H. R. 23

To provide drought relief in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. VALADAO (for himself, Mr. Nunes, Mr. Rohrabacher, Mr. Cook, Mr. Issa, Mr. Royce of California, Mrs. Mimi Walters of California, Mr. Calvert, Mr. Knight, Mr. McCarthy, Mr. Hunter, Mr. LaMalfa, and Mr. McClintock) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide drought relief in the State of California, and for other purposes.

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 “Gaining Responsibility on Water Act of 2017”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

Sec. 101. Amendment to purposes.
Sec. 102. Amendment to definition.
Sec. 103. Contracts.
Sec. 104. Water transfers, improved water management, and conservation.
Sec. 105. Fish, wildlife, and habitat restoration.
Sec. 106. Restoration fund.
Sec. 107. Additional authorities.
Sec. 108. Bay-Delta Accord.
Sec. 109. Natural and artificially spawned species.
Sec. 110. Regulatory streamlining.
Sec. 111. Additional emergency consultation.
Sec. 112. Regarding the operation of Folsom Reservoir.
Sec. 113. Applicants.
Sec. 114. San Joaquin River settlement.

TITLE II—CALFED STORAGE FEASIBILITY STUDIES

Sec. 201. Studies.
Sec. 202. Temperance Flat.
Sec. 203. CALFED storage accountability.
Sec. 204. Water storage project construction.

TITLE III—WATER RIGHTS PROTECTIONS

Sec. 301. Offset for State Water Project.
Sec. 302. Area of origin protections.
Sec. 303. No redirected adverse impacts.
Sec. 304. Allocations for Sacramento Valley contractors.
Sec. 305. Effect on existing obligations.

TITLE IV—MISCELLANEOUS

Sec. 401. Water supply accounting.
Sec. 402. Operations of the Trinity River Division.
Sec. 403. Report on results of water usage.
Sec. 404. Klamath project consultation applicants.
Sec. 405. Losses caused by the construction and operation of storage projects.
Sec. 406. CA State Water Resources Control Board.

TITLE V—WATER SUPPLY PERMITTING ACT

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Establishment of lead agency and cooperating agencies.
Sec. 504. Bureau responsibilities.
Sec. 505. Cooperating agency responsibilities.
Sec. 506. Funding to process permits.

TITLE VI—BUREAU OF RECLAMATION PROJECT STREAMLINING

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Acceleration of studies.
Sec. 604. Expedited completion of reports.
Sec. 605. Project acceleration.
Sec. 606. Annual report to Congress.

•HR 23 IH
TITLE VII—ACCELERATED REVENUE, REPAYMENT, AND SURFACE WATER STORAGE ENHANCEMENT

Sec. 701. Short title.
Sec. 702. Prepayment of certain repayment contracts between the United States and contractors of federally developed water supplies.

TITLE VIII—SAFETY OF DAMS

Sec. 801. Authorization of additional project benefits.

TITLE IX—WATER RIGHTS PROTECTION

Sec. 901. Short title.
Sec. 902. Definition of water right.
Sec. 903. Treatment of water rights.
Sec. 904. Recognition of State authority.
Sec. 905. Effect of title.

TITLE I—CENTRAL VALLEY

PROJECT WATER RELIABILITY

SEC. 101. AMENDMENT TO PURPOSES.
Section 3402 of the Central Valley Project Improvement Act (106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

“(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 2018, at the lowest cost reasonably achievable; and

“(h) to facilitate and expedite water transfers in accordance with this Act.”.

SEC. 102. AMENDMENT TO DEFINITION.
Section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707) is amended—
(1) by amending subsection (a) to read as follows:

“(a) the term ‘anadromous fish’ means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;”;

(2) in subsection (l), by striking “and,”;

(3) in subsection (m), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(n) the term ‘reasonable flows’ means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.”.

SEC. 103. CONTRACTS.

Section 3404 of the Central Valley Project Improvement Act (106 Stat. 4708) is amended—

(1) in the heading, by striking “LIMITATION ON CONTRACTING AND CONTRACT REFORM” and inserting “CONTRACTS”; and

(2) by striking the language of the section and by adding:
“(a) Renewal of Existing Long-Term Contracts.—Upon request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years.

“(b) Administration of Contracts.—Except as expressly provided by this Act, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (70 Stat. 483).

“(c) Delivery Charge.—Beginning on the date of the enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge the other party to such contract only for water actually delivered by the Secretary.”.

SEC. 104. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (106 Stat. 4709) is amended as follows:

(1) In subsection (a)—

(A) by inserting before “Except as provided herein” the following: “The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project
water in accordance with this Act or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969.”;
(B) in paragraph (1)(A), by striking “to combination” and inserting “or combination”;
(C) in paragraph (2), by adding at the end the following:
“(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of such proposal. If such district or agency or the Secretary determines that such proposal is incomplete, such district or agency or the Secretary shall state with specificity what must be added to or revised in order for such proposal to be complete.
“(F) Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer, but the contracting district from which the water is coming or the agency shall retain all authority under State law to approve or condition a proposed transfer.”; and
(D) by adding at the end the following:
“(4) Notwithstanding any other provision of
Federal reclamation law—

“(A) the authority to make transfers or ex-
changes of, or banking or recharge arrange-
ments using, Central Valley Project water that
could have been conducted before October 30,
1992, is valid, and such transfers, exchanges,
or arrangements shall not be subject to, limited,
or conditioned by this title; and

“(B) this title shall not supersede or re-
voke the authority to transfer, exchange, bank,
or recharge Central Valley Project water that
existed prior to October 30, 1992.”.

(2) In subsection (b)—

(A) in the heading, by striking “METER-
ING” and inserting “MEASUREMENT”; and

(B) by inserting after the first sentence
the following: “The contracting district or agen-
cy, not including contracting districts serving
multiple agencies with separate governing
boards, shall ensure that all contractor-owned
water delivery systems within its boundaries
measure surface water at the district or agen-
cy’s facilities up to the point the surface water
is commingled with other water supplies.”.
(3) By striking subsection (d).

