 *all cost of the project;*

13 (B) *whether the project will use any innova-*
14 *tive design or construction techniques;*

15 (C) *whether the project will require signifi-*
16 *cant action by other Federal, State, or local*
17 *agencies;*

18 (D) *whether there is significant public dis-*
19 *pute as to the nature or effects of the project; and*

20 (E) *whether there is significant public dis-*
21 *pute as to the economic or environmental costs or*
22 *benefits of the project.*

23 (3) *NOTIFICATION.*—*Each time the Secretary*
24 *makes a determination under this subsection, the Sec-*
25 *retary shall provide written notice to the Committee*

1 *on Natural Resources of the House of Representatives*
2 *and the Committee on Energy and Natural Resources*
3 *of the Senate as to the results of that determination,*
4 *including an identification of the specific one or more*
5 *factors used in making the determination that the*
6 *project is complex.*

7 (4) *LIMITATION.*—*The Secretary shall not extend*
8 *the timeline for a project study for a period of more*
9 *than 7 years, and any project study that is not com-*
10 *pleted before that date shall no longer be authorized.*

11 (d) *REVIEWS.*—*Not later than 90 days after the date*
12 *of the initiation of a project study described in subsection*
13 *(a), the Secretary shall—*

14 (1) *take all steps necessary to initiate the process*
15 *for completing federally mandated reviews that the*
16 *Secretary is required to complete as part of the study,*
17 *including the environmental review process under sec-*
18 *tion 805;*

19 (2) *convene a meeting of all Federal, tribal, and*
20 *State agencies identified under section 805(d) that*
21 *may—*

22 (A) *have jurisdiction over the project;*

23 (B) *be required by law to conduct or issue*
24 *a review, analysis, opinion, or statement for the*
25 *project study; or*

1 (C) be required to make a determination on
2 issuing a permit, license, or other approval or
3 decision for the project study; and

4 (3) take all steps necessary to provide informa-
5 tion that will enable required reviews and analyses
6 related to the project to be conducted by other agencies
7 in a thorough and timely manner.

8 (e) *INTERIM REPORT*.—Not later than 18 months after
9 the date of enactment of this Act, the Secretary shall submit
10 to the Committee on Natural Resources of the House of Rep-
11 resentatives and the Committee on Energy and Natural Re-
12 sources of the Senate and make publicly available a report
13 that describes—

14 (1) the status of the implementation of the plan-
15 ning process under this section, including the number
16 of participating projects;

17 (2) a review of project delivery schedules, includ-
18 ing a description of any delays on those studies initi-
19 ated prior to the date of the enactment of this Act;
20 and

21 (3) any recommendations for additional author-
22 ity necessary to support efforts to expedite the project.

23 (f) *FINAL REPORT*.—Not later than 4 years after the
24 date of enactment of this Act, the Secretary shall submit
25 to the Committee on Natural Resources of the House of Rep-

1 *representatives and the Committee on Energy and Natural Re-*
2 *sources of the Senate and make publicly available a report*
3 *that describes—*

4 *(1) the status of the implementation of this sec-*
5 *tion, including a description of each project study*
6 *subject to the requirements of this section;*

7 *(2) the amount of time taken to complete each*
8 *project study; and*

9 *(3) any recommendations for additional author-*
10 *ity necessary to support efforts to expedite the project*
11 *study process, including an analysis of whether the*
12 *limitation established by subsection (a)(2) needs to be*
13 *adjusted to address the impacts of inflation.*

14 **SEC. 804. EXPEDITED COMPLETION OF REPORTS.**

15 *The Secretary shall—*

16 *(1) expedite the completion of any ongoing*
17 *project study initiated before the date of enactment of*
18 *this Act; and*

19 *(2) if the Secretary determines that the project is*
20 *justified in a completed report, proceed directly to*
21 *preconstruction planning, engineering, and design of*
22 *the project in accordance with the Reclamation Act of*
23 *1902 (32 Stat. 388), and all Acts amendatory thereof*
24 *or supplementary thereto.*

1 **SEC. 805. PROJECT ACCELERATION.**

2 (a) *APPLICABILITY.*—

3 (1) *IN GENERAL.*—*This section shall apply to—*

4 (A) *each project study that is initiated after*
5 *the date of enactment of this Act and for which*
6 *an environmental impact statement is prepared*
7 *under the National Environmental Policy Act of*
8 *1969 (42 U.S.C. 4321 et seq.);*

9 (B) *the extent determined appropriate by*
10 *the Secretary, to other project studies initiated*
11 *before the date of enactment of this Act and for*
12 *which an environmental review process document*
13 *is prepared under the National Environmental*
14 *Policy Act of 1969 (42 U.S.C. 4321 et seq.); and*

15 (C) *any project study for the development of*
16 *a non-federally owned and operated surface*
17 *water storage project for which the Secretary de-*
18 *termines there is a demonstrable Federal interest*
19 *and the project—*

20 (i) *is located in a river basin where*
21 *other Bureau of Reclamation water projects*
22 *are located;*

23 (ii) *will create additional water sup-*
24 *plies that support Bureau of Reclamation*
25 *water projects; or*

1 (iii) will become integrated into the
2 operation of Bureau of Reclamation water
3 projects.

4 (2) *FLEXIBILITY.*—Any authority granted under
5 this section may be exercised, and any requirement
6 established under this section may be satisfied, for the
7 conduct of an environmental review process for a
8 project study, a class of project studies, or a program
9 of project studies.

10 (3) *LIST OF PROJECT STUDIES.*—

11 (A) *IN GENERAL.*—The Secretary shall an-
12 nually prepare, and make publicly available, a
13 list of all project studies that the Secretary has
14 determined—

15 (i) meets the standards described in
16 paragraph (1); and

17 (ii) does not have adequate funding to
18 make substantial progress toward the com-
19 pletion of the project study.

20 (B) *INCLUSIONS.*—The Secretary shall in-
21 clude for each project study on the list under
22 subparagraph (A) a description of the estimated
23 amounts necessary to make substantial progress
24 on the project study.

25 (b) *PROJECT REVIEW PROCESS.*—

1 (1) *IN GENERAL.*—*The Secretary shall develop*
2 *and implement a coordinated environmental review*
3 *process for the development of project studies.*

4 (2) *COORDINATED REVIEW.*—*The coordinated en-*
5 *vironmental review process described in paragraph*
6 *(1) shall require that any review, analysis, opinion,*
7 *statement, permit, license, or other approval or deci-*
8 *sion issued or made by a Federal, State, or local gov-*
9 *ernmental agency or an Indian tribe for a project*
10 *study described in subsection (b) be conducted, to the*
11 *maximum extent practicable, concurrently with any*
12 *other applicable governmental agency or Indian tribe.*

13 (3) *TIMING.*—*The coordinated environmental re-*
14 *view process under this subsection shall be completed*
15 *not later than the date on which the Secretary, in*
16 *consultation and concurrence with the agencies iden-*
17 *tified under section 805(d), establishes with respect to*
18 *the project study.*

19 (c) *LEAD AGENCIES.*—

20 (1) *JOINT LEAD AGENCIES.*—

21 (A) *IN GENERAL.*—*Subject to the require-*
22 *ments of the National Environmental Policy Act*
23 *of 1969 (42 U.S.C. 4321 et seq.) and the require-*
24 *ments of section 1506.8 of title 40, Code of Fed-*
25 *eral Regulations (or successor regulations), in-*

1 *cluding the concurrence of the proposed joint*
2 *lead agency, a project sponsor may serve as the*
3 *joint lead agency.*

4 *(B) PROJECT SPONSOR AS JOINT LEAD*
5 *AGENCY.—A project sponsor that is a State or*
6 *local governmental entity may—*

7 *(i) with the concurrence of the Sec-*
8 *retary, serve as a joint lead agency with the*
9 *Federal lead agency for purposes of pre-*
10 *paring any environmental document under*
11 *the National Environmental Policy Act of*
12 *1969 (42 U.S.C. 4321 et seq.); and*

13 *(ii) prepare any environmental review*
14 *process document under the National Envi-*
15 *ronmental Policy Act of 1969 (42 U.S.C.*
16 *4321 et seq.) required in support of any ac-*
17 *tion or approval by the Secretary if—*

18 *(I) the Secretary provides guid-*
19 *ance in the preparation process and*
20 *independently evaluates that document;*

21 *(II) the project sponsor complies*
22 *with all requirements applicable to the*
23 *Secretary under—*

1 (aa) *the National Environ-*
2 *mental Policy Act of 1969 (42*
3 *U.S.C. 4321 et seq.);*

4 (bb) *any regulation imple-*
5 *menting that Act; and*

6 (cc) *any other applicable*
7 *Federal law; and*

8 (III) *the Secretary approves and*
9 *adopts the document before the Sec-*
10 *retary takes any subsequent action or*
11 *makes any approval based on that doc-*
12 *ument, regardless of whether the action*
13 *or approval of the Secretary results in*
14 *Federal funding.*

