

106TH CONGRESS  
1ST SESSION

# S. 1723

To establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 13, 1999

Mr. WYDEN (for himself and Mr. SMITH of Oregon) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

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 “Bureau of Reclamation  
5 Irrigation System Partnership Act of 1999”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **PACIFIC OCEAN DRAINAGE AREA.**—The  
4 term “Pacific Ocean drainage area” means the area  
5 comprised of portions of the States of Oregon,  
6 Washington, Montana, and Idaho from which water  
7 drains into the Pacific Ocean.

8 (2) **PROGRAM.**—The term “Program” means  
9 the Irrigation System Partnership Program estab-  
10 lished by section 3(a).

11 (3) **SECRETARY.**—The term “Secretary” means  
12 the Secretary of the Interior, acting through the  
13 Commissioner of Reclamation.

14 **SEC. 3. ESTABLISHMENT OF THE PARTNERSHIP PROGRAM.**

15 (a) **ESTABLISHMENT.**—There is established the Irri-  
16 gation System Partnership Program within the Bureau of  
17 Reclamation.

18 (b) **GOALS.**—The goals of the Program are—

19 (1) to decrease fish mortality associated with  
20 the withdrawal of water for irrigation and other pur-  
21 poses without impairing the continued withdrawal of  
22 water for those purposes; and

23 (2) to decrease the incidence of juvenile and  
24 adult fish entering water supply systems.

25 (c) **IMPACTS ON FISHERIES.**—

1           (1) IN GENERAL.—Under the Program, the  
2 Secretary, in consultation with the heads of other  
3 agencies within the Department of the Interior, shall  
4 develop and implement projects to mitigate impacts  
5 to fisheries resulting from the construction and oper-  
6 ation of water diversions by local governmental enti-  
7 ties in the Pacific Ocean drainage area.

8           (2) TYPES OF PROJECTS.—Projects referred to  
9 under subparagraph (A) may include the develop-  
10 ment or installation of—

11                   (A) fish screens;

12                   (B) fish passage devices; and

13                   (C) other facilities agreed to by non-Fed-  
14 eral interests, relevant Federal agencies, and af-  
15 fected States.

16           (3) PRIORITY.—

17                   (A) IN GENERAL.—The Secretary shall  
18 give priority to any project that has a total cost  
19 of less than \$5,000,000.

20                   (B) RELATED PROJECTS.—To the max-  
21 imum extent practicable, the Secretary shall  
22 give priority to projects that—

23                           (i) are related to authorized Bureau  
24 of Reclamation projects; and

1 (ii) would benefit from work carried  
2 out under this Act.

3 **SEC. 4. PARTICIPATION IN THE PROGRAM.**

4 (a) NON-FEDERAL.—

5 (1) IN GENERAL.—Non-Federal participation in  
6 the Program shall be voluntary.

7 (2) FEDERAL ACTION.—The Secretary shall  
8 take no action that would result in any non-Federal  
9 entity being held financially responsible for any ac-  
10 tion unless the entity applies to participate in the  
11 Program.

12 (b) FEDERAL.—Development and implementation of  
13 projects under the Program on land or facilities owned by  
14 the United States shall be nonreimbursable Federal ex-  
15 penditures.

16 **SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.**

17 Evaluation and prioritization of projects for develop-  
18 ment under the Program shall be conducted on the basis  
19 of—

20 (1) cost effectiveness of the proposed project;

21 (2) the quantity of water involved in any water  
22 diversion;

23 (3) the availability of other funding sources;  
24 and

1           (4) any opportunity for a biological benefit to  
2           be achieved with improved conditions.

3 **SEC. 6. ELIGIBILITY REQUIREMENTS.**

4           (a) IN GENERAL.—A project carried out under the  
5 Program shall not be eligible for funding unless—

6           (1) the project meets the requirements of the  
7 Secretary, as applicable, and any State require-  
8 ments; and

9           (2) the project is agreed to by all Federal and  
10 non-Federal entities with authority and responsi-  
11 bility for the project.

12          (b) DETERMINATION OF ELIGIBILITY.—In deter-  
13 mining the eligibility of a project under this Act, the Sec-  
14 retary shall—

15           (1) consult with other Federal, State, and local  
16 agencies; and

17           (2) make maximum use of all available data.

18 **SEC. 7. COST SHARING.**

19          (a) NON-FEDERAL SHARE.—The non-Federal share  
20 of the cost of development and implementation of any  
21 project under the Program on land or at a facility that  
22 is not owned by the United States shall be 35 percent.

23          (b) NON-FEDERAL CONTRIBUTIONS.—The non-Fed-  
24 eral participants in any project under the Program on land  
25 or at a facility that is not owned by the United States

1 shall provide all land, easements, rights-of-way, dredged  
2 material disposal areas, and relocations necessary for the  
3 project.

4 (c) CREDIT FOR CONTRIBUTIONS.—The value of  
5 land, easements, rights-of-way, dredged material disposal  
6 areas, and relocations provided under subsection (b) for  
7 a project shall be credited toward the non-Federal share  
8 of the costs of the project.

9 (d) ADDITIONAL COSTS.—

10 (1) NON-FEDERAL RESPONSIBILITIES.—The  
11 non-Federal participants in any project under the  
12 Program on land or at a facility that is not owned  
13 by the United States shall be responsible for all  
14 costs associated with operating, maintaining, repair-  
15 ing, rehabilitating, and replacing the project.

16 (2) FEDERAL RESPONSIBILITY.—The Federal  
17 Government shall be responsible for costs referred to  
18 in paragraph (1) for projects carried out on Federal  
19 land or at a Federal facility.

20 **SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.**

21 A project that receives funds under this Act shall be  
22 ineligible to receive Federal funds from any other source  
23 for the same purpose.

1 **SEC. 9. REPORT.**

2 On the expiration of the third fiscal year for which  
3 amounts are made available to carry out this Act, the Sec-  
4 retary shall submit to Congress a report describing—

5 (1) the projects that have been completed under  
6 this Act; and

7 (2) the projects that will be completed with  
8 amounts made available under this Act during the  
9 remaining fiscal years for which amounts are au-  
10 thORIZED to be appropriated under section 10.

11 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There is authorized to be appro-  
13 priated to carry out this Act \$25,000,000 for each of fiscal  
14 years 2001 through 2005.

15 (b) LIMITATIONS.—

16 (1) SINGLE STATE.—

17 (A) IN GENERAL.—Except as provided in  
18 subparagraph (B), not more than 25 percent of  
19 the total amount of funds authorized under this  
20 section may be used for 1 or more projects in  
21 any single State.

22 (B) WAIVER.—On notification to Congress,  
23 the Secretary may waive the limitation under  
24 subparagraph (A) if a State is unable to use the  
25 entire amount of funding made available to the  
26 State under this Act.

1           (2) ADMINISTRATIVE EXPENSES.—Not more  
2           than 6 percent of the funds authorized under this  
3           section for any fiscal year may be used for adminis-  
4           trative expenses of carrying out this Act.

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