(4) By redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(5) By amending subsection (e) (as redesignated by paragraph (4))—

(A) by striking “as a result of the increased repayment” and inserting “that exceed the cost-of-service”;

(B) by inserting “the delivery of” after “rates applicable to”; and

(C) by striking “, and all increased revenues received by the Secretary as a result of the increased water prices established under subsection 3405(d) of this section,”.

SEC. 105. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended as follows:

(1) In subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking “is authorized and directed to” and inserting “may”; and

(ii) by inserting “reasonable water” after “to provide”;
(iii) by striking “anadromous fish, ex-
cept that such” and inserting “anad-
romous fish. Such”;

(iv) by striking “Instream flow” and
inserting “Reasonable instream flow”;

(v) by inserting “and the National
Marine Fisheries Service” after “United
States Fish and Wildlife Service”; and

(vi) by striking “California Depart-
ment of Fish and Game” and inserting
“United States Geological Survey”;

(B) in paragraph (2)—

(i) by striking “primary purpose” and
inserting “purposes”;

(ii) by striking “but not limited to”
before “additional obligations”; and

(iii) by adding after the period the fol-
lowing: “All Central Valley Project water
used for the purposes specified in this
paragraph shall be credited to the quantity
of Central Valley Project yield dedicated
and managed under this paragraph by de-
determining how the dedication and manage-
ment of such water would affect the deliv-
ey capability of the Central Valley Project
during the 1928 to 1934 drought period
after fishery, water quality, and other flow
and operational requirements imposed by
terms and conditions existing in licenses,
permits, and other agreements pertaining
to the Central Valley Project under appli-
cable State or Federal law existing on Oc-
tober 30, 1992, have been met. To the full-
est extent possible and in accordance with
section 3411, Central Valley Project water
dedicated and managed pursuant to this
paragraph shall be reused to fulfill the
Secretary’s remaining contractual obliga-
tions to provide Central Valley Project
water for agricultural or municipal and in-
dustrial purposes.”; and

(C) by amending paragraph (2)(C) to read:
“(C) If by March 15th of any year the
quantity of Central Valley Project water fore-
casted to be made available to water service or
repayment contractors in the Delta Division of
the Central Valley Project is below 75 percent
of the total quantity of water to be made avail-
able under said contracts, the quantity of Cen-
tral Valley Project yield dedicated and managed
for that year under this paragraph shall be re-duced by 25 percent.”

(2) By adding at the end the following:

“(i) SATISFACTION OF PURPOSES.—

By pursuing the activities described in this section, the Secretary shall be deemed to have met the mitigation, protection, restora-tion, and enhancement purposes of this title.”.

SEC. 106. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (106 Stat. 4726) is amended as follows:

(1) By inserting “(1) IN GENERAL.—” before “There is hereby”.

(2) By striking “Not less than 67 percent” and all that follows through “Monies” and inserting “Monies”.

(3) By adding at the end the following:

“(2) PROHIBITIONS.—The Secretary may not directly or indirectly require a donation or other payment to the Restoration Fund—

“(A) or environmental restoration or mitigation fees not otherwise provided by law, as a condition to—

• HR 23 IH
“(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

“(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270); or

“(B) for any water that is delivered with the sole intent of groundwater recharge.”.

(b) Certain Payments.—Section 3407(e)(1) of the Central Valley Project Improvement Act is amended—

(1) by striking “mitigation and restoration”;

(2) by striking “provided for or”; and

(3) by striking “of fish, wildlife” and all that follows through the period and inserting “of carrying out all activities described in this title.”.

(e) Adjustment and Assessment of Mitigation and Restoration Payments.—Section 3407(d)(2) of the Central Valley Project Improvement Act is amended by inserting “, or after October 1, 2016, $4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2016 price levels)” after “$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project”.

• HR 23 IH
(d) Completion of Actions.—Section 3407(d)(2)(A) of the Central Valley Project Improvement Act is amended by inserting “no later than December 31, 2020,” after “That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title,”.

(e) Report; Advisory Board.—Section 3407 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended by adding at the end the following:

“(g) Report on Expenditure of Funds.—At the end of each fiscal year, the Secretary, in consultation with the Restoration Fund Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year. Such plan shall contain a cost-effectiveness analysis of each expenditure.

“(h) Advisory Board.—

“(1) Establishment.—There is hereby established the Restoration Fund Advisory Board (hereinafter in this section referred to as the ‘Advisory Board’) composed of 12 members selected by the Secretary, each for four-year terms, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent the various Central Valley Project stakeholders, four of
whom shall be from CVP agricultural users, three from CVP municipal and industrial users, three from CVP power contractors, and two at the discretion of the Secretary. The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(2) DUTIES.—The duties of the Advisory Board are as follows:

“(A) To meet at least semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out pursuant to the Central Valley Project Improvement Act.

“(B) To ensure that any advice or recommendation made by the Advisory Board to the Secretary reflect the independent judgment of the Advisory Board.

“(C) Not later than December 31, 2018, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

“(D) Not later than December 31, 2018, and biennially thereafter, to transmit to Congress a report that details the progress made in
achieving the actions mandated under section 3406.

“(3) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.”.

SEC. 107. ADDITIONAL AUTHORITIES.

(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section 3408(c) of the Central Valley Project Improvement Act (106 Stat. 4728) is amended to read as follows:

“(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

“(1) IN GENERAL.—The Secretary is authorized to enter into contracts pursuant to Federal reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

“(2) LIMITATION.—Nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99–546 (100 Stat. 3051).

“(3) AUTHORITY FOR CERTAIN ACTIVITIES.—

The Secretary shall use the authority granted by
this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

“(4) RATES.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection. Such rates shall be charged to a party using Central Valley Project facilities for such purpose. Such costs shall not include any donation or other payment to the Restoration Fund.

“(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.”.

(b) REPORTING REQUIREMENTS.—Section 3408(f) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—

(1) by striking “Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries” and inserting “Natural Resources”;
(2) in the second sentence, by inserting before the period at the end the following: “, including progress on the plan required by subsection (j)”; and

(3) by adding at the end the following: “The filing and adequacy of such report shall be personally certified to the committees referenced above by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.”.

(e) PROJECT YIELD INCREASE.—Section 3408(j) of the Central Valley Project Improvement Act (106 Stat. 4730) is amended as follows:

(1) By redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively.