15 (2) *DUTIES.—The Secretary shall ensure that—*

16 (A) *the project sponsor complies with all de-*
17 *sign and mitigation commitments made jointly*
18 *by the Secretary and the project sponsor in any*
19 *environmental document prepared by the project*
20 *sponsor in accordance with this subsection; and*

21 (B) *any environmental document prepared*
22 *by the project sponsor is appropriately supple-*
23 *mented to address any changes to the project the*
24 *Secretary determines are necessary.*

1 (3) *ADOPTION AND USE OF DOCUMENTS.*—Any
2 *environmental document prepared in accordance with*
3 *this subsection shall be adopted and used by any Fed-*
4 *eral agency making any determination related to the*
5 *project study to the same extent that the Federal*
6 *agency could adopt or use a document prepared by*
7 *another Federal agency under—*

8 (A) *the National Environmental Policy Act*
9 *of 1969 (42 U.S.C. 4321 et seq.); and*

10 (B) *parts 1500 through 1508 of title 40,*
11 *Code of Federal Regulations (or successor regula-*
12 *tions).*

13 (4) *ROLES AND RESPONSIBILITY OF LEAD AGEN-*
14 *CY.*—*With respect to the environmental review process*
15 *for any project study, the Federal lead agency shall*
16 *have authority and responsibility—*

17 (A) *to take such actions as are necessary*
18 *and proper and within the authority of the Fed-*
19 *eral lead agency to facilitate the expeditious reso-*
20 *lution of the environmental review process for the*
21 *project study; and*

22 (B) *to prepare or ensure that any required*
23 *environmental impact statement or other envi-*
24 *ronmental review document for a project study*
25 *required to be completed under the National En-*

1 *vironmental Policy Act of 1969 (42 U.S.C. 4321*
2 *et seq.) is completed in accordance with this sec-*
3 *tion and applicable Federal law.*

4 *(d) PARTICIPATING AND COOPERATING AGENCIES.—*

5 *(1) IDENTIFICATION OF JURISDICTIONAL AGEN-*
6 *CIES.—With respect to carrying out the environ-*
7 *mental review process for a project study, the Sec-*
8 *retary shall identify, as early as practicable in the*
9 *environmental review process, all Federal, State, and*
10 *local government agencies and Indian tribes that*
11 *may—*

12 *(A) have jurisdiction over the project;*

13 *(B) be required by law to conduct or issue*
14 *a review, analysis, opinion, or statement for the*
15 *project study; or*

16 *(C) be required to make a determination on*
17 *issuing a permit, license, or other approval or*
18 *decision for the project study.*

19 *(2) STATE AUTHORITY.—If the environmental re-*
20 *view process is being implemented by the Secretary*
21 *for a project study within the boundaries of a State,*
22 *the State, consistent with State law, may choose to*
23 *participate in the process and to make subject to the*
24 *process all State agencies that—*

25 *(A) have jurisdiction over the project;*

1 (B) are required to conduct or issue a re-
2 view, analysis, opinion, or statement for the
3 project study; or

4 (C) are required to make a determination
5 on issuing a permit, license, or other approval or
6 decision for the project study.

7 (3) INVITATION.—

8 (A) IN GENERAL.—The Federal lead agency
9 shall invite, as early as practicable in the envi-
10 ronmental review process, any agency identified
11 under paragraph (1) to become a participating
12 or cooperating agency, as applicable, in the envi-
13 ronmental review process for the project study.

14 (B) DEADLINE.—An invitation to partici-
15 pate issued under subparagraph (A) shall set a
16 deadline by which a response to the invitation
17 shall be submitted, which may be extended by the
18 Federal lead agency for good cause.

19 (4) PROCEDURES.—Section 1501.6 of title 40,
20 Code of Federal Regulations (as in effect on the date
21 of enactment of the Bureau of Reclamation Project
22 Streamlining Act) shall govern the identification and
23 the participation of a cooperating agency.

24 (5) FEDERAL COOPERATING AGENCIES.—Any
25 Federal agency that is invited by the Federal lead

1 agency to participate in the environmental review
2 process for a project study shall be designated as a co-
3 operating agency by the Federal lead agency unless
4 the invited agency informs the Federal lead agency,
5 in writing, by the deadline specified in the invitation
6 that the invited agency—

7 (A)(i) has no jurisdiction or authority with
8 respect to the project;

9 (ii) has no expertise or information relevant
10 to the project; or

11 (iii) does not have adequate funds to par-
12 ticipate in the project; and

13 (B) does not intend to submit comments on
14 the project.

15 (6) *ADMINISTRATION.*—A participating or co-
16 operating agency shall comply with this section and
17 any schedule established under this section.

18 (7) *EFFECT OF DESIGNATION.*—Designation as a
19 participating or cooperating agency under this sub-
20 section shall not imply that the participating or co-
21 operating agency—

22 (A) supports a proposed project; or

23 (B) has any jurisdiction over, or special ex-
24 pertise with respect to evaluation of, the project.

1 (8) *CONCURRENT REVIEWS.*—*Each participating*
2 *or cooperating agency shall—*

3 (A) *carry out the obligations of that agency*
4 *under other applicable law concurrently and in*
5 *conjunction with the required environmental re-*
6 *view process, unless doing so would prevent the*
7 *participating or cooperating agency from con-*
8 *ducting needed analysis or otherwise carrying*
9 *out those obligations; and*

10 (B) *formulate and implement administra-*
11 *tive, policy, and procedural mechanisms to en-*
12 *able the agency to ensure completion of the envi-*
13 *ronmental review process in a timely, coordi-*
14 *nated, and environmentally responsible manner.*

15 (e) *NON-FEDERAL PROJECTS INTEGRATED INTO REC-*
16 *LAMATION SYSTEMS.*—*The Federal lead agency shall serve*
17 *in that capacity for the entirety of all non-Federal projects*
18 *that will be integrated into a larger system owned, operated*
19 *or administered in whole or in part by the Bureau of Rec-*
20 *lamation.*

21 (f) *NON-FEDERAL PROJECT.*—*If the Secretary deter-*
22 *mines that a project can be expedited by a non-Federal*
23 *sponsor and that there is a demonstrable Federal interest*
24 *in expediting that project, the Secretary shall take such ac-*
25 *tions as are necessary to advance such a project as a non-*

1 *Federal project, including, but not limited to, entering into*
2 *agreements with the non-Federal sponsor of such project to*
3 *support the planning, design and permitting of such project*
4 *as a non-Federal project.*

5 *(g) PROGRAMMATIC COMPLIANCE.—*

6 *(1) IN GENERAL.—The Secretary shall issue*
7 *guidance regarding the use of programmatic ap-*
8 *proaches to carry out the environmental review proc-*
9 *ess that—*

10 *(A) eliminates repetitive discussions of the*
11 *same issues;*

12 *(B) focuses on the actual issues ripe for*
13 *analyses at each level of review;*

14 *(C) establishes a formal process for coordi-*
15 *nating with participating and cooperating agen-*
16 *cies, including the creation of a list of all data*
17 *that are needed to carry out an environmental*
18 *review process; and*

19 *(D) complies with—*

20 *(i) the National Environmental Policy*
21 *Act of 1969 (42 U.S.C. 4321 et seq.); and*

22 *(ii) all other applicable laws.*

23 *(2) REQUIREMENTS.—In carrying out para-*
24 *graph (1), the Secretary shall—*

1 (A) as the first step in drafting guidance
2 under that paragraph, consult with relevant Fed-
3 eral, State, and local governmental agencies, In-
4 dian tribes, and the public on the appropriate
5 use and scope of the programmatic approaches;

6 (B) emphasize the importance of collabora-
7 tion among relevant Federal, State, and local
8 governmental agencies, and Indian tribes in un-
9 dertaking programmatic reviews, especially with
10 respect to including reviews with a broad geo-
11 graphical scope;

12 (C) ensure that the programmatic reviews—

13 (i) promote transparency, including of
14 the analyses and data used in the environ-
15 mental review process, the treatment of any
16 deferred issues raised by Federal, State, and
17 local governmental agencies, Indian tribes,
18 or the public, and the temporal and special
19 scales to be used to analyze those issues;

20 (ii) use accurate and timely informa-
21 tion in the environmental review process,
22 including—

23 (I) criteria for determining the
24 general duration of the usefulness of
25 the review; and

1 (II) the timeline for updating any
2 out-of-date review;

3 (iii) describe—

4 (I) the relationship between pro-
5 grammatic analysis and future tiered
6 analysis; and

7 (II) the role of the public in the
8 creation of future tiered analysis; and

9 (iv) are available to other relevant
10 Federal, State, and local governmental
11 agencies, Indian tribes, and the public;

12 (D) allow not fewer than 60 days of public
13 notice and comment on any proposed guidance;
14 and

15 (E) address any comments received under
16 subparagraph (D).

