

110TH CONGRESS
1ST SESSION

H. R. 2733

To establish the Trinity River Restoration Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2007

Mr. THOMPSON of California (for himself and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Trinity River Restoration Fund, 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; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trinity River Restoration Fund Act of 2007”.

6 (b) DEFINITIONS.—For the purposes of this Act:

7 (1) APPENDIX C.—The term “Appendix C”
8 means Appendix C of the Final Environmental Im-
9 pact Statement/Environmental Impact Report for
10 the Trinity River Mainstem Fishery.

1 (2) RECORD OF DECISION.—The term “Record
2 of Decision” means the Record of Decision issued by
3 the Secretary with the concurrence of the Hoopa
4 Valley Tribe on December 19, 2000, on “Trinity
5 River Mainstem Fishery Restoration”.

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

8 **SEC. 2. ESTABLISHMENT AND PURPOSE OF FUND.**

9 (a) ESTABLISHMENT, PURPOSE.—There is hereby es-
10 tablished in the United States Treasury a fund, to be
11 known as the “Trinity River Restoration Fund”, to be
12 available to the Secretary for expenditure without further
13 appropriation or fiscal year limitation, and which the Sec-
14 retary shall use solely for the purpose of implementing the
15 preferred alternative identified in the Record of Decision.

16 (b) AUTHORIZATION TO ACCEPT AND EXPEND
17 FUNDS.—The Secretary is authorized to accept and ex-
18 pend funds without further appropriation or fiscal year
19 limitation from public and private sources to assist in the
20 implementation of the Record of Decision.

21 (c) USE FOR SPECIFIC PURPOSES.—Amounts depos-
22 ited into the Trinity River Restoration Fund for specific
23 purposes shall be expended for those purposes only and
24 shall not be subject to appropriation.

1 **SEC. 3. DEPOSITS INTO FUND.**

2 The following shall be deposited in the Trinity River
3 Restoration Fund:

4 (1)(A) Out of the capital component of pay-
5 ments made pursuant to long-term contracts with
6 the Bureau of Reclamation by Central Valley Project
7 water and power contractors (excluding payments
8 made by Friant Division long-term contractors) and
9 beginning the first full fiscal year beginning after
10 the date of the enactment of this Act and continuing
11 each subsequent fiscal year for 5 years, such amount
12 per year as is necessary to yield on an average an-
13 nual basis over 5 years \$6,500,000 (October 2007
14 price levels), to be used to complete the construction
15 and associated administrative activities that the
16 Record of Decision incorporated pursuant to the Im-
17 plementation Plan for Trinity River restoration.

18 (B) For purposes of this paragraph, construc-
19 tion activities include portions or all of the Mechan-
20 ical Rehabilitation, Coarse and Fine Sediment Man-
21 agement Program, and Infrastructure Modifications
22 described in sections 2, 3, and 4 of Appendix C.

23 (2)(A) Out of the capital component of pay-
24 ments made pursuant to long-term contracts with
25 the Bureau of Reclamation by Central Valley Project
26 water and power contractors (excluding payments

1 made by Friant Division long-term contractors) and
2 beginning the first fiscal year after the date of the
3 enactment of this Act and continuing through the
4 conclusion of the Central Valley Project repayment
5 pursuant to Public Law 99–546, such amount per
6 year required to yield a 3-year rolling average of
7 \$11,000,000 (October 2007 price levels), to fund op-
8 eration, maintenance, repair, and replacement, and
9 associated administrative activities necessary for the
10 implementation of the Record of Decision.

11 (B) For purposes of this paragraph—

12 (i) operation, maintenance, repair, and re-
13 placement activities—

14 (I) are activities necessary to main-
15 tain the physical infrastructure constructed
16 under paragraph (1); and

17 (II) those activities associated with
18 Coarse and Fine Sediment Management,
19 Infrastructure Modifications, Watershed
20 Protection, and Adaptive Environmental
21 Assessment and Management, described in
22 sections 3, 4, 5, and 6 of Appendix C; and

23 (ii) associated administrative activities are
24 those described in Organizing to Implement the

1 Trinity River Restoration Program in section 7
2 of Appendix C.

3 (3) Non-Federal funds contributed to the
4 United States for implementation of the Record of
5 Decision or Federal funds appropriated to the Trin-
6 ity River Restoration Fund.

7 **SEC. 4. COSTS; STATUTORY CONSTRUCTION.**

8 The Federal costs of implementing paragraphs (1)
9 and (2) of section 3 shall be nonreimbursable under Fed-
10 eral reclamation law. Nothing in this section shall—

11 (1) limit or be construed to limit the use of the
12 funds assessed and collected pursuant to section
13 3407(d)(2) of the Central Valley Project Improve-
14 ment Act (Public Law 102–575; 106 Stat. 4706,
15 4727) for implementation of the Record of Decision;
16 or

17 (2) be construed to limit or modify existing or
18 future Central Valley Project Ratesetting Policies.