(2) By striking “In order to minimize adverse effects, if any, upon” and inserting “(1) IN GENERAL.—In order to minimize adverse effects upon”.

(3) By striking “needs, the Secretary,” and all that follows through “submit to the Congress, a” and inserting “needs, the Secretary, on a priority basis and not later than September 30, 2018, shall submit to Congress a”.

(4) By striking “increase,” and all that follows through “options:” and inserting “increase, as soon as possible but not later than September 30, 2017 (except for the construction of new facilities which
shall not be limited by that deadline), the water of the Central Valley Project by the amount dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project including satisfying contractual obligations. The plan required by this subsection shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection and a description of how the Secretary intends to use the following options—”.

(5) In subparagraph (A), by inserting “and construction of new water storage facilities” before the semicolon.

(6) In subparagraph (F), by striking “and” at the end.

(7) In subparagraph (G), by striking the period and all that follows through the end of the subsection and inserting “; and”.

(8) By inserting after subparagraph (G) the following:

“(H) Water banking and recharge.”.

(9) By adding at the end the following:
“(2) IMPLEMENTATION OF PLAN.—The Secretary shall implement the plan required by paragraph (1) commencing on October 1, 2017. In order to carry out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

“(3) FAILURE OF THE PLAN.—Notwithstanding any other provision of Federal reclamation law, if by September 30, 2018, the plan required by paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any non-mandatory action under section 3406(b)(2) shall be suspended until the plan achieves an increase in the annual delivery capability of the Central Valley Project by 800,000 acre-feet.”.

(d) TECHNICAL CORRECTION.—Section 3408(h) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—

(1) in paragraph (1), by striking “paragraph (h)(2)” and inserting “paragraph (2)”; and

(2) in paragraph (2), by striking “paragraph (h)(i)” and inserting “paragraph (1)”.
Water Storage Project Construction.—
The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability, and Environmental Improvement Act (Public Law 108–361) (and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance these projects. No additional Federal funds are authorized for the activities authorized in sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of Public Law 108–361. However, each water storage project under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of Public Law 108–361 is authorized for construction if non-Federal funds are used for financing and constructing the project.

SEC. 108. BAY-DELTA ACCORD.

(a) Congressional Direction Regarding Central Valley Project and California State Water Project Operations.—The Central Valley Project and the State Water Project shall be operated pursuant to the water quality standards and operational constraints described in the “Principles for Agreement on the Bay-Delta

(b) Application of Laws to Others.—Neither a Federal department nor the State of California, including any agency or board of the State of California, shall impose on any water right obtained pursuant to State law, including a pre-1914 appropriative right, any condition that restricts the exercise of that water right in order to conserve, enhance, recover or otherwise protect any species that is affected by operations of the Central Valley Project or California State Water Project. Nor shall the State of California, including any agency or board of the State of California, restrict the exercise of any water right obtained pursuant to State law, including a pre-1914 appropriative right, in order to protect, enhance, or restore under the Public Trust Doctrine any public trust value. Implementation of the “Principles for Agreement on the Bay-Delta
Standards Between the State of California and the Federal Government” dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(c) Costs.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(d) Native Species Protection.—California law is preempted with respect to any restriction on the quantity or size of nonnative fish taken or harvested that preys upon one or more native fish species that occupy the Sacramento and San Joaquin Rivers and their tributaries or the Sacramento-San Joaquin Rivers Delta.

SEC. 109. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of the enactment of this title, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between naturally spawned and hatchery-spawned or otherwise artificially propagated strains of a species in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to any anadromous fish species present in the Sacramento and San Joaquin Rivers or their tributaries and ascend those rivers and their trib-
utaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

SEC. 110. REGULATORY STREAMLINING.

(a) Applicability of Certain Laws.—Filing of a Notice of Determination or a Notice of Exemption for any project, including the issuance of a permit under State law, related to any project of the CVP or the delivery of water therefrom in accordance with the California Environmental Quality Act shall be deemed to meet the requirements of section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)) for that project or permit.

(b) Continuation of Project.—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity related to any project of the CVP or the delivery of water therefrom pending completion of judicial review of any determination made under the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) Project Defined.—For the purposes of this section:

(1) CVP.—The term “CVP” means the Central Valley Project.

(2) Project.—The term “project”—

(A) means an activity that—
(i) is undertaken by a public agency, funded by a public agency, or that requires an issuance of a permit by a public agency;

(ii) has a potential to result in physical change to the environment; and

(iii) may be subject to several discretionary approvals by governmental agencies;

(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or

(C) as defined under the California Environmental Quality Act in section 21065 of the California Public Resource Code.

SEC. 111. ADDITIONAL EMERGENCY CONSULTATION.

For adjustments to operating criteria other than under section 108 or to take urgent actions to address water supply shortages for the least amount of time or volume of diversion necessary as determined by the Commissioner of Reclamation, no mitigation measures shall be required during any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sac-
ramento Valley Index is 7.8 or greater, and any mitigation measures imposed must be based on quantitative data and required only to the extent that such data demonstrates actual harm to species.

SEC. 112. REGARDING THE OPERATION OF FOLSOM RESERVOIR.

The Secretary of the Interior, in collaboration with the Sacramento Water Forum, shall expedite evaluation, completion and implementation of the Modified Lower American River Flow Management Standard developed by the Water Forum in 2015 to improve water supply reliability for Central Valley Project American River water contractors and resource protection in the lower American River during consecutive dry years under current and future demand and climate change conditions.

SEC. 113. APPLICANTS.

In the event that the Bureau of Reclamation or another Federal agency initiates or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Central Valley Project and State Water Project, or any part thereof, the State Water Project contractors and the Central Valley Project contractors will be accorded all the rights
and responsibilities extended to applicants in the consultation process.

SEC. 114. SAN JOAQUIN RIVER SETTLEMENT.

(a) CALIFORNIA STATE LAW SATISFIED BY WARM WATER FISHERY.—


(2) DEFINITION OF WARM WATER FISHERY.—For the purposes of this section, the term “warm water fishery” means a water system that has an environment suitable for species of fish other than salmon (including all subspecies) and trout (including all subspecies).

