

106TH CONGRESS
2D SESSION

H. R. 5130

To authorize the Secretary of the Interior to provide cost sharing for the
CALFED water enhancement programs in California.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2000

Mr. DOOLITTLE (for himself, Mr. CALVERT, Mr. POMBO, Mr. RADANOVICH, Mr. PACKARD, and Mr. THOMAS) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, 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

A BILL

To authorize the Secretary of the Interior to provide cost sharing for the CALFED water enhancement programs in California.

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.**

4 This Act may be cited as the “CALFED Extension
5 Act of 2000”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to authorize funding for
8 the Secretary of the Interior to continue the implementa-

1 tion of ecosystem protection programs, and development
2 of water supply enhancement projects critically needed to
3 improve water supply and water quality for California.
4 This authorization will ensure that the program empha-
5 sizes well-grounded sound science for decisions and ac-
6 tions.

7 **SEC. 3. DEFINITIONS.**

8 As used in this Act:

9 (1) The term “Banks Pumping Plant” means
10 the plant operated by the State of California for op-
11 eration of the state project.

12 (2) The term “Environmental Water Account”
13 means the CALFED Agencies sponsored water ac-
14 count established to provide water for the protection
15 and recovery of fish beyond water available through
16 existing regulatory actions, at no uncompensated
17 water cost to the water users, in the Central Valley
18 system.

19 (3) The term “CALFED Agencies” means both
20 Federal and State Agencies.

21 (4) The term “Central Valley System” means
22 the waters entering and supplied by the San Joaquin
23 and Sacramento Valley watershed and the lands
24 within the watershed.

1 (5) The term “Congressional Committees”
2 means the Senate Committee on Energy and Nat-
3 ural Resources, Senate Appropriations Sub-
4 committee on Energy and Water, House Resources
5 Committee, and the House Appropriations Sub-
6 committee on Energy and Water Development.

7 (6) The term “Federal Agencies” means the
8 Federal agencies as identified in the Record of Deci-
9 sion.

10 (7) The term “Record of Decision” means the
11 Federal record of decision issued August 28, 2000,
12 pursuant to the National Environmental Policy Act,
13 the State certification of the final programmatic en-
14 vironmental impact statement, environmental impact
15 report for the CALFED Bay-Delta Program, and
16 the Notice of September 7, 2000, determination
17 issued pursuant to the California Environmental
18 Quality Act.

19 (8) The term “Secretary” means the Secretary
20 of Interior.

21 (9) The term “State Agencies” means the Fed-
22 eral Agencies as identified in the Record of Decision.

23 (10) The term “Tracy Pumping Plant” means
24 the pumping plant utilized by the Federal Govern-
25 ment to provide water for the Central Valley Project.

1 (11) The term “Vernalis flows” means the
2 agreement regarding the flows in the San Joaquin
3 River measured at Vernalis during April and May
4 being a one-to-one ratio to amounts pumped from
5 the Tracy Pumping Plant.

6 (12) The term “Yield” means a quantity of
7 water supply, either derived from recycling existing
8 sources, stored in a reservoir, or by other means
9 that is reliably available in critically dry years. Con-
10 servation, land retirement, transfers, groundwater,
11 increased delta pumping, and other such water man-
12 agement tools that generate additional or new water
13 supplies shall be considered in characterizing yield.

14 **SEC. 4. WATER SYSTEM IMPROVEMENTS.**

15 (a) IN GENERAL.—The Federal Agencies, acting
16 through the CALFED Bay-Delta Program, shall develop
17 a balanced and timely program designed to achieve in-
18 creased water supply, system reliability, water quality,
19 water use efficiency, water transfers, levee protection, and
20 environmental benefits. In meeting the need for balance,
21 funding for water supply enhancements and environmental
22 benefits shall proceed concomitantly so that adequate
23 progress is made in each area.

24 (b) WATER SUPPLY.—The Federal Agencies are di-
25 rected to ensure that Federal participation in the

1 CALFED Bay-Delta Program results in continuous,
2 measurable, and significant benefits in increased water
3 supply yield, water system reliability, and improved water
4 quality for agricultural and urban uses throughout the
5 Central Valley system. In developing such water supply
6 benefits, funding for water storage development and con-
7 veyance facilities located in the Central Valley and Bay-
8 Delta, will occur together. In developing water supply op-
9 tions the Federal Agencies shall consider all potential stor-
10 age alternatives and utilize a cost/benefit analysis in con-
11 junction with environmental criteria to ensure that pro-
12 posals are selected which address environmental issues
13 and are economically viable.