19 **SEC. 5. FUNDING IN THE EVENT CENTRAL VALLEY**
20 **PROJECT CAPITAL REPAYMENTS ARE UN-**
21 **AVAILABLE.**

22 For any fiscal year in which the capital component
23 of payments made pursuant to long-term contracts with
24 the Bureau of Reclamation by Central Valley Project
25 water and power contractors (excluding payments made

1 by Friant Division long-term contractors) falls below the
2 amounts determined to be necessary for construction ac-
3 tivities, operation, maintenance, repair, and replacement
4 costs, and associated administrative costs under para-
5 graphs (1) and (2) of section 3; or the said capital compo-
6 nent payments have been completed, the Secretary shall
7 deposit annually in the Trinity River Restoration Fund
8 an amount sufficient to make up the shortfall from the
9 following sources, to be available for expenditure without
10 further appropriation or fiscal year limitation—

11 (1) reimbursements pursuant to section
12 3406(b)(23) of the Central Valley Project Improve-
13 ment Act (Public Law 102–575; 106 Stat. 4706,
14 4720);

15 (2) receipts to the Central Valley Project Res-
16 toration Fund established by section 3407 of the
17 Central Valley Project Improvement Act (Public
18 Law 102–575; 106 Stat. 4706, 4726); and

19 (3) such other Federal funds appropriated to
20 the Trinity River Restoration Fund.

21 **SEC. 6. REPORTING REQUIREMENT.**

22 Not later than 90 days after the beginning of the sec-
23 ond full fiscal year after date of the enactment of this Act
24 and every 2 years thereafter, the Secretary shall submit
25 a summary report to the Committees on Indian Affairs

1 and Energy and Natural Resources of the Senate and the
2 Committee on Natural Resources of the House of Rep-
3 resentatives. Summary reports under this section shall
4 contain the following:

5 (1) A description of the progress in imple-
6 menting the Trinity River Restoration Program and
7 any barriers to the achievement of restoration goals.

8 (2) The separate views of the Hoopa Valley
9 Tribe, the Yurok Tribe, State and local govern-
10 ments, or other entities participating in the imple-
11 mentation of the Record of Decision, if any of these
12 entities provide their views in writing to the Sec-
13 retary not later than 30 days before the beginning
14 of the fiscal year.

15 (3) In the first report submitted pursuant to
16 this section following completion of the capital com-
17 ponent of payments made pursuant to long-term
18 contracts with the Bureau of Reclamation by Cen-
19 tral Valley Project water and power contractors re-
20 ferred to in section 3, the Secretary, after consulta-
21 tion with the Hoopa Valley Tribe, the Yurok Tribe,
22 State and local governments, or other entities par-
23 ticipating in the implementation of the Record of
24 Decision, shall set forth recommendations, if any,

1 with respect to adjustment of the amount referred to
2 in section 3(2).

3 **SEC. 7. REQUIRED ADJUSTMENT.**

4 Beginning in the second full fiscal year beginning
5 after the date of the enactment of this Act, each dollar
6 amount specified in this Act shall be adjusted to reflect
7 changes for the 1-year period ending the preceding No-
8 vember 30 in the Consumer Price Index for All Urban
9 Consumers published by the Bureau of Labor Statistics
10 of the Department of Labor.

11 **SEC. 8. ADJUSTMENT TO CERTAIN PAYMENT OBLIGATIONS.**

12 The capital repayment obligation of Central Valley
13 Project water and power contractors pursuant to long-
14 term contracts with the Bureau of Reclamation and the
15 appropriate share of the Federal investment in the Central
16 Valley Project to be recovered by the United States pursu-
17 ant to Public Law 99–546 (100 Stat. 3050) shall be re-
18 duced by the amount paid into the Trinity River Restora-
19 tion Fund pursuant to section 3(1) and section 3(2).

20 **SEC. 9. EFFECT OF ACT.**

21 Except as specifically provided herein, nothing in this
22 Act shall modify or affect in any way, the following:

23 (1) The Act of August 12, 1955 (Public Law
24 84–386; 69 Stat. 719).

1 (2) The Act of September 4, 1980 (Public Law
2 96–335; 94 Stat. 1062).

3 (3) The Act of October 24, 1984 (Public Law
4 98–541; 98 Stat. 2721), as amended by the Act of
5 May 15, 1996 (Public Law 104–143; 110 Stat.
6 1338).

7 (4) The Act of October 27, 1986 (Public Law
8 99–546; 100 Stat. 3050).

9 (5) The Central Valley Project Improvement
10 Act (Public Law 102–575; 106 Stat. 4706).

○