(b) REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.—As of the date of enactment of this section, the Secretary of the Interior shall cease any action to implement the San Joaquin River Restoration Settlement Act

**TITLE II—CALFED STORAGE**

**FEASIBILITY STUDIES**

**SEC. 201. STUDIES.**

The Secretary of the Interior, through the Commissioner of Reclamation, shall—

1. Complete the feasibility studies described in clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684) and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2017;

2. Complete the feasibility study described in clause (i)(II) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2018;

3. Complete a publicly available draft of the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the
House of Representatives and the Senate not later than November 30, 2018;

(4) complete the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2019;

(5) complete the feasibility study described in section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) and submit such study to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2019;

(6) provide a progress report on the status of the feasibility studies referred to in paragraphs (1) through (3) to the appropriate committees of the House of Representatives and the Senate not later than 90 days after the date of the enactment of this Act and each 180 days thereafter until December 31, 2019, as applicable. The report shall include timelines for study completion, draft environmental impact statements, final environmental impact statements, and Records of Decision;

(7) in conducting any feasibility study under this Act, the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public
Law 102–575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law, for the purposes of determining feasibility the Secretary shall document, delineate, and publish costs directly relating to the engineering and construction of a water storage project separately from the costs resulting from regulatory compliance or the construction of auxiliary facilities necessary to achieve regulatory compliance; and

(8) communicate, coordinate and cooperate with public water agencies that contract with the United States for Central Valley Project water and that are expected to participate in the cost pools that will be created for the projects proposed in the feasibility studies under this section.

SEC. 202. TEMPERANCE FLAT.

(a) DEFINITIONS.—For the purposes of this section:

(1) PROJECT.—The term “Project” means the Temperance Flat Reservoir Project on the Upper San Joaquin River.

(2) RMP.—The term “RMP” means the document titled “Bakersfield Field Office, Record of De-

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

(b) APPLICABILITY OF RMP.—The RMP and findings related thereto shall have no effect on or applicability to the Secretary’s determination of feasibility of, or on any findings or environmental review documents related to—

(1) the Project; or

(2) actions taken by the Secretary pursuant to section 103(d)(1)(A)(ii)(II) of the Bay-Delta Authorization Act (title I of Public Law 108–361).

(c) DUTIES OF SECRETARY UPON DETERMINATION OF FEASIBILITY.—If the Secretary finds the Project to be feasible, the Secretary shall manage the land recommended in the RMP for designation under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) in a manner that does not impede any environmental reviews, preconstruction, construction, or other activities of the Project, regardless of whether or not the Secretary submits any official recommendation to Congress under the Wild and Scenic Rivers Act.

(d) RESERVED WATER RIGHTS.—Effective December 22, 2017, there shall be no Federal reserved water rights to any segment of the San Joaquin River related
to the Project as a result of any designation made under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

SEC. 203. CALFED STORAGE ACCOUNTABILITY.

If the Secretary of the Interior fails to provide the feasibility studies described in section 201 to the appropriate committees of the House of Representatives and the Senate by the times prescribed, the Secretary shall notify each committee chair individually in person on the status of each project once a month until the feasibility study for that project is provided to Congress.

SEC. 204. WATER STORAGE PROJECT CONSTRUCTION.

(a) PARTNERSHIP AND AGREEMENTS.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability and Environmental Improvement Act (Public Law 108–361) (and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

(b) AUTHORIZATION FOR PROJECT.—If the Secretary determines a project described in section 202(a)(1) and (2) is feasible, the Secretary is authorized to carry out
the project in a manner that is substantially in accordance
with the recommended plan, and subject to the conditions
described in the feasibility study, provided that no Federal
funding shall be used to construct the project.

Title III—Water Rights
Protections

Sec. 301. Offset for State Water Project.

(a) Implementation Impacts.—The Secretary of
the Interior shall confer with the California Department
of Fish and Wildlife in connection with the implementa-
tion of this title on potential impacts to any consistency
determination for operations of the State Water Project
issued pursuant to California Fish and Game Code section
2080.1.

(b) Additional Yield.—If, as a result of the appli-
cation of this title, the California Department of Fish and
Wildlife—

(1) revokes the consistency determinations pur-
suant to California Fish and Game Code section
2080.1 that are applicable to the State Water
Project;

(2) amends or issues one or more new consist-
ency determinations pursuant to California Fish and
Game Code section 2080.1 in a manner that directly
or indirectly results in reduced water supply to the
State Water Project as compared with the water
supply available under the smelt biological opinion
and the salmonid biological opinion; or

(3) requires take authorization under California
Fish and Game Code section 2081 for operation of
the State Water Project in a manner that directly or
indirectly results in reduced water supply to the
State Water Project as compared with the water
supply available under the smelt biological opinion
and the salmonid biological opinion, and as a con-
sequence of the Department’s action, Central Valley
Project yield is greater than it would have been ab-
sent the Department’s actions, then that additional
yield shall be made available to the State Water
Project for delivery to State Water Project contrac-
tors to offset losses resulting from the Department’s
action.

(c) Notification Related to Environmental
Protections.—The Secretary of the Interior shall imme-
diately notify the Director of the California Department
of Fish and Wildlife in writing if the Secretary of the Inte-
rior determines that implementation of the smelt biological
opinion and the salmonid biological opinion consistent with
this title reduces environmental protections for any species
covered by the opinions.
SEC. 302. AREA OF ORIGIN PROTECTIONS.

(a) IN GENERAL.—The Secretary of the Interior is directed, in the operation of the Central Valley Project, to adhere to California’s water rights laws governing water rights priorities and to honor water rights senior to those held by the United States for operation of the Central Valley Project, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of chapter 1 of part 2 of division 2, sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and sections 12200 through 12220, inclusive).

(b) DIVERSIONS.—Any action undertaken by the Secretary of the Interior and the Secretary of Commerce pursuant to both this title and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that requires that diversions from the Sacramento River or the San Joaquin River watersheds upstream of the Delta be bypassed shall not be undertaken in a manner that alters the water rights priorities established by California law.

SEC. 303. NO REDIRECTED ADVERSE IMPACTS.

