

## Union Calendar No. 345

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2273

[Report No. 114-450]

To amend the Colorado River Storage Project Act to authorize the use  
of the active capacity of the Fontenelle Reservoir.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2015

Mrs. LUMMIS introduced the following bill; which was referred to the  
Committee on Natural Resources

MARCH 14, 2016

Reported with amendments, committed to the Committee of the Whole House  
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 12, 2015]

# **A BILL**

To amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir.

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. AUTHORITY TO MAKE ENTIRE ACTIVE CAPAC-**  
4 **ITY OF FONTENELLE RESERVOIR AVAILABLE**  
5 **FOR USE.**

6       *(a) IN GENERAL.—The Secretary of the Interior, in*  
7 *cooperation with the State of Wyoming, may amend the*  
8 *Definite Plan Report for the Seedskadee Project authorized*  
9 *under the first section of the Act of April 11, 1956 (com-*  
10 *monly known as the “Colorado River Storage Project Act”*  
11 *(43 U.S.C. 620)) to provide for the study, design, planning,*  
12 *and construction activities that will enable the use of all*  
13 *active storage capacity (as may be defined or limited by*  
14 *legal, hydrologic, structural, engineering, economic, and en-*  
15 *vironmental considerations) of Fontenelle Dam and Res-*  
16 *ervoir, including the placement of sufficient riprap on the*  
17 *upstream face of Fontenelle Dam to allow the active storage*  
18 *capacity of Fontenelle Reservoir to be used for those pur-*  
19 *poses for which the Seedskadee Project was authorized.*

20       *(b) COOPERATIVE AGREEMENTS.—*

21             *(1) IN GENERAL.—The Secretary of the Interior*  
22 *may enter into any contract, grant, cooperative agree-*  
23 *ment, or other agreement that is necessary to carry*  
24 *out subsection (a).*

25             *(2) STATE OF WYOMING.—*

1           (A) *IN GENERAL.*—*The Secretary of the Interior shall enter into a cooperative agreement*  
2 *with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming*  
3 *for planning, design, related*  
4 *preconstruction activities, and construction of*  
5 *any modification of the Fontenelle Dam under*  
6 *subsection (a).*

7           (B) *REQUIREMENTS.*—*The cooperative*  
8 *agreement under subparagraph (A) shall, at a*  
9 *minimum, specify the responsibilities of the Secretary of the Interior and the State of Wyoming*  
10 *with respect to—*

11           (i) *completing the planning and final*  
12 *design of the modification of the Fontenelle*  
13 *Dam under subsection (a);*

14           (ii) *any environmental and cultural*  
15 *resource compliance activities required for*  
16 *the modification of the Fontenelle Dam*  
17 *under subsection (a) including compliance*  
18 *with—*

19           (I) *the National Environmental*  
20 *Policy Act of 1969 (42 U.S.C. 4321 et*  
21 *seq.);*

1                   (II) *the Endangered Species Act*  
2                   *of 1973 (16 U.S.C. 1531 et seq.); and*

3                   (III) *subdivision 2 of division A*  
4                   *of subtitle III of title 54, United States*  
5                   *Code; and*

6                   (iii) *the construction of the modifica-*  
7                   *tion of the Fontenelle Dam under subsection*  
8                   *(a).*

9           (c) *FUNDING BY STATE OF WYOMING.—Pursuant to*  
10 *the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43*  
11 *U.S.C. 395), and as a condition of providing any addi-*  
12 *tional storage under subsection (a), the State of Wyoming*  
13 *shall provide to the Secretary of the Interior funds for any*  
14 *work carried out under subsection (a).*

15           (d) *OTHER CONTRACTING AUTHORITY.—*

16                   (1) *IN GENERAL.—The Secretary of the Interior*  
17                   *may enter into contracts with the State of Wyoming,*  
18                   *on such terms and conditions as the Secretary of the*  
19                   *Interior and the State of Wyoming may agree, for di-*  
20                   *vision of any additional active capacity made avail-*  
21                   *able under subsection (a).*

22                   (2) *TERMS AND CONDITIONS.—Unless otherwise*  
23                   *agreed to by the Secretary of the Interior and the*  
24                   *State of Wyoming, a contract entered into under*  
25                   *paragraph (1) shall be subject to the terms and condi-*

1        *tions of Bureau of Reclamation Contract No. 14-06-*  
2        *400-2474 and Bureau of Reclamation Contract No.*  
3        *14-06-400-6193.*

4        **SEC. 2. SAVINGS PROVISIONS.**

5        *Unless expressly provided in this Act, nothing in this*  
6        *Act modifies, conflicts with, preempts, or otherwise affects—*

7                *(1) the Act of December 31, 1928 (43 U.S.C. 617*  
8                *et seq.) (commonly known as the “Boulder Canyon*  
9                *Project Act”);*

10               *(2) the Colorado River Compact of 1922, as ap-*  
11               *proved by the Presidential Proclamation of June 25,*  
12               *1929 (46 Stat. 3000);*

13               *(3) the Act of July 19, 1940 (43 U.S.C. 618 et*  
14               *seq.) (commonly known as the “Boulder Canyon*  
15               *Project Adjustment Act”);*

16               *(4) the Treaty between the United States of*  
17               *America and Mexico relating to the utilization of*  
18               *waters of the Colorado and Tijuana Rivers and of the*  
19               *Rio Grande, and supplementary protocol signed No-*  
20               *vember 14, 1944, signed at Washington February 3,*  
21               *1944 (59 Stat. 1219);*

22               *(5) the Upper Colorado River Basin Compact as*  
23               *consented to by the Act of April 6, 1949 (63 Stat. 31);*

1           (6) *the Act of April 11, 1956 (commonly known*  
2           *as the “Colorado River Storage Project Act”)* (43  
3           *U.S.C. 620 et seq.);*

4           (7) *the Colorado River Basin Project Act (Public*  
5           *Law 90–537; 82 Stat. 885); or*

6           (8) *any State of Wyoming or other State water*  
7           *law.*

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to amend the Definite Plan Report for the Seedskadee Project to enable the use of the active capacity of the Fontenelle Reservoir.”.

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