14 **SEC. 5. PROGRAM MANAGEMENT.**

15 (a) LONG-TERM SOLUTION.—Nothing in this Act
16 shall be deemed to diminish the Federal interest in, and
17 responsibility for, working with the State of California
18 through the CALFED Bay-Delta Program in developing,
19 funding, and implementing a balanced, long-term solution
20 for increased water supply, system reliability, water qual-
21 ity, water use efficiency, water transfers, levee protection,
22 and environmental benefits in the Central Valley system
23 in California. Participation in such long-term solution
24 shall only be undertaken pursuant to authorization pro-
25 vided by law other than this Act, and shall be based on

1 the equitable allocation of program costs among bene-
2 ficiary groups that the CALFED Bay-Delta programs
3 shall develop.

4 (b) CALFED GOVERNANCE.—It is the intent of Con-
5 gress that the Federal Government and the State of Cali-
6 fornia will work together to develop a joint structure for
7 managing CALFED operations. To achieve that goal, the
8 Federal Agencies are directed to participate with the State
9 Agencies to develop a proposed structure that will be au-
10 thorized by both Congress and the California Legislatures
11 prior to becoming effective. In developing such a proposal,
12 the CALFED Agencies are directed to make such a rec-
13 ommendation to Congress and the California Legislatures
14 by May 30, 2001. The Federal Agencies are directed to
15 take steps that will encourage broad public and local gov-
16 ernment involvement in developing the CALFED govern-
17 ance proposal. Whenever feasible, meetings of multiple
18 CALFED Agencies to develop program goals or determine
19 operational criteria shall be open to the public.

20 **SEC. 6. ENVIRONMENTAL WATER MANAGEMENT.**

21 (a) The Federal Agencies are directed to manage the
22 Environmental Water Account (EWA) established in the
23 Record of Decision to reduce the risk of water supply de-
24 liveries disruptions, to reduce Delta water quality degrada-
25 tion, and to mitigate such impacts.

1 (b) If the water purchase targets for the Environ-
2 mental Water Account are not met, then:

3 (1) to meet the needs of endangered species act
4 biological opinions in effect as of December 15,
5 1994, and California's 1995 Water Quality Control
6 Plan for the Sacramento-San Joaquin Delta
7 (WQCP-SSJD), the Federal Agencies, in coordina-
8 tion with the State of California, shall develop flexi-
9 ble operational procedures that increase the pumping
10 rate and times to mitigate any losses that would oth-
11 erwise accrue.

12 (2) To meet the needs of the endangered spe-
13 cies act listings which occurred after December 15,
14 1994, and California's 1995 WQCP-SSJD addi-
15 tional water needs will be provided by the Federal
16 Government through water acquisitions on a willing
17 seller basis and financed by Federal funds.

18 (3) Any water supply losses resulting from
19 pumping curtailments at the Tracy Pumping Plant
20 to achieve a one-to-one pumping ratio in relation to
21 San Joaquin River/Vernalis flows shall be considered
22 water dedicated and managed under Public Law
23 102-575, section 3406(b)(2). Any pumping reduc-
24 tions at the Banks Pumping Plant to achieve such

1 ratios shall be made up with water provided by the
2 Federal Government from Federal funds.

3 **SEC. 7. LAND ACQUISITION.**

4 Prior to acquiring land as part of the CALFED pro-
5 gram, the CALFED Agencies shall first determine that
6 Federal- or State-owned land is not available to achieve
7 identified CALFED program objectives. If private lands
8 are proposed for acquisition, the Federal Agencies shall
9 ensure that all Payments In Lieu of Taxes on existing
10 Federal lands within the county where the land is to be
11 acquired are currently paid. In determining whether to ac-
12 quire additional lands for the CALFED program, the
13 CALFED Agencies shall consider the cumulative impact
14 on the local government and communities of transferring
15 the property into government ownership and mitigate such
16 impacts.

17 **SEC. 8. LIST OF PROPOSED FEDERAL EXPENDITURES.**

18 The Secretary shall transmit to the Congressional
19 Committees for each fiscal year, by no later than the sub-
20 mission of the budget for the fiscal year under section
21 1105 of title 31, United States Code, a report for the pro-
22 posed projects to be carried out with the Federal portion
23 of the funds to be appropriated pursuant to this Act for
24 the upcoming fiscal year. The report shall separately
25 specify all projects supported by Federal funding. For

1 such projects the Secretary shall provide a summary of
2 the recommendations provided by the Bay-Delta Advisory
3 Committee, the Ecosystem Roundtable, and other mem-
4 bers of the public commenting on the projects.

5 **SEC. 9. ANNUAL REPORTS.**

6 (a) STATE REPORTS.—On January 1, 2001, the Gov-
7 ernor of California shall account for all monies received
8 from the Federal FY 2000 budget in a written report to
9 the Secretary of the Interior. The report shall include, a
10 description of all projects and activities receiving funds
11 under this Act, as well as any unexpended funds.