(a) IN GENERAL.—The Secretary of the Interior shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance
with legal obligations imposed pursuant to or as a result of this title, including such actions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable Federal and State laws, shall not directly or indirectly—

(1) result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from either the State Water Project or the United States under water rights settlement contracts, exchange contracts, water service contracts, repayment contracts, or water supply contracts; or

(2) cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.

(b) Costs.—To the extent that costs are incurred solely pursuant to or as a result of this title and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.
(c) Rights and Obligations Not Modified or Amended.—Nothing in this title shall modify or amend the rights and obligations of the parties to any existing—

(1) water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the allocation of any other Central Valley Project water; or

(2) State Water Project water supply or settlement contract with the State.

SEC. 304. ALLOCATIONS FOR SACRAMENTO VALLEY CONTRACTORS.

(a) Allocations.—

(1) In General.—Subject to paragraph (2) and subsection (b), the Secretary of the Interior is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

(A) Not less than 100 percent of their contract quantities in a “Wet” year.

(B) Not less than 100 percent of their contract quantities in an “Above Normal” year.
(C) Not less than 100 percent of their contract quantities in a “Below Normal” year that is preceded by an “Above Normal” or a “Wet” year.

(D) Not less than 50 percent of their contract quantities in a “Dry” year that is preceded by a “Below Normal”, an “Above Normal”, or a “Wet” year.

(E) In all other years not identified herein, the allocation percentage for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed shall not be less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent; provided, that nothing herein shall preclude an allocation to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed that is greater than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors.

(2) CONDITIONS.—The Secretary’s actions under paragraph (a) shall be subject to—
(A) the priority of individuals or entities with Sacramento River water rights, including those with Sacramento River Settlement Contracts, that have priority to the diversion and use of Sacramento River water over water rights held by the United States for operations of the Central Valley Project;

(B) the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors; and

(C) the Secretary’s obligation to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102–575).

(b) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in subsection (a) shall be deemed to—

(1) modify any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary;

(2) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies;
(3) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies; or

(4) affect allocations to Central Valley Project municipal and industrial contractors pursuant to such policies.

Neither subsection (a) nor the Secretary’s implementation of subsection (a) shall constrain, govern or affect, directly, the operations of the Central Valley Project’s American River Division or any deliveries from that Division, its units or facilities.

(c) NO EFFECT ON ALLOCATIONS.—This section shall not—

(1) affect the allocation of water to Friant Division contractors; or

(2) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant Division.

(d) PROGRAM FOR WATER RESCHEDULING.—The Secretary of the Interior shall develop and implement a program, not later than 1 year after the date of the enactment of this Act, to provide for the opportunity for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed to re-
schedule water, provided for under their Central Valley Project water service contracts, from one year to the next.

(c) DEFINITIONS.—In this section:

(1) The term “existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed” means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project, that have a water service contract in effect, on the date of the enactment of this section, that provides water for irrigation.

(2) The year type terms used in subsection (a) have the meaning given those year types in the Sacramento Valley Water Year Type (40–30–30) Index.

SEC. 305. EFFECT ON EXISTING OBLIGATIONS.

Nothing in this title preempts or modifies any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law, including established water rights priorities.

TITLE IV—MISCELLANEOUS

SEC. 401. WATER SUPPLY ACCOUNTING.

(a) In general.—All Central Valley Project water, except Central Valley Project water released pursuant to U.S. Department of the Interior Record of Decision, Trin-
ity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000 used to implement an action undertaken for a fishery beneficial purpose that was not imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, shall be credited to the quantity of Central Valley Project yield dedicated and managed under this section; provided, that nothing herein shall affect the Secretary of the Interior’s duty to comply with any otherwise lawful requirement imposed on operations of the Central Valley Project under any provision of Federal or State law.

(b) Reclamation Policies and Allocations.—

Reclamation policies and allocations shall not be based upon any premise or assumption that Central Valley Project contract supplies are supplemental or secondary to any other contractor source of supply.

SEC. 402. OPERATIONS OF THE TRINITY RIVER DIVISION.

The Secretary of the Interior, in the operation of the Trinity River Division of the Central Valley Project, shall not make releases from Lewiston Dam in excess of the volume for each water-year type required by the U.S. Department of the Interior Record of Decision, Trinity River

(1) A maximum of 369,000 acre-feet in a “Critically Dry” year.

(2) A maximum of 453,000 acre-feet in a “Dry” year.

(3) A maximum of 647,000 acre-feet in a “Normal” year.

(4) A maximum of 701,000 acre-feet in a “Wet” year.

(5) A maximum of 815,000 acre-feet in an “Extremely Wet” year.

SEC. 403. REPORT ON RESULTS OF WATER USAGE.

The Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Natural Resources of the State of California, shall publish an annual report detailing instream flow releases from the Central Valley Project and California State Water Project, their explicit purpose and authority, and all measured environmental benefit as a result of the releases.

SEC. 404. KLAMATH PROJECT CONSULTATION APPLICANTS.

If the Bureau of Reclamation initiates or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section
7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Klamath Project (or any part thereof), Klamath Project contractors shall be accorded all the rights and responsibilities extended to applicants in the consultation process. Upon request of the Klamath Project contractors, they may be represented through an association or organization.

SEC. 405. LOSSES CAUSED BY THE CONSTRUCTION AND OPERATION OF STORAGE PROJECTS.

(a) MARINAS, RECREATIONAL FACILITIES, OTHER BUSINESSES.—If in constructing any new or modified water storage project included in section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684), the Bureau of Reclamation destroys or otherwise adversely affects any existing marina, recreational facility, or other water-dependent business when constructing or operating a new or modified water storage project, the Secretaries of the Interior and Agriculture, acting through the Bureau and the Forest Service shall—

(1) provide compensation otherwise required by law; and

(2) provide the owner of the affected marina, recreational facility, or other water-dependent business under mutually agreeable terms and conditions.
with the right of first refusal to construct and operate a replacement marina, recreational facility, or other water-dependent business, as the case may be, on United States land associated with the new or modified water storage project.

