

111TH CONGRESS
1ST SESSION

H. R. 2977

To direct the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into an agreement with the National Academy of Sciences to conduct a comprehensive study of sustainable water and environmental management in the Sacramento-San Joaquin Delta, California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2009

Mr. COSTA (for himself, Mr. CARDOZA, Mr. RADANOVICH, Mr. NUNES, and Mr. MCCARTHY of California) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into an agreement with the National Academy of Sciences to conduct a comprehensive study of sustainable water and environmental management in the Sacramento-San Joaquin Delta, 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,*

1 **SECTION 1. SUSTAINABLE WATER AND ENVIRONMENTAL**
2 **MANAGEMENT IN THE SACRAMENTO-SAN**
3 **JOAQUIN DELTA STUDIES AND REPORTS.**

4 (a) INITIAL STUDY.—

5 (1) IN GENERAL.—Not later than 60 days after
6 funding is made available for this Act, the Secretary,
7 acting through the Bureau of Reclamation, shall
8 offer to and, if the NAS agrees, shall enter into an
9 agreement under which the NAS shall conduct a
10 study to help ensure the scientific basis of plans for
11 management of the Delta so as to help maintain and
12 restore the estuary while enhancing the quality and
13 reliability of California’s water supply. The study
14 conducted under this paragraph shall include the fol-
15 lowing:

16 (A) A review of the scientific information
17 assessing the extent of ecosystem decline in the
18 Sacramento and San Joaquin rivers and Delta,
19 including the status and trends of pelagic orga-
20 nisms and anadromous fish species.

21 (B) A list of the factors that may have
22 contributed to the decline of federally and State
23 listed species in the Delta. To the extent prac-
24 ticable, a ranking of the contribution of those
25 factors, in order of their likely impact on the

1 survival and recovery of Delta species, for pur-
2 poses of informing future conservation actions.

3 (C) A description of gaps in available sci-
4 entific information and uncertainties that con-
5 strain the ability to identify the factors to be
6 listed under subparagraph (B).

7 (D) A review and evaluation of the sci-
8 entific information referenced in the U.S. Fish
9 and Wildlife Biological Opinion (USFWS, Dec.
10 15, 2008), the interpretation of that informa-
11 tion by the Fish and Wildlife Service in the ef-
12 fects analysis, and the extent to which the ef-
13 fects analysis supports the Fish and Wildlife
14 Service's jeopardy and adverse modification de-
15 termination and reasonable and prudent alter-
16 natives.

17 (E) A review and evaluation of the sci-
18 entific information referenced in the National
19 Marine Fisheries Service Biological Opinion
20 (NMFS, available June 2009), the interpreta-
21 tion of that information by the National Marine
22 Fisheries Service in the effects analysis, and the
23 extent to which the effects analysis supports the
24 National Marine Fisheries Service's jeopardy

1 and adverse modification determination and
2 reasonable and prudent alternatives.

3 (2) REPORT.—Not later than 18 months after
4 funding is made available to the NAS for the study
5 under paragraph (1), the NAS shall submit to the
6 Secretary a report containing the findings of that
7 study.

8 (3) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to the Sec-
10 retary, \$900,000 to carry out this subsection.

11 (b) ADDITIONAL REPORTS.—The Secretary, acting
12 through the Bureau of Reclamation, may commission ad-
13 ditional studies by the NAS to provide more strategic ad-
14 vice on water and environmental management challenges
15 facing the Delta. Such studies, if commissioned, shall ad-
16 dress issues such as the following:

17 (1) Review the science underlying the extent of
18 ecosystem decline in the Sacramento and San Joa-
19 quin Rivers and Delta, and evaluate its implications
20 for the management of the Delta for water supply
21 and other purposes.

22 (2) Identify options for future water supplies
23 for the region and state that reflect proper consider-
24 ation for climate change and compatibility with ob-

1 jectives of maintaining a healthy Delta
2 hydroecosystems.

3 (3) Advise how to most effectively incorporate
4 science and adaptive management concepts into ho-
5 listic programs for management and restoration of
6 the Delta with the objective of providing a credible
7 basis for providing a sustainable water supply and
8 ecosystem for the future.

9 (c) DEFINITIONS.—For the purposes of this Act:

10 (1) DELTA.—The term “Delta” means the Sac-
11 ramento-San Joaquin Delta in California.

12 (2) NAS.—The term “NAS” means the Na-
13 tional Academy of Sciences.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

○