17 (h) *COORDINATED REVIEWS.*—

18 (1) *COORDINATION PLAN.*—

19 (A) *ESTABLISHMENT.*—The Federal lead
20 agency shall, after consultation with and with
21 the concurrence of each participating and co-
22 operating agency and the project sponsor or joint
23 lead agency, as applicable, establish a plan for
24 coordinating public and agency participation in,
25 and comment on, the environmental review proc-

1 *ess for a project study or a category of project*
2 *studies.*

3 *(B) SCHEDULE.—*

4 *(i) IN GENERAL.—As soon as prac-*
5 *ticable but not later than 45 days after the*
6 *close of the public comment period on a*
7 *draft environmental impact statement, the*
8 *Federal lead agency, after consultation with*
9 *and the concurrence of each participating*
10 *and cooperating agency and the project*
11 *sponsor or joint lead agency, as applicable,*
12 *shall establish, as part of the coordination*
13 *plan established in subparagraph (A), a*
14 *schedule for completion of the environmental*
15 *review process for the project study.*

16 *(ii) FACTORS FOR CONSIDERATION.—*
17 *In establishing a schedule, the Secretary*
18 *shall consider factors such as—*

19 *(I) the responsibilities of partici-*
20 *pating and cooperating agencies under*
21 *applicable laws;*

22 *(II) the resources available to the*
23 *project sponsor, joint lead agency, and*
24 *other relevant Federal and State agen-*
25 *cies, as applicable;*

1 (III) *the overall size and com-*
2 *plexity of the project;*

3 (IV) *the overall schedule for and*
4 *cost of the project; and*

5 (V) *the sensitivity of the natural*
6 *and historical resources that could be*
7 *affected by the project.*

8 (iii) *MODIFICATIONS.—The Secretary*
9 *may—*

10 (I) *lengthen a schedule established*
11 *under clause (i) for good cause; and*

12 (II) *shorten a schedule only with*
13 *concurrence of the affected partici-*
14 *pating and cooperating agencies and*
15 *the project sponsor or joint lead agen-*
16 *cy, as applicable.*

17 (iv) *DISSEMINATION.—A copy of a*
18 *schedule established under clause (i) shall*
19 *be—*

20 (I) *provided to each participating*
21 *and cooperating agency and the project*
22 *sponsor or joint lead agency, as appli-*
23 *cable; and*

24 (II) *made available to the public.*

1 (2) *COMMENT DEADLINES.*—*The Federal lead*
2 *agency shall establish the following deadlines for com-*
3 *ment during the environmental review process for a*
4 *project study:*

5 (A) *DRAFT ENVIRONMENTAL IMPACT STATE-*
6 *MENTS.*—*For comments by Federal and State*
7 *agencies and the public on a draft environmental*
8 *impact statement, a period of not more than 60*
9 *days after publication in the Federal Register of*
10 *notice of the date of public availability of the*
11 *draft environmental impact statement, unless—*

12 (i) *a different deadline is established*
13 *by agreement of the Federal lead agency, the*
14 *project sponsor or joint lead agency, as ap-*
15 *plicable, and all participating and cooper-*
16 *ating agencies; or*

17 (ii) *the deadline is extended by the*
18 *Federal lead agency for good cause.*

19 (B) *OTHER ENVIRONMENTAL REVIEW PROC-*
20 *ESSES.*—*For all other comment periods estab-*
21 *lished by the Federal lead agency for agency or*
22 *public comments in the environmental review*
23 *process, a period of not more than 30 days after*
24 *the date on which the materials on which com-*
25 *ment is requested are made available, unless—*

1 (i) a different deadline is established
2 by agreement of the Federal lead agency, the
3 project sponsor, or joint lead agency, as ap-
4 plicable, and all participating and cooper-
5 ating agencies; or

6 (ii) the deadline is extended by the
7 Federal lead agency for good cause.

8 (3) *DEADLINES FOR DECISIONS UNDER OTHER*
9 *LAWS.—In any case in which a decision under any*
10 *Federal law relating to a project study, including the*
11 *issuance or denial of a permit or license, is required*
12 *to be made by the date described in subsection*
13 *(i)(5)(B), the Secretary shall submit to the Committee*
14 *on Natural Resources of the House of Representatives*
15 *and the Committee on Energy and Natural Resources*
16 *of the Senate—*

17 (A) *as soon as practicable after the 180-day*
18 *period described in subsection (i)(5)(B), an ini-*
19 *tial notice of the failure of the Federal agency to*
20 *make the decision; and*

21 (B) *every 60 days thereafter until such date*
22 *as all decisions of the Federal agency relating to*
23 *the project study have been made by the Federal*
24 *agency, an additional notice that describes the*
25 *number of decisions of the Federal agency that*

1 *remain outstanding as of the date of the addi-*
2 *tional notice.*

3 (4) *INVOLVEMENT OF THE PUBLIC.*—*Nothing in*
4 *this subsection reduces any time period provided for*
5 *public comment in the environmental review process*
6 *under applicable Federal law (including regulations).*

7 (5) *TRANSPARENCY REPORTING.*—

8 (A) *REPORTING REQUIREMENTS.*—*Not later*
9 *than 1 year after the date of enactment of this*
10 *Act, the Secretary shall establish and maintain*
11 *an electronic database and, in coordination with*
12 *other Federal and State agencies, issue reporting*
13 *requirements to make publicly available the sta-*
14 *tus and progress with respect to compliance with*
15 *applicable requirements of the National Environ-*
16 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
17 *seq.) and any other Federal, State, or local ap-*
18 *proval or action required for a project study for*
19 *which this section is applicable.*

20 (B) *PROJECT STUDY TRANSPARENCY.*—*Con-*
21 *sistent with the requirements established under*
22 *subparagraph (A), the Secretary shall make pub-*
23 *licly available the status and progress of any*
24 *Federal, State, or local decision, action, or ap-*

1 *proval required under applicable laws for each*
2 *project study for which this section is applicable.*

3 *(i) ISSUE IDENTIFICATION AND RESOLUTION.—*

4 *(1) COOPERATION.—The Federal lead agency, the*
5 *cooperating agencies, and any participating agencies*
6 *shall work cooperatively in accordance with this sec-*
7 *tion to identify and resolve issues that could delay*
8 *completion of the environmental review process or re-*
9 *sult in the denial of any approval required for the*
10 *project study under applicable laws.*

11 *(2) FEDERAL LEAD AGENCY RESPONSIBIL-*
12 *ITIES.—*

13 *(A) IN GENERAL.—The Federal lead agency*
14 *shall make information available to the cooper-*
15 *ating agencies and participating agencies as*
16 *early as practicable in the environmental review*
17 *process regarding the environmental and socio-*
18 *economic resources located within the project*
19 *area and the general locations of the alternatives*
20 *under consideration.*

21 *(B) DATA SOURCES.—The information*
22 *under subparagraph (A) may be based on exist-*
23 *ing data sources, including geographic informa-*
24 *tion systems mapping.*

1 (3) *COOPERATING AND PARTICIPATING AGENCY*
2 *RESPONSIBILITIES.*—*Based on information received*
3 *from the Federal lead agency, cooperating and par-*
4 *ticipating agencies shall identify, as early as prac-*
5 *ticable, any issues of concern regarding the potential*
6 *environmental or socioeconomic impacts of the*
7 *project, including any issues that could substantially*
8 *delay or prevent an agency from granting a permit*
9 *or other approval that is needed for the project study.*

10 (4) *ACCELERATED ISSUE RESOLUTION AND ELE-*
11 *VATION.*—

12 (A) *IN GENERAL.*—*On the request of a par-*
13 *ticipating or cooperating agency or project spon-*
14 *sor, the Secretary shall convene an issue resolu-*
15 *tion meeting with the relevant participating and*
16 *cooperating agencies and the project sponsor or*
17 *joint lead agency, as applicable, to resolve issues*
18 *that may—*

19 (i) *delay completion of the environ-*
20 *mental review process; or*

21 (ii) *result in denial of any approval*
22 *required for the project study under appli-*
23 *cable laws.*

24 (B) *MEETING DATE.*—*A meeting requested*
25 *under this paragraph shall be held not later than*

1 21 days after the date on which the Secretary re-
2 ceives the request for the meeting, unless the Sec-
3 retary determines that there is good cause to ex-
4 tend that deadline.

5 (C) NOTIFICATION.—On receipt of a request
6 for a meeting under this paragraph, the Sec-
7 retary shall notify all relevant participating and
8 cooperating agencies of the request, including the
9 issue to be resolved and the date for the meeting.

10 (D) ELEVATION OF ISSUE RESOLUTION.—If
11 a resolution cannot be achieved within the 30-
12 day period beginning on the date of a meeting
13 under this paragraph and a determination is
14 made by the Secretary that all information nec-
15 essary to resolve the issue has been obtained, the
16 Secretary shall forward the dispute to the heads
17 of the relevant agencies for resolution.

18 (E) CONVENTION BY SECRETARY.—The Sec-
19 retary may convene an issue resolution meeting
20 under this paragraph at any time, at the discre-
21 tion of the Secretary, regardless of whether a
22 meeting is requested under subparagraph (A).