(b) HYDROELECTRIC PROJECTS.—If in constructing any new or modified water storage project included in section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684), the Bureau of Reclamation reduces or eliminates the capacity or generation of any existing non-Federal hydroelectric project by inundation or otherwise, the Secretary of the Interior shall—

(1) provide compensation otherwise required by law;

(2) provide the owner of the affected hydroelectric project under mutually agreeable terms and conditions with a right of first refusal to construct, operate, and maintain replacement hydroelectric generating facilities at such new or modified water storage project, on federal land associated with the new or modified water storage project or on private land owned by the affected hydroelectric project owner;

(3) provide compensation for the construction of any water conveyance facilities as are necessary to
convey water to any new powerhouse constructed by
such owner in association with such new hydro-
electric generating facilities; and

(4) provide for subsections (b)(1), (b)(2), and
(b)(3) at a cost not to exceed the estimated value of
the actual impacts to any existing non-Federal hy-
droelectric project and as estimated for the associ-
ated feasibility study, including additional planning,
environmental, design, construction, and operations
and maintenance costs for existing and replacement
facilities.

(c) COST ALLOCATION.—Any compensation under
this section shall be a project cost and allocated to project
beneficiaries.

(d) APPLICABILITY.—This section shall only apply to
federally owned water storage projects, whether authorized
under this Act or some other authority.

(e) LIMITATION.—Nothing in this section affects the
ability of landowners or tribes to seek compensation or any
other remedy otherwise required by law.

SEC. 406. CA STATE WATER RESOURCES CONTROL BOARD.

(a) IN GENERAL.—In carrying out this Act, the Sec-
retaries shall—

(1) recognize Congressional opposition to the
violation of private property rights by the California
State Water Resources Control Board in their proposal to require a minimum percentage of unimpaired flows in the main tributaries of the San Joaquin River; and

(2) recognize the need to provide reliable water supplies to municipal, industrial, and agricultural users across the State.

**TITLE V—WATER SUPPLY PERMITTING ACT**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Water Supply Permitting Coordination Act”.

**SEC. 502. DEFINITIONS.**

In this title:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **BUREAU.**—The term “Bureau” means the Bureau of Reclamation.

(3) **QUALIFYING PROJECTS.**—The term “qualifying projects” means new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) constructed on lands administered by the Department of the Interior or the De-
department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding.

(4) COOPERATING AGENCIES.—The term “co-operating agency” means a Federal agency with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject to section 503(c).

SEC. 503. ESTABLISHMENT OF LEAD AGENCY AND COOPERATING AGENCIES.

(a) ESTABLISHMENT OF LEAD AGENCY.—The Bureau of Reclamation is established as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, or other approvals or decisions required under Federal law to construct qualifying projects.

(b) IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.—The Commissioner of the Bureau shall—

(1) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over a review, analysis, opinion, statement, permit, license, ap-
proval, or decision required for a qualifying project under applicable Federal laws and regulations; and

(2) notify any such agency, within a reasonable timeframe, that the agency has been designated as a cooperating agency in regards to the qualifying project unless that agency responds to the Bureau in writing, within a timeframe set forth by the Bureau, notifying the Bureau that the agency—

(A) has no jurisdiction or authority with respect to the qualifying project;

(B) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit, license, or other approval or decision associated therewith; or

(C) does not intend to submit comments on the qualifying project or conduct any review of such a project or make any decision with respect to such project in a manner other than in cooperation with the Bureau.

(c) State Authority.—A State in which a qualifying project is being considered may choose, consistent with State law—

(1) to participate as a cooperating agency; and
(2) to make subject to the processes of this title all State agencies that—

(A) have jurisdiction over the qualifying project;

(B) are required to conduct or issue a review, analysis, or opinion for the qualifying project; or

(C) are required to make a determination on issuing a permit, license, or approval for the qualifying project.

SEC. 504. BUREAU RESPONSIBILITIES.

(a) In General.—The principal responsibilities of the Bureau under this title are to—

(1) serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed qualifying projects;

(2) coordinate preparation of unified environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and

(3) coordinate all Federal agency reviews necessary for project development and construction of qualifying projects.

(b) Coordination Process.—The Bureau shall have the following coordination responsibilities:
(1) **Pre-application Coordination.**—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a proposal and facilitate a preapplication meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes to—

(A) explain applicable processes, data requirements, and applicant submissions necessary to complete the required Federal agency reviews within the timeframe established; and

(B) establish the schedule for the qualifying project.

(2) **Consultation with Cooperating Agencies.**—Consult with the cooperating agencies throughout the Federal agency review process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.

(3) **Schedule.**—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other factors—

(A) the responsibilities of cooperating agencies under applicable laws and regulations;
(B) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, as applicable;

(C) the overall size and complexity of the qualifying project;

(D) the overall schedule for and cost of the qualifying project; and

(E) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(4) ENVIRONMENTAL COMPLIANCE.—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a given qualifying project shall base project approval decisions. Help ensure that cooperating agencies make necessary decisions, within their respective authorities, regarding Federal approvals in accordance with the following timelines:

(A) Not later than one year after acceptance of a completed project application when an environmental assessment and finding of no significant impact is determined to be the appropriate level of review under the National Envi-

(B) Not later than one year and 30 days after the close of the public comment period for a draft environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), when an environmental impact statement is required under the same.

(5) CONSOLIDATED ADMINISTRATIVE RECORD.—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.

(6) PROJECT DATA RECORDS.—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible electronic format, compile, and where authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and to the public.

(7) PROJECT MANAGER.—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final
authorizing documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under section 505.

SEC. 505. COOPERATING AGENCY RESPONSIBILITIES.

(a) Adherence to Bureau Schedule.—Upon notification of an application for a qualifying project, all cooperating agencies shall submit to the Bureau a timeframe under which the cooperating agency reasonably considers it will be able to complete its authorizing responsibilities. The Bureau shall use the timeframe submitted under this subsection to establish the project schedule under section 504, and the cooperating agencies shall adhere to the project schedule established by the Bureau.

(b) Environmental Record.—Cooperating agencies shall submit to the Bureau all environmental review material produced or compiled in the course of carrying out activities required under Federal law consistent with the project schedule established by the Bureau.

