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111TH CONGRESS
1ST SESSION

H. R. 437

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mr. RADANOVICH introduced the following bill; which was referred to the Committee on Natural Resources

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A BILL

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Madera Water Supply Enhancement Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) DISTRICT.—The term ''District'' means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term ''Project'' means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the United States Department of the Interior.

(4) TOTAL COST.—The term ''total cost''means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

SEC. 3. PROJECT FEASIBILITY.

(a) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory

thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this Act in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

SEC. 4. COOPERATIVE AGREEMENT.

All final planning and design and the construction of the Project authorized by this Act shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.

(a) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws

(Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(b) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(c) COST SHARE.—The Federal share of the capital costs of the Project shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(d) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(1) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(2) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(3) the acquisition costs of lands used or acquired by the District for the Project.

(e) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this section. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(f) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(g) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or the assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(h) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this Act $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

SEC. 6. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

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