12 (b) REPORT TO CONGRESS.—On January 1, 2001,
13 the Secretary shall provide to Congress a report regarding
14 CALFED Bay-Delta Program expenditures and accom-
15 plishments in achieving increased water supply, system,
16 reliability, water quality, water use efficiency, water trans-
17 fers, levee protection, and environmental benefits.

18 **SEC. 10. PROGRAM FUNDING.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—For fis-
20 cal year 2001 there is authorized to be appropriated to
21 the Secretary of the Interior \$60,000,000. Funds appro-
22 priated pursuant to this section may remain available until
23 expended.

24 (b) TREATMENT OF FUNDS.—Funds authorized to be
25 appropriated pursuant to this section to those Federal

1 Agencies that are currently or subsequently become par-
2 ticipants in the CALFED Bay-Delta Program shall be in
3 addition to the baseline funding levels established for cur-
4 rently authorized projects and programs under the Central
5 Valley Project Improvement Act (title XXXIV of Public
6 Law 102–575) and other currently authorized Federal
7 programs for the purposes of Bay-Delta ecosystem protec-
8 tion and restoration.

9 **SEC. 11. PROGRAM RESPONSIBILITIES.**

10 (a) COORDINATION.—To the extent not otherwise au-
11 thorized, those agencies and departments that are cur-
12 rently or subsequently become participants in the
13 CALFED Bay-Delta Program are hereby authorized to
14 undertake the activities and programs for which Federal
15 cost sharing is provided by this Act. The United States
16 shall continue coordinated consultations and negotiations
17 with the State of California pursuant to the cost-sharing
18 agreement required by section 78684.10 of California Sen-
19 ate Bill 900, Chapter 135, Statutes of 1996, signed by
20 the Governor of California on July 11, 1996. In addition,
21 the Federal Agencies shall work with local governments
22 and the public to seek their input on program elements.
23 Such activities shall include, but not be limited to, plan-
24 ning, design, technical assistance, construction for eco-

1 system restoration programs and projects, and the devel-
2 opment of a peer review science program.

3 (b) BUDGET CROSSCUT.—By November 1, 2000, the
4 Office of Management and Budget is directed to submit
5 to the Congressional Committees, an interagency budget
6 crosscut report that displays the proposed Federal spend-
7 ing for fiscal year 2001 on ecosystem restoration and
8 other purposes in the Bay-Delta region, that identifies all
9 expenditures with the State and Federal Governments
10 used to achieve the objectives identified with the CALFED
11 program. The report shall be substantially in the form
12 transmitted by the Executive Director of CALFED on
13 September 16, 1999, to Chairman of the House Resources
14 Water and Power Subcommittee. OMB shall produce an
15 update of the September 16, 1999, report by no later than
16 January 1, 2001, to display the actual expenditures that
17 were made for fiscal year 2000. As part of the submission
18 of the budget for fiscal year 2001 under section 1105 of
19 title 31, United States Code, OMB shall prepare a similar
20 budget crosscut report itemizing the proposed fiscal
21 project level funding for year 2001.

22 (c) PERFORMANCE MEASURES.—CALFED shall pro-
23 vide the Congressional Committees by January 1, 2001,
24 a clear statement of goals for long term water quality,
25 water supply reliability, and ecosystem restoration.

1 CALFED shall also provide ecological monitoring
2 plans and protocols to be used for gauging performance
3 of projects funded under this title relative to the stated
4 ecological goals. Said monitoring protocols shall be com-
5 patible with the Comprehensive Monitoring Assessment
6 and Research Program and incorporated into all eco-
7 system projects, grants and awards of funds appropriated
8 pursuant to this Act. CALFED shall collect all monitoring
9 data and use it to assess the effectiveness of the Eco-
10 system Restoration Program Plan implementation.
11 CALFED Agencies shall also ensure that monitoring data
12 collected for projects funded by the Central Valley Project
13 Restoration Fund and under other relevant authorities are
14 compatible and designed to measure overall trends in eco-
15 system health in the Central Valley system.

16 (d) COORDINATION.—CALFED shall establish a Co-
17 ordination Program to ensure that all relevant Federal
18 programs authorized under this Act and other pre-existing
19 authorities coordinate goal-setting, funding, and imple-
20 mentation so as to ensure the most efficient and effective
21 expenditure of Federal funds for CALFED related activi-
22 ties.

23 (e) OBJECTIVE SCIENCE.—The Federal Agencies
24 shall ensure that all aspects of the CALFED program
25 components will use credible and objective scientific review

1 and will ensure that decisions are based on the best avail-
2 able, independent peer-reviewed information.

3 **SEC. 12 COMPLIANCE WITH STATE LAW.**

4 In carrying out the provisions of this Act, the
5 CALFED Agencies shall operate in compliance with Cali-
6 fornia water law. Nothing in this act shall be construed
7 to invalidate or preempt State environmental, land use,
8 or water law.

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