(c) Data Submission.—To the extent practicable and consistent with Federal law, the cooperating agencies shall submit all relevant project data to the Bureau in a generally accessible electronic format subject to the project schedule set forth by the Bureau.
SEC. 506. FUNDING TO PROCESS PERMITS.

(a) In General.—The Secretary, after public notice in accordance with the Administrative Procedures Act (5 U.S.C. 553), may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project.

(b) Effect on Permitting.—

(1) In General.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) Evaluation of Permits.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by the Regional Director of the Bureau, or the Regional Director’s designee, of the region in which the qualifying project or activity is located; and

(B) use the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.
(3) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the cooperating agencies receiving funds under this section for qualifying projects shall ensure that the use of the funds accepted under this section for such projects shall not—

(A) impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally; or

(B) diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.
TITLE VI—BUREAU OF RECLAMATION PROJECT STREAMLINING

SEC. 601. SHORT TITLE.

This title may be cited as the “Bureau of Reclamation Project Streamlining Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT.—

The term “environmental impact statement” means the detailed statement of environmental impacts of a project required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term “environmental review process” means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

(B) INCLUSIONS.—The term “environmental review process” includes the process for and completion of any environmental permit,
approval, review, or study required for a project study under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **Federal Jurisdictional Agency.**—The term “Federal jurisdictional agency” means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a project study under applicable Federal laws (including regulations).

(4) **Federal Lead Agency.**—The term “Federal lead agency” means the Bureau of Reclamation.

(5) **Project.**—The term “project” means a surface water project, a project under the purview of title XVI of Public Law 102–575, or a rural water supply project investigated under Public Law 109–451 to be carried out, funded or operated in whole or in party by the Secretary pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(6) **Project Sponsor.**—The term “project sponsor” means a State, regional, or local authority or instrumentality or other qualifying entity, such as
a water conservation district, irrigation district, water conservancy district, joint powers authority, mutual water company, canal company, rural water district or association, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(7) Project study.—The term “project study” means a feasibility study for a project carried out pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(8) Secretary.—The term “Secretary” means the Secretary of the Interior.

(9) Surface water storage.—The term “surface water storage” means any surface water reservoir or impoundment that would be owned, funded or operated in whole or in part by the Bureau of Reclamation or that would be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

SEC. 603. ACCELERATION OF STUDIES.

(a) In General.—To the extent practicable, a project study initiated by the Secretary, after the date of enactment of this Act, under the Reclamation Act of 1902
(32 Stat. 388), and all Acts amendatory thereof or supplementary thereto, shall—

(1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;

(2) have a maximum Federal cost of $3,000,000; and

(3) ensure that personnel from the local project area, region, and headquarters levels of the Bureau of Reclamation concurrently conduct the review required under this section.

(b) EXTENSION.—If the Secretary determines that a project study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

(1) prepare an updated project study schedule and cost estimate;

(2) notify the non-Federal project cost-sharing partner that the project study has been delayed; and

(3) provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the reasons the requirements of subsection (a) are not attainable.
(c) Exception.—

(1) In general.—Notwithstanding the requirements of subsection (a), the Secretary may extend the timeline of a project study by a period not to exceed 3 years, if the Secretary determines that the project study is too complex to comply with the requirements of subsection (a).

(2) Factors.—In making a determination that a study is too complex to comply with the requirements of subsection (a), the Secretary shall consider—

(A) the type, size, location, scope, and overall cost of the project;

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies;

(D) whether there is significant public dispute as to the nature or effects of the project; and

(E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.
(3) Notification.—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the results of that determination, including an identification of the specific one or more factors used in making the determination that the project is complex.

(4) Limitation.—The Secretary shall not extend the timeline for a project study for a period of more than 7 years, and any project study that is not completed before that date shall no longer be authorized.

(d) Reviews.—Not later than 90 days after the date of the initiation of a project study described in subsection (a), the Secretary shall—

(1) take all steps necessary to initiate the process for completing federally mandated reviews that the Secretary is required to complete as part of the study, including the environmental review process under section 805;

(2) convene a meeting of all Federal, tribal, and State agencies identified under section 605(d) that may—
(A) have jurisdiction over the project;

(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study; and

(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(e) INTERIM REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of the planning process under this section, including the number of participating projects;

(2) a review of project delivery schedules, including a description of any delays on those studies initiated prior to the date of the enactment of this Act; and
(3) any recommendations for additional authority necessary to support efforts to expedite the project.

(f) **Final Report.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of this section, including a description of each project study subject to the requirements of this section;

(2) the amount of time taken to complete each project study; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

**SEC. 604. EXPEDITED COMPLETION OF REPORTS.**

The Secretary shall—

(1) expedite the completion of any ongoing project study initiated before the date of enactment of this Act; and
(2) if the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction planning, engineering, and design of the project in accordance with the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

SEC. 605. PROJECT ACCELERATION.

(a) **Applicability.**—

(1) **In general.**—This section shall apply to—

(A) each project study that is initiated after the date of enactment of this Act and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any project study for the development of a nonfederally owned and operated surface water storage project for which the Secretary
determines there is a demonstrable Federal in-
terest and the project—

(i) is located in a river basin where
other Bureau of Reclamation water
projects are located;

(ii) will create additional water sup-
plies that support Bureau of Reclamation
water projects; or

(iii) will become integrated into the
operation of Bureau of Reclamation water
projects.

(2) FLEXIBILITY.—Any authority granted
under this section may be exercised, and any re-
quirement established under this section may be sat-
sified, for the conduct of an environmental review
process for a project study, a class of project stud-
ies, or a program of project studies.

(3) LIST OF PROJECT STUDIES.—

(A) IN GENERAL.—The Secretary shall an-
ually prepare, and make publicly available, a
list of all project studies that the Secretary has
determined—

(i) meets the standards described in
paragraph (1); and
(ii) does not have adequate funding to
make substantial progress toward the com-
pletion of the project study.

(B) INCLUSIONS.—The Secretary shall in-
clude for each project study on the list under
subparagraph (A) a description of the estimated
amounts necessary to make substantial progress
on the project study.

(b) PROJECT REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall develop
and implement a coordinated environmental review
process for the development of project studies.

(2) COORDINATED REVIEW.—The coordinated
environmental review process described in paragraph
(1) shall require that any review, analysis, opinion,
statement, permit, license, or other approval or deci-
sion issued or made by a Federal, State, or local
governmental agency or an Indian tribe for a project
study described in subsection (b) be conducted, to
the maximum extent practicable, concurrently with
any other applicable governmental agency or Indian
tribe.

(3) TIMING.—The coordinated environmental
review process under this subsection shall be com-
pleted not later than the date on which the Sec-
retary, in consultation and concurrence with the agencies identified under section 705(d), establishes with respect to the project study.

(c) LEAD AGENCIES.—

(1) JOINT LEAD AGENCIES.—

(A) IN GENERAL.—Subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the requirements of section 1506.8 of title 40, Code of Federal Regulations (or successor regulations), including the concurrence of the proposed joint lead agency, a project sponsor may serve as the joint lead agency.

(B) PROJECT SPONSOR AS JOINT LEAD AGENCY.—A project sponsor that is a State or local governmental entity may—

(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C.
4321 et seq.) required in support of any action or approval by the Secretary if—

(I) the Secretary provides guidance in the preparation process and independently evaluates that document;

(II) the project sponsor complies with all requirements applicable to the Secretary under—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(bb) any regulation implementing that Act; and

(cc) any other applicable Federal law; and

(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

(2) Duties.—The Secretary shall ensure that—
(A) the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection; and

(B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.

(3) Adoption and use of documents.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(4) Roles and responsibility of lead agency.—With respect to the environmental review
process for any project study, the Federal lead agency shall have authority and responsibility—

(A) to take such actions as are necessary and proper and within the authority of the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and

(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

(d) PARTICIPATING AND COOPERATING AGENCIES.—

(1) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to carrying out the environmental review process for a project study, the Secretary shall identify, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that may—

(A) have jurisdiction over the project;
(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(2) State Authority.—If the environmental review process is being implemented by the Secretary for a project study within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

(A) have jurisdiction over the project;

(B) are required to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(3) Invitation.—

(A) In General.—The Federal lead agency shall invite, as early as practicable in the environmental review process, any agency identified under paragraph (1) to become a participating or cooperating agency, as applicable, in
the environmental review process for the project study.

(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the Federal lead agency for good cause.

(4) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Bureau of Reclamation Project Streamlining Act), shall govern the identification and the participation of a cooperating agency.

(5) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is invited by the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the invited agency informs the Federal lead agency, in writing, by the deadline specified in the invitation that the invited agency—

(A)(i) has no jurisdiction or authority with respect to the project;

(ii) has no expertise or information relevant to the project; or
(iii) does not have adequate funds to participate in the project; and

(B) does not intend to submit comments on the project.

(6) ADMINISTRATION.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

(7) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

(A) supports a proposed project; or

(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(8) CONCURRENT REVIEWS.—Each participating or cooperating agency shall—

(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would prevent the participating or cooperating agency from conducting needed analysis or otherwise carrying out those obligations; and
(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(e) NON-FEDERAL PROJECTS INTEGRATED INTO RECLAMATION SYSTEMS.—The Federal lead agency shall serve in that capacity for the entirety of all non-Federal projects that will be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

(f) NON-FEDERAL PROJECT.—If the Secretary determines that a project can be expedited by a non-Federal sponsor and that there is a demonstrable Federal interest in expediting that project, the Secretary shall take such actions as are necessary to advance such a project as a non-Federal project, including, but not limited to, entering into agreements with the non-Federal sponsor of such project to support the planning, design and permitting of such project as a non-Federal project.

(g) PROGRAMMATIC COMPLIANCE.—

(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—
(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analyses at each level of review;

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that are needed to carry out an environmental review process; and

(D) complies with—

   (i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

   (ii) all other applicable laws.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

   (A) as the first step in drafting guidance under that paragraph, consult with relevant Federal, State, and local governmental agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

   (B) emphasize the importance of collaboration among relevant Federal, State, and local governmental agencies, and Indian tribes in undertaking programmatic reviews, especially with
respect to including reviews with a broad geographical scope;

(C) ensure that the programmatic reviews—

(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, and local governmental agencies, Indian tribes, or the public, and the temporal and special scales to be used to analyze those issues;

(ii) use accurate and timely information in the environmental review process, including—

(I) criteria for determining the general duration of the usefulness of the review; and

(II) the timeline for updating any out-of-date review;

(iii) describe—

(I) the relationship between programmatic analysis and future tiered analysis; and
(II) the role of the public in the creation of future tiered analysis; and

(iv) are available to other relevant Federal, State, and local governmental agencies, Indian tribes, and the public;

(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

(E) address any comments received under subparagraph (D).

(h) COORDINATED REVIEWS.—

(1) COORDINATION PLAN.—

(A) ESTABLISHMENT.—The Federal lead agency shall, after consultation with and with the concurrence of each participating and co-operating agency and the project sponsor or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.

(B) SCHEDULE.—

(i) IN GENERAL.—As soon as practicable but not later than 45 days after the close of the public comment period on a
draft environmental impact statement, the
Federal lead agency, after consultation
with and the concurrence of each partici-
pating and cooperating agency and the
project sponsor or joint lead agency, as ap-
plicable, shall establish, as part of the co-
ordination plan established in subpara-
graph (A), a schedule for completion of the
environmental review process for the
project study.

(ii) FACTORS FOR CONSIDERATION.—
In establishing a schedule, the Secretary
shall consider factors such as—

(I) the responsibilities of partici-
pating and cooperating agencies under
applicable laws;

(II) the resources available to the
project sponsor, joint lead agency, and
other relevant Federal and State
agencies, as applicable;

(III) the overall size and com-
plexity of the project;

(IV) the overall schedule for and
cost of the project; and
(V) the sensitivity of the natural
and historical resources that could be
affected by the project.

(iii) MODIFICATIONS.—The Secretary
may—

(I) lengthen a schedule estab-
lished under clause (i) for good cause;
and

(II) shorten a schedule only with
concurrence of the affected partici-
pating and cooperating agencies