23 (5) FINANCIAL PENALTY PROVISIONS.—

24 (A) IN GENERAL.—A Federal jurisdictional
25 agency shall complete any required approval or

1 *decision for the environmental review process on*
2 *an expeditious basis using the shortest existing*
3 *applicable process.*

4 *(B) FAILURE TO DECIDE.—*

5 *(i) IN GENERAL.—*

6 *(I) TRANSFER OF FUNDS.—If a*
7 *Federal jurisdictional agency fails to*
8 *render a decision required under any*
9 *Federal law relating to a project study*
10 *that requires the preparation of an en-*
11 *vironmental impact statement or envi-*
12 *ronmental assessment, including the*
13 *issuance or denial of a permit, license,*
14 *statement, opinion, or other approval*
15 *by the date described in clause (ii), the*
16 *amount of funds made available to*
17 *support the office of the head of the*
18 *Federal jurisdictional agency shall be*
19 *reduced by an amount of funding equal*
20 *to the amount specified in item (aa) or*
21 *(bb) of subclause (II), and those funds*
22 *shall be made available to the division*
23 *of the Federal jurisdictional agency*
24 *charged with rendering the decision by*
25 *not later than 1 day after the applica-*

1 *ble date under clause (ii), and once*
2 *each week thereafter until a final deci-*
3 *sion is rendered, subject to subpara-*
4 *graph (C).*

5 (II) *AMOUNT TO BE TRANS-*
6 *FERRED.—The amount referred to in*
7 *subclause (I) is—*

8 *(aa) \$20,000 for any project*
9 *study requiring the preparation of*
10 *an environmental assessment or*
11 *environmental impact statement;*
12 *or*

13 *(bb) \$10,000 for any project*
14 *study requiring any type of re-*
15 *view under the National Environ-*
16 *mental Policy Act of 1969 (42*
17 *U.S.C. 4321 et seq.) other than an*
18 *environmental assessment or envi-*
19 *ronmental impact statement.*

20 (ii) *DESCRIPTION OF DATE.—The date*
21 *referred to in clause (i) is the later of—*

22 (I) *the date that is 180 days after*
23 *the date on which an application for*
24 *the permit, license, or approval is com-*
25 *plete; and*

1 (II) *the date that is 180 days*
2 *after the date on which the Federal*
3 *lead agency issues a decision on the*
4 *project under the National Environ-*
5 *mental Policy Act of 1969 (42 U.S.C.*
6 *4321 et seq.).*

7 (C) *LIMITATIONS.—*

8 (i) *IN GENERAL.—No transfer of funds*
9 *under subparagraph (B) relating to an in-*
10 *dividual project study shall exceed, in any*
11 *fiscal year, an amount equal to 1 percent of*
12 *the funds made available for the applicable*
13 *agency office.*

14 (ii) *FAILURE TO DECIDE.—The total*
15 *amount transferred in a fiscal year as a re-*
16 *sult of a failure by an agency to make a de-*
17 *cision by an applicable deadline shall not*
18 *exceed an amount equal to 5 percent of the*
19 *funds made available for the applicable*
20 *agency office for that fiscal year.*

21 (iii) *AGGREGATE.—Notwithstanding*
22 *any other provision of law, for each fiscal*
23 *year, the aggregate amount of financial*
24 *penalties assessed against each applicable*
25 *agency office under this Act and any other*

1 *Federal law as a result of a failure of the*
2 *agency to make a decision by an applicable*
3 *deadline for environmental review, includ-*
4 *ing the total amount transferred under this*
5 *paragraph, shall not exceed an amount*
6 *equal to 9.5 percent of the funds made*
7 *available for the agency office for that fiscal*
8 *year.*

9 *(D) NOTIFICATION OF TRANSFERS.—Not*
10 *later than 10 days after the last date in a fiscal*
11 *year on which funds of the Federal jurisdictional*
12 *agency may be transferred under subparagraph*
13 *(B)(5) with respect to an individual decision, the*
14 *agency shall submit to the appropriate commit-*
15 *tees of the House of Representatives and the Sen-*
16 *ate written notification that includes a descrip-*
17 *tion of—*

18 *(i) the decision;*

19 *(ii) the project study involved;*

20 *(iii) the amount of each transfer under*
21 *subparagraph (B) in that fiscal year relat-*
22 *ing to the decision;*

23 *(iv) the total amount of all transfers*
24 *under subparagraph (B) in that fiscal year*
25 *relating to the decision; and*

1 (v) the total amount of all transfers of
2 the agency under subparagraph (B) in that
3 fiscal year.

4 (E) NO FAULT OF AGENCY.—

5 (i) IN GENERAL.—A transfer of funds
6 under this paragraph shall not be made if
7 the applicable agency described in subpara-
8 graph (A) notifies, with a supporting expla-
9 nation, the Federal lead agency, cooperating
10 agencies, and project sponsor, as applicable,
11 that—

12 (I) the agency has not received
13 necessary information or approvals
14 from another entity in a manner that
15 affects the ability of the agency to meet
16 any requirements under Federal, State,
17 or local law;

18 (II) significant new information,
19 including from public comments, or
20 circumstances, including a major
21 modification to an aspect of the
22 project, requires additional analysis
23 for the agency to make a decision on
24 the project application; or

1 (III) *the agency lacks the finan-*
2 *cial resources to complete the review*
3 *under the scheduled timeframe, includ-*
4 *ing a description of the number of full-*
5 *time employees required to complete*
6 *the review, the amount of funding re-*
7 *quired to complete the review, and a*
8 *justification as to why not enough*
9 *funding is available to complete the re-*
10 *view by the deadline.*

11 (ii) *LACK OF FINANCIAL RE-*
12 *SOURCES.—If the agency provides notice*
13 *under clause (i)(III), the Inspector General*
14 *of the agency shall—*

15 (I) *conduct a financial audit to*
16 *review the notice; and*

17 (II) *not later than 90 days after*
18 *the date on which the review described*
19 *in subclause (I) is completed, submit to*
20 *the Committee on Natural Resources of*
21 *the House of Representatives and the*
22 *Committee on Energy and Natural Re-*
23 *sources of the Senate the results of the*
24 *audit conducted under subclause (I).*

1 (F) *LIMITATION.*—*The Federal agency from*
2 *which funds are transferred pursuant to this*
3 *paragraph shall not reprogram funds to the of-*
4 *fice of the head of the agency, or equivalent of-*
5 *fice, to reimburse that office for the loss of the*
6 *funds.*

7 (G) *EFFECT OF PARAGRAPH.*—*Nothing in*
8 *this paragraph affects or limits the application*
9 *of, or obligation to comply with, any Federal,*
10 *State, local, or tribal law.*

11 (j) *MEMORANDUM OF AGREEMENTS FOR EARLY CO-*
12 *ORDINATION.*—

13 (1) *SENSE OF CONGRESS.*—*It is the sense of*
14 *Congress that—*

15 (A) *the Secretary and other Federal agen-*
16 *cies with relevant jurisdiction in the environ-*
17 *mental review process should cooperate with each*
18 *other, State and local agencies, and Indian*
19 *tribes on environmental review and Bureau of*
20 *Reclamation project delivery activities at the*
21 *earliest practicable time to avoid delays and du-*
22 *plication of effort later in the process, prevent*
23 *potential conflicts, and ensure that planning and*
24 *project development decisions reflect environ-*
25 *mental values; and*

1 (B) the cooperation referred to in subpara-
2 graph (A) should include the development of
3 policies and the designation of staff that advise
4 planning agencies and project sponsors of studies
5 or other information foreseeably required for
6 later Federal action and early consultation with
7 appropriate State and local agencies and Indian
8 tribes.

9 (2) *TECHNICAL ASSISTANCE.*—If requested at
10 any time by a State or project sponsor, the Secretary
11 and other Federal agencies with relevant jurisdiction
12 in the environmental review process, shall, to the
13 maximum extent practicable and appropriate, as de-
14 termined by the agencies, provide technical assistance
15 to the State or project sponsor in carrying out early
16 coordination activities.

17 (3) *MEMORANDUM OF AGENCY AGREEMENT.*—If
18 requested at any time by a State or project sponsor,
19 the Federal lead agency, in consultation with other
20 Federal agencies with relevant jurisdiction in the en-
21 vironmental review process, may establish memo-
22 randa of agreement with the project sponsor, Indian
23 tribes, State and local governments, and other appro-
24 priate entities to carry out the early coordination ac-
25 tivities, including providing technical assistance in

1 *identifying potential impacts and mitigation issues*
2 *in an integrated fashion.*

3 (k) *LIMITATIONS.—Nothing in this section preempts or*
4 *interferes with—*

5 (1) *any obligation to comply with the provisions*
6 *of any Federal law, including—*

7 (A) *the National Environmental Policy Act*
8 *of 1969 (42 U.S.C. 4321 et seq.); and*

9 (B) *any other Federal environmental law;*

10 (2) *the reviewability of any final Federal agency*
11 *action in a court of the United States or in the court*
12 *of any State;*

13 (3) *any requirement for seeking, considering, or*
14 *responding to public comment; or*

15 (4) *any power, jurisdiction, responsibility, duty,*
16 *or authority that a Federal, State, or local govern-*
17 *mental agency, Indian tribe, or project sponsor has*
18 *with respect to carrying out a project or any other*
19 *provision of law applicable to projects.*

20 (l) *TIMING OF CLAIMS.—*

21 (1) *TIMING.—*

22 (A) *IN GENERAL.—Notwithstanding any*
23 *other provision of law, a claim arising under*
24 *Federal law seeking judicial review of a permit,*
25 *license, or other approval issued by a Federal*

1 *agency for a project study shall be barred unless*
2 *the claim is filed not later than 3 years after*
3 *publication of a notice in the Federal Register*
4 *announcing that the permit, license, or other ap-*
5 *proval is final pursuant to the law under which*
6 *the agency action is taken, unless a shorter time*
7 *is specified in the Federal law that allows judi-*
8 *cial review.*

9 *(B) APPLICABILITY.—Nothing in this sub-*
10 *section creates a right to judicial review or*
11 *places any limit on filing a claim that a person*
12 *has violated the terms of a permit, license, or*
13 *other approval.*

14 *(2) NEW INFORMATION.—*

15 *(A) IN GENERAL.—The Secretary shall con-*
16 *sider new information received after the close of*
17 *a comment period if the information satisfies the*
18 *requirements for a supplemental environmental*
19 *impact statement under title 40, Code of Federal*
20 *Regulations (including successor regulations).*

21 *(B) SEPARATE ACTION.—The preparation of*
22 *a supplemental environmental impact statement*
23 *or other environmental document, if required*
24 *under this section, shall be considered a separate*
25 *final agency action and the deadline for filing a*

1 *claim for judicial review of the action shall be 3*
2 *years after the date of publication of a notice in*
3 *the Federal Register announcing the action relat-*
4 *ing to such supplemental environmental impact*
5 *statement or other environmental document.*

6 *(m) CATEGORICAL EXCLUSIONS.—*

7 *(1) IN GENERAL.—Not later than 180 days after*
8 *the date of enactment of this Act, the Secretary*
9 *shall—*

10 *(A) survey the use by the Bureau of Rec-*
11 *lamation of categorical exclusions in projects*
12 *since 2005;*

13 *(B) publish a review of the survey that in-*
14 *cludes a description of—*

15 *(i) the types of actions that were cat-*
16 *egorically excluded or could be the basis for*
17 *developing a new categorical exclusion; and*

18 *(ii) any requests previously received by*
19 *the Secretary for new categorical exclusions;*
20 *and*

21 *(C) solicit requests from other Federal agen-*
22 *cies and project sponsors for new categorical ex-*
23 *clusions.*

24 *(2) NEW CATEGORICAL EXCLUSIONS.—Not later*
25 *than 1 year after the date of enactment of this Act,*

1 *if the Secretary has identified a category of activities*
2 *that merit establishing a categorical exclusion that*
3 *did not exist on the day before the date of enactment*
4 *this Act based on the review under paragraph (1), the*
5 *Secretary shall publish a notice of proposed rule-*
6 *making to propose that new categorical exclusion, to*
7 *the extent that the categorical exclusion meets the cri-*
8 *teria for a categorical exclusion under section 1508.4*
9 *of title 40, Code of Federal Regulations (or successor*
10 *regulation).*

11 *(n) REVIEW OF PROJECT ACCELERATION REFORMS.—*

12 *(1) IN GENERAL.—The Comptroller General of*
13 *the United States shall—*

14 *(A) assess the reforms carried out under this*
15 *section; and*

16 *(B) not later than 5 years and not later*
17 *than 10 years after the date of enactment of this*
18 *Act, submit to the Committee on Natural Re-*
19 *sources of the House of Representatives and the*
20 *Committee on Energy and Natural Resources of*
21 *the Senate a report that describes the results of*
22 *the assessment.*

23 *(2) CONTENTS.—The reports under paragraph*
24 *(1) shall include an evaluation of impacts of the re-*
25 *forms carried out under this section on—*

1 (A) *project delivery;*

2 (B) *compliance with environmental laws;*

3 *and*

4 (C) *the environmental impact of projects.*

5 (o) *PERFORMANCE MEASUREMENT.—The Secretary*
6 *shall establish a program to measure and report on progress*
7 *made toward improving and expediting the planning and*
8 *environmental review process.*

9 (p) *CATEGORICAL EXCLUSIONS IN EMERGENCIES.—*
10 *For the repair, reconstruction, or rehabilitation of a Bureau*
11 *of Reclamation surface water storage project that is in oper-*
12 *ation or under construction when damaged by an event or*
13 *incident that results in a declaration by the President of*
14 *a major disaster or emergency pursuant to the Robert T.*
15 *Stafford Disaster Relief and Emergency Assistance Act (42*
16 *U.S.C. 5121 et seq.), the Secretary shall treat such repair,*
17 *reconstruction, or rehabilitation activity as a class of action*
18 *categorically excluded from the requirements relating to en-*
19 *vironmental assessments or environmental impact state-*
20 *ments under section 1508.4 of title 40, Code of Federal Reg-*
21 *ulations (or successor regulations), if the repair or recon-*
22 *struction activity is—*

23 (1) *in the same location with the same capacity,*
24 *dimensions, and design as the original Bureau of*

1 *Reclamation surface water storage project as before*
2 *the declaration described in this section; and*

3 *(2) commenced within a 2-year period beginning*
4 *on the date of a declaration described in this sub-*
5 *section.*

6 **SEC. 806. ANNUAL REPORT TO CONGRESS.**

7 *(a) IN GENERAL.—Not later than February 1 of each*
8 *year, the Secretary shall develop and submit to the Com-*
9 *mittee on Natural Resources of the House of Representatives*
10 *and the Committee on Energy and Natural Resources of*
11 *the Senate an annual report, to be entitled “Report to Con-*
12 *gress on Future Water Project Development”, that identifies*
13 *the following:*

14 *(1) PROJECT REPORTS.—Each project report*
15 *that meets the criteria established in subsection*
16 *(c)(1)(A).*

17 *(2) PROPOSED PROJECT STUDIES.—Any pro-*
18 *posed project study submitted to the Secretary by a*
19 *non-Federal interest pursuant to subsection (b) that*
20 *meets the criteria established in subsection (c)(1)(A).*

21 *(3) PROPOSED MODIFICATIONS.—Any proposed*
22 *modification to an authorized water project or project*
23 *study that meets the criteria established in subsection*
24 *(c)(1)(A) that—*

1 (A) is submitted to the Secretary by a non-
2 Federal interest pursuant to subsection (b); or

3 (B) is identified by the Secretary for au-
4 thorization.

5 (4) *EXPEDITED COMPLETION OF REPORT AND*
6 *DETERMINATIONS.*—Any project study that was expe-
7 dited and any Secretarial determinations under sec-
8 tion 804.

9 (b) *REQUESTS FOR PROPOSALS.*—

10 (1) *PUBLICATION.*—Not later than May 1 of each
11 year, the Secretary shall publish in the Federal Reg-
12 ister a notice requesting proposals from non-Federal
13 interests for proposed project studies and proposed
14 modifications to authorized projects and project stud-
15 ies to be included in the annual report.

16 (2) *DEADLINE FOR REQUESTS.*—The Secretary
17 shall include in each notice required by this sub-
18 section a requirement that non-Federal interests sub-
19 mit to the Secretary any proposals described in para-
20 graph (1) by not later than 120 days after the date
21 of publication of the notice in the Federal Register in
22 order for the proposals to be considered for inclusion
23 in the annual report.

1 (3) *NOTIFICATION.*—*On the date of publication*
2 *of each notice required by this subsection, the Sec-*
3 *retary shall—*

4 (A) *make the notice publicly available, in-*
5 *cluding on the Internet; and*

6 (B) *provide written notification of the pub-*
7 *lication to the Committee on Natural Resources*
8 *of the House of Representatives and the Com-*
9 *mittee on Energy and Natural Resources of the*
10 *Senate.*

11 (c) *CONTENTS.*—

12 (1) *PROJECT REPORTS, PROPOSED PROJECT*
13 *STUDIES, AND PROPOSED MODIFICATIONS.*—

14 (A) *CRITERIA FOR INCLUSION IN REPORT.*—

15 *The Secretary shall include in the annual report*
16 *only those project reports, proposed project stud-*
17 *ies, and proposed modifications to authorized*
18 *projects and project studies that—*

19 (i) *are related to the missions and au-*
20 *thorities of the Bureau of Reclamation;*

21 (ii) *require specific congressional au-*
22 *thorization, including by an Act of Con-*
23 *gress;*

24 (iii) *have not been congressionally au-*
25 *thorized;*

1 (iv) have not been included in any pre-
2 vious annual report; and

3 (v) if authorized, could be carried out
4 by the Bureau of Reclamation.

5 (B) DESCRIPTION OF BENEFITS.—

6 (i) DESCRIPTION.—The Secretary shall
7 describe in the annual report, to the extent
8 applicable and practicable, for each pro-
9 posed project study and proposed modifica-
10 tion to an authorized water resources devel-
11 opment project or project study included in
12 the annual report, the benefits, as described
13 in clause (ii), of each such study or pro-
14 posed modification.

15 (ii) BENEFITS.—The benefits (or ex-
16 pected benefits, in the case of a proposed
17 project study) described in this clause are
18 benefits to—

19 (I) the protection of human life
20 and property;

21 (II) improvement to domestic irri-
22 gated water and power supplies;

23 (III) the national economy;

24 (IV) the environment; or

1 (V) *the national security interests*
2 *of the United States.*

3 (C) *IDENTIFICATION OF OTHER FACTORS.—*
4 *The Secretary shall identify in the annual re-*
5 *port, to the extent practicable—*

6 (i) *for each proposed project study in-*
7 *cluded in the annual report, the non-Fed-*
8 *eral interest that submitted the proposed*
9 *project study pursuant to subsection (b);*
10 *and*

11 (ii) *for each proposed project study*
12 *and proposed modification to a project or*
13 *project study included in the annual report,*
14 *whether the non-Federal interest has dem-*
15 *onstrated—*

16 (I) *that local support exists for*
17 *the proposed project study or proposed*
18 *modification to an authorized project*
19 *or project study (including the surface*
20 *water storage development project that*
21 *is the subject of the proposed feasibility*
22 *study or the proposed modification to*
23 *an authorized project study); and*

1 (II) *the financial ability to pro-*
2 *vide the required non-Federal cost*
3 *share.*

4 (2) *TRANSPARENCY.—The Secretary shall in-*
5 *clude in the annual report, for each project report,*
6 *proposed project study, and proposed modification to*
7 *a project or project study included under paragraph*
8 *(1)(A)—*

9 (A) *the name of the associated non-Federal*
10 *interest, including the name of any non-Federal*
11 *interest that has contributed, or is expected to*
12 *contribute, a non-Federal share of the cost of—*

13 (i) *the project report;*

14 (ii) *the proposed project study;*

15 (iii) *the authorized project study for*
16 *which the modification is proposed; or*

17 (iv) *construction of—*

18 (I) *the project that is the subject*
19 *of—*

20 (aa) *the water report;*

21 (bb) *the proposed project*
22 *study; or*

23 (cc) *the authorized project*
24 *study for which a modification is*
25 *proposed; or*

1 (II) the proposed modification to
2 a project;

3 (B) a letter or statement of support for the
4 water report, proposed project study, or proposed
5 modification to a project or project study from
6 each associated non-Federal interest;

7 (C) the purpose of the feasibility report,
8 proposed feasibility study, or proposed modifica-
9 tion to a project or project study;

10 (D) an estimate, to the extent practicable, of
11 the Federal, non-Federal, and total costs of—

12 (i) the proposed modification to an au-
13 thorized project study; and

14 (ii) construction of—

15 (I) the project that is the subject
16 of—

17 (aa) the project report; or

18 (bb) the authorized project
19 study for which a modification is
20 proposed, with respect to the
21 change in costs resulting from
22 such modification; or

23 (II) the proposed modification to
24 an authorized project; and

1 (E) an estimate, to the extent practicable, of
2 the monetary and nonmonetary benefits of—

3 (i) the project that is the subject of—

4 (I) the project report; or

5 (II) the authorized project study

6 for which a modification is proposed,

7 with respect to the benefits of such

8 modification; or

9 (ii) the proposed modification to an
10 authorized project.

11 (3) *CERTIFICATION.*—The Secretary shall include
12 in the annual report a certification stating that each
13 feasibility report, proposed feasibility study, and pro-
14 posed modification to a project or project study in-
15 cluded in the annual report meets the criteria estab-
16 lished in paragraph (1)(A).

17 (4) *APPENDIX.*—The Secretary shall include in
18 the annual report an appendix listing the proposals
19 submitted under subsection (b) that were not included
20 in the annual report under paragraph (1)(A) and a
21 description of why the Secretary determined that
22 those proposals did not meet the criteria for inclusion
23 under such paragraph.

1 (d) *SPECIAL RULE FOR INITIAL ANNUAL REPORT.*—
2 *Notwithstanding any other deadlines required by this sec-*
3 *tion, the Secretary shall—*

4 (1) *not later than 60 days after the date of en-*
5 *actment of this Act, publish in the Federal Register*
6 *a notice required by subsection (b)(1); and*

7 (2) *include in such notice a requirement that*
8 *non-Federal interests submit to the Secretary any*
9 *proposals described in subsection (b)(1) by not later*
10 *than 120 days after the date of publication of such*
11 *notice in the Federal Register in order for such pro-*
12 *posals to be considered for inclusion in the first an-*
13 *nuual report developed by the Secretary under this sec-*
14 *tion.*

15 (e) *PUBLICATION.*—*Upon submission of an annual re-*
16 *port to Congress, the Secretary shall make the annual report*
17 *publicly available, including through publication on the*
18 *Internet.*

19 (f) *DEFINITION.*—*In this section, the term “project re-*
20 *port” means a final feasibility report developed under the*
21 *Reclamation Act of 1902 (32 Stat. 388), and all Acts*
22 *amendatory thereof or supplementary thereto.*

1 **TITLE IX—ACCELERATED REV-**
2 **ENUE, REPAYMENT, AND SUR-**
3 **FACE WATER STORAGE EN-**
4 **HANCEMENT**

5 **SEC. 901. SHORT TITLE.**

6 *This title may be cited as the “Accelerated Revenue,*
7 *Repayment, and Surface Water Storage Enhancement Act”.*

8 **SEC. 902. PREPAYMENT OF CERTAIN REPAYMENT CON-**
9 **TRACTS BETWEEN THE UNITED STATES AND**
10 **CONTRACTORS OF FEDERALLY DEVELOPED**
11 **WATER SUPPLIES.**

12 *(a) CONVERSION AND PREPAYMENT OF CONTRACTS.—*

13 *(1) CONVERSION.—Upon request of the con-*
14 *tractor, the Secretary of the Interior shall convert any*
15 *water service contract in effect on the date of enact-*
16 *ment of this Act and between the United States and*
17 *a water users’ association to allow for prepayment of*
18 *the repayment contract pursuant to paragraph (2)*
19 *under mutually agreeable terms and conditions. The*
20 *manner of conversion under this paragraph shall be*
21 *as follows:*

22 *(A) Water service contracts that were en-*
23 *tered into under section 9(e) of the Act of August*
24 *4, 1939 (53 Stat. 1196), to be converted under*
25 *this section shall be converted to repayment con-*

1 *tracts under section 9(d) of that Act (53 Stat.*
2 *1195).*

3 *(B) Water service contracts that were en-*
4 *tered under subsection (c)(2) of section 9 of the*
5 *Act of August 4, 1939 (53 Stat. 1194), to be con-*
6 *verted under this section shall be converted to a*
7 *contract under subsection (c)(1) of section 9 of*
8 *that Act (53 Stat. 1195).*

9 *(2) PREPAYMENT.—All repayment contracts*
10 *under section 9(d) of that Act (53 Stat. 1195) in ef-*
11 *fect on the date of enactment of this Act at the request*
12 *of the contractor, and all contracts converted pursu-*
13 *ant to paragraph (1)(A) shall—*

14 *(A) provide for the repayment, either in*
15 *lump sum or by accelerated prepayment, of the*
16 *remaining construction costs identified in water*
17 *project specific irrigation rate repayment sched-*
18 *ules, as adjusted to reflect payment not reflected*
19 *in such schedule, and properly assignable for ul-*
20 *timite return by the contractor, or if made in*
21 *approximately equal installments, no later than*
22 *3 years after the effective date of the repayment*
23 *contract, such amount to be discounted by $\frac{1}{2}$ the*
24 *Treasury rate. An estimate of the remaining con-*
25 *struction costs, as adjusted, shall be provided by*

1 *the Secretary to the contractor no later than 90*
2 *days following receipt of request of the con-*
3 *tractor;*

4 *(B) require that construction costs or other*
5 *capitalized costs incurred after the effective date*
6 *of the contract or not reflected in the rate sched-*
7 *ule referenced in subparagraph (A), and prop-*
8 *erly assignable to such contractor shall be repaid*
9 *in not more than 5 years after notification of the*
10 *allocation if such amount is a result of a collec-*
11 *tive annual allocation of capital costs to the con-*
12 *tractors exercising contract conversation under*
13 *this subsection of less than \$5,000,000. If such*
14 *amount is \$5,000,000 or greater, such cost shall*
15 *be repaid as provided by applicable reclamation*
16 *law;*

17 *(C) provide that power revenues will not be*
18 *available to aid in repayment of construction*
19 *costs allocated to irrigation under the contract;*
20 *and*

21 *(D) continue so long as the contractor pays*
22 *applicable charges, consistent with section 9(d) of*
23 *the Act of August 4, 1939 (53 Stat. 1195), and*
24 *applicable law.*

1 (3) *CONTRACT REQUIREMENTS.*—*The following*
2 *shall apply with regard to all repayment contracts*
3 *under subsection (c)(1) of section 9 of that Act (53*
4 *Stat. 1195) in effect on the date of enactment of this*
5 *Act at the request of the contractor, and all contracts*
6 *converted pursuant to paragraph (1)(B):*

7 (A) *Provide for the repayment in lump sum*
8 *of the remaining construction costs identified in*
9 *water project specific municipal and industrial*
10 *rate repayment schedules, as adjusted to reflect*
11 *payments not reflected in such schedule, and*
12 *properly assignable for ultimate return by the*
13 *contractor. An estimate of the remaining con-*
14 *struction costs, as adjusted, shall be provided by*
15 *the Secretary to the contractor no later than 90*
16 *days after receipt of request of contractor.*

17 (B) *The contract shall require that construc-*
18 *tion costs or other capitalized costs incurred*
19 *after the effective date of the contract or not re-*
20 *flected in the rate schedule referenced in subpara-*
21 *graph (A), and properly assignable to such con-*
22 *tractor, shall be repaid in not more than 5 years*
23 *after notification of the allocation if such*
24 *amount is a result of a collective annual alloca-*
25 *tion of capital costs to the contractors exercising*

1 *contract conversation under this subsection of*
2 *less than \$5,000,000. If such amount is*
3 *\$5,000,000 or greater, such cost shall be repaid*
4 *as provided by applicable reclamation law.*

5 *(C) Continue so long as the contractor pays*
6 *applicable charges, consistent with section*
7 *9(c)(1) of the Act of August 4, 1939 (53 Stat.*
8 *1195), and applicable law.*

9 *(4) CONDITIONS.—All contracts entered into pur-*
10 *suant to paragraphs (1), (2), and (3) shall—*

11 *(A) not be adjusted on the basis of the type*
12 *of prepayment financing used by the water users’*
13 *association;*

14 *(B) conform to any other agreements, such*
15 *as applicable settlement agreements and new*
16 *constructed appurtenant facilities; and*

17 *(C) not modify other water service, repay-*
18 *ment, exchange and transfer contractual rights*
19 *between the water users’ association, and the Bu-*
20 *reau of Reclamation, or any rights, obligations,*
21 *or relationships of the water users’ association*
22 *and their landowners as provided under State*
23 *law.*

24 *(b) ACCOUNTING.—The amounts paid pursuant to sub-*
25 *section (a) shall be subject to adjustment following a final*

1 *cost allocation by the Secretary of the Interior. In the event*
2 *that the final cost allocation indicates that the costs prop-*
3 *erly assignable to the contractor are greater than what has*
4 *been paid by the contractor, the contractor shall be obligated*
5 *to pay the remaining allocated costs. The term of such addi-*
6 *tional repayment contract shall be not less than one year*
7 *and not more than 10 years, however, mutually agreeable*
8 *provisions regarding the rate of repayment of such amount*
9 *may be developed by the parties. In the event that the final*
10 *cost allocation indicates that the costs properly assignable*
11 *to the contractor are less than what the contractor has paid,*
12 *the Secretary shall credit such overpayment as an offset*
13 *against any outstanding or future obligation of the con-*
14 *tractor.*

15 (c) *APPLICABILITY OF CERTAIN PROVISIONS.—*

16 (1) *EFFECT OF EXISTING LAW.—Upon a contrac-*
17 *tor's compliance with and discharge of the obligation*
18 *of repayment of the construction costs pursuant to a*
19 *contract entered into pursuant to subsection*
20 *(a)(2)(A), subsections (a) and (b) of section 213 of the*
21 *Reclamation Reform Act of 1982 (96 Stat. 1269) shall*
22 *apply to affected lands.*

23 (2) *EFFECT OF OTHER OBLIGATIONS.—The obli-*
24 *gation of a contractor to repay construction costs or*
25 *other capitalized costs described in subsection*

1 *(a)(2)(B), (a)(3)(B), or (b) shall not affect a contrac-*
2 *tor's status as having repaid all of the construction*
3 *costs assignable to the contractor or the applicability*
4 *of subsections (a) and (b) of section 213 of the Rec-*
5 *lamation Reform Act of 1982 (96 Stat. 1269) once the*
6 *amount required to be paid by the contractor under*
7 *the repayment contract entered into pursuant to sub-*
8 *section (a)(2)(A) have been paid.*

9 *(d) EFFECT ON EXISTING LAW NOT ALTERED.—Im-*
10 *plementation of the provisions of this title shall not alter—*

11 *(1) the repayment obligation of any water serv-*
12 *ice or repayment contractor receiving water from the*
13 *same water project, or shift any costs that would oth-*
14 *erwise have been properly assignable to the water*
15 *users' association identified in subsections (a)(1),*
16 *(a)(2), and (a)(3) absent this section, including oper-*
17 *ation and maintenance costs, construction costs, or*
18 *other capitalized costs incurred after the date of the*
19 *enactment of this Act, or to other contractors; and*

20 *(2) specific requirements for the disposition of*
21 *amounts received as repayments by the Secretary*
22 *under the Act of June 17, 1902 (32 Stat. 388, chapter*
23 *1093), and Acts supplemental to and amendatory of*
24 *that Act (43 U.S.C. 371 et seq.).*

1 (e) *SURFACE WATER STORAGE ENHANCEMENT PRO-*
2 *GRAM.—*

3 (1) *IN GENERAL.—Except as provided in sub-*
4 *section (d)(2), three years following the date of enact-*
5 *ment of this Act, 50 percent of receipts generated from*
6 *prepayment of contracts under this section beyond*
7 *amounts necessary to cover the amount of receipts for-*
8 *gone from scheduled payments under current law for*
9 *the 10-year period following the date of enactment of*
10 *this Act shall be directed to the Reclamation Surface*
11 *Water Storage Account under paragraph (2).*

12 (2) *SURFACE STORAGE ACCOUNT.—The Sec-*
13 *retary shall allocate amounts collected under para-*
14 *graph (1) into the “Reclamation Surface Storage Ac-*
15 *count” to fund the construction of surface water stor-*
16 *age. The Secretary may also enter into cooperative*
17 *agreements with water users’ associations for the con-*
18 *struction of surface water storage and amounts with-*
19 *in the Surface Storage Account may be used to fund*
20 *such construction. Surface water storage projects that*
21 *are otherwise not federally authorized shall not be*
22 *considered Federal facilities as a result of any*
23 *amounts allocated from the Surface Storage Account*
24 *for part or all of such facilities.*

1 (3) *REPAYMENT.*—Amounts used for surface
2 water storage construction from the Account shall be
3 fully reimbursed to the Account consistent with the re-
4 quirements under Federal reclamation law (the law
5 (the Act of June 17, 1902 (32 Stat. 388, chapter
6 1093))), and Acts supplemental to and amendatory of
7 that Act (43 U.S.C. 371 et seq.) except that all funds
8 reimbursed shall be deposited in the Account estab-
9 lished under paragraph (2).

10 (4) *AVAILABILITY OF AMOUNTS.*—Amounts de-
11 posited in the Account under this subsection shall—

12 (A) be made available in accordance with
13 this section, subject to appropriation; and

14 (B) be in addition to amounts appropriated
15 for such purposes under any other provision of
16 law.

17 (5) *PURPOSES OF SURFACE WATER STORAGE.*—
18 Construction of surface water storage under this sec-
19 tion shall be made for the following purposes:

20 (A) Increased municipal and industrial
21 water supply.

22 (B) Agricultural floodwater, erosion, and
23 sedimentation reduction.

24 (C) Agricultural drainage improvements.

25 (D) Agricultural irrigation.

1 (E) *Increased recreation opportunities.*

2 (F) *Reduced adverse impacts to fish and*
3 *wildlife from water storage or diversion projects*
4 *within watersheds associated with water storage*
5 *projects funded under this section.*

6 (G) *Any other purposes consistent with rec-*
7 *lamation laws or other Federal law.*

8 (f) *DEFINITIONS.—For the purposes of this title, the*
9 *following definitions apply:*

10 (1) *ACCOUNT.—The term “Account” means the*
11 *Reclamation Surface Water Storage Account estab-*
12 *lished under subsection (e)(2).*

13 (2) *CONSTRUCTION.—The term “construction”*
14 *means the designing, materials engineering and test-*
15 *ing, surveying, and building of surface water storage*
16 *including additions to existing surface water storage*
17 *and construction of new surface water storage facili-*
18 *ties, exclusive of any Federal statutory or regulatory*
19 *obligations relating to any permit, review, approval,*
20 *or other such requirement.*

21 (3) *SURFACE WATER STORAGE.—The term “sur-*
22 *face water storage” means any federally owned facil-*
23 *ity under the jurisdiction of the Bureau of Reclama-*
24 *tion or any non-Federal facility used for the surface*
25 *storage and supply of water resources.*

1 (4) *TREASURY RATE.*—*The term “Treasury rate”*
 2 *means the 20-year Constant Maturity Treasury*
 3 *(CMT) rate published by the United States Depart-*
 4 *ment of the Treasury existing on the effective date of*
 5 *the contract.*

6 (5) *WATER USERS’ ASSOCIATION.*—*The term*
 7 *“water users’ association” means—*

8 (A) *an entity organized and recognized*
 9 *under State laws that is eligible to enter into*
 10 *contracts with reclamation to receive contract*
 11 *water for delivery to and users of the water and*
 12 *to pay applicable charges; and*

13 (B) *includes a variety of entities with dif-*
 14 *ferent names and differing functions, such as as-*
 15 *sociations, conservatory district, irrigation dis-*
 16 *trict, municipality, and water project contract*
 17 *unit.*

18 **TITLE X—SAFETY OF DAMS**

19 **SEC. 1001. AUTHORIZATION OF ADDITIONAL PROJECT BEN-** 20 **EFITS.**

21 *The Reclamation Safety of Dams Act of 1978 is*
 22 *amended—*

23 (1) *in section 3, by striking “Construction” and*
 24 *inserting “Except as provided in section 5B, con-*
 25 *struction”;* and

1 (2) by inserting after section 5A (43 U.S.C. 509)
2 the following:

3 **“SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BENE-**
4 **FITS.**

5 *“Notwithstanding section 3, if the Secretary deter-*
6 *mines that additional project benefits, including but not*
7 *limited to additional conservation storage capacity, are fea-*
8 *sible and not inconsistent with the purposes of this Act, the*
9 *Secretary is authorized to develop additional project bene-*
10 *fits through the construction of new or supplementary works*
11 *on a project in conjunction with the Secretary’s activities*
12 *under section 2 of this Act and subject to the conditions*
13 *described in the feasibility study, provided—*

14 *“(1) the Secretary determines that developing*
15 *additional project benefits through the construction of*
16 *new or supplementary works on a project will pro-*
17 *mote more efficient management of water and water-*
18 *related facilities;*

19 *“(2) the feasibility study pertaining to addi-*
20 *tional project benefits has been authorized pursuant to*
21 *section 8 of the Federal Water Project Recreation Act*
22 *of 1965 (16 U.S.C. 4601–18); and*

23 *“(3) the costs associated with developing the ad-*
24 *ditional project benefits are agreed to in writing be-*
25 *tween the Secretary and project proponents and shall*

1 *be allocated to the authorized purposes of the structure*
2 *and repaid consistent with all provisions of Federal*
3 *Reclamation law (the Act of June 17, 1902, 43 U.S.C.*
4 *371 et seq.) and Acts supplemental to and amend-*
5 *atory of that Act.”.*

6 **TITLE XI—WATER RIGHTS**
7 **PROTECTION**

8 **SEC. 1101. SHORT TITLE.**

9 *This title may be cited as the “Water Rights Protection*
10 *Act”.*

11 **SEC. 1102. DEFINITION OF WATER RIGHT.**

12 *In this title, the term “water right” means any surface*
13 *or groundwater right filed, permitted, certified, confirmed,*
14 *decreed, adjudicated, or otherwise recognized by a judicial*
15 *proceeding or by the State in which the user acquires posses-*
16 *sion of the water or puts the water to beneficial use, includ-*
17 *ing water rights for federally recognized Indian tribes.*

18 **SEC. 1103. TREATMENT OF WATER RIGHTS.**

19 *The Secretary of the Interior and the Secretary of Ag-*
20 *riculture shall not—*

21 *(1) condition or withhold, in whole or in part,*
22 *the issuance, renewal, amendment, or extension of*
23 *any permit, approval, license, lease, allotment, ease-*
24 *ment, right-of-way, or other land use or occupancy*
25 *agreement on—*

1 (A) limitation or encumbrance of any water
2 right, or the transfer of any water right (includ-
3 ing joint and sole ownership), directly or indi-
4 rectly to the United States or any other designee;
5 or

6 (B) any other impairment of any water
7 right, in whole or in part, granted or otherwise
8 recognized under State law, by Federal or State
9 adjudication, decree, or other judgment, or pur-
10 suant to any interstate water compact;

11 (2) require any water user (including any feder-
12 ally recognized Indian tribe) to apply for or acquire
13 a water right in the name of the United States under
14 State law as a condition of the issuance, renewal,
15 amendment, or extension of any permit, approval, li-
16 cense, lease, allotment, easement, right-of-way, or
17 other land use or occupancy agreement;

18 (3) assert jurisdiction over groundwater with-
19 drawals or impacts on groundwater resources, unless
20 jurisdiction is asserted, and any regulatory or policy
21 actions taken pursuant to such assertion are, con-
22 sistent with, and impose no greater restrictions or
23 regulatory requirements than, applicable State laws
24 (including regulations) and policies governing the
25 protection and use of groundwater resources; or

1 (4) *infringe on the rights and obligations of a*
2 *State in evaluating, allocating, and adjudicating the*
3 *waters of the State originating on or under, or flow-*
4 *ing from, land owned or managed by the Federal*
5 *Government.*

6 **SEC. 1104. RECOGNITION OF STATE AUTHORITY.**

7 (a) *IN GENERAL.*—*In carrying out section 1103, the*
8 *Secretary of the Interior and the Secretary of Agriculture*
9 *shall—*

10 (1) *recognize the longstanding authority of the*
11 *States relating to evaluating, protecting, allocating,*
12 *regulating, and adjudicating groundwater by any*
13 *means, including a rulemaking, permitting, directive,*
14 *water court adjudication, resource management plan-*
15 *ning, regional authority, or other policy; and*

16 (2) *coordinate with the States in the adoption*
17 *and implementation by the Secretary of the Interior*
18 *or the Secretary of Agriculture of any rulemaking,*
19 *policy, directive, management plan, or other similar*
20 *Federal action so as to ensure that such actions are*
21 *consistent with, and impose no greater restrictions or*
22 *regulatory requirements than, State groundwater laws*
23 *and programs.*

24 (b) *EFFECT ON STATE WATER RIGHTS.*—*In carrying*
25 *out this title, the Secretary of the Interior and the Secretary*

1 *of Agriculture shall not take any action that adversely af-*
2 *fects—*

3 (1) *any water rights granted by a State;*

4 (2) *the authority of a State in adjudicating*
5 *water rights;*

6 (3) *definitions established by a State with re-*
7 *spect to the term “beneficial use”, “priority of water*
8 *rights”, or “terms of use”;*

9 (4) *terms and conditions of groundwater with-*
10 *drawal, guidance and reporting procedures, and con-*
11 *servation and source protection measures established*
12 *by a State;*

13 (5) *the use of groundwater in accordance with*
14 *State law; or*

15 (6) *any other rights and obligations of a State*
16 *established under State law.*

17 **SEC. 1105. EFFECT OF TITLE.**

18 (a) *EFFECT ON EXISTING AUTHORITY.—Nothing in*
19 *this title limits or expands any existing legally recognized*
20 *authority of the Secretary of the Interior or the Secretary*
21 *of Agriculture to issue, grant, or condition any permit, ap-*
22 *proval, license, lease, allotment, easement, right-of-way, or*
23 *other land use or occupancy agreement on Federal land sub-*
24 *ject to the jurisdiction of the Secretary of the Interior or*
25 *the Secretary of Agriculture, respectively.*

1 (b) *EFFECT ON RECLAMATION CONTRACTS.*—*Nothing*
2 *in this title interferes with Bureau of Reclamation contracts*
3 *entered into pursuant to the reclamation laws.*

4 (c) *EFFECT ON ENDANGERED SPECIES ACT.*—*Nothing*
5 *in this title affects the implementation of the Endangered*
6 *Species Act of 1973 (16 U.S.C. 1531 et seq.).*

7 (d) *EFFECT ON FEDERAL RESERVED WATER*
8 *RIGHTS.*—*Nothing in this title limits or expands any exist-*
9 *ing or claimed reserved water rights of the Federal Govern-*
10 *ment on land administered by the Secretary of the Interior*
11 *or the Secretary of Agriculture.*

12 (e) *EFFECT ON FEDERAL POWER ACT.*—*Nothing in*
13 *this title limits or expands authorities under sections 4(e),*
14 *10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e),*
15 *803(j), 811).*

16 (f) *EFFECT ON INDIAN WATER RIGHTS.*—*Nothing in*
17 *this title limits or expands any water right or treaty right*
18 *of any federally recognized Indian tribe.*

Union Calendar No. 146

114TH CONGRESS
1ST Session

H. R. 2898

[Report No. 114-197, Part I]

A BILL

To provide drought relief in the State of California,
and for other purposes.

JULY 13, 2015

Reported from the Committee on Natural Resources with
an amendment

JULY 13, 2015

The Committee on Agriculture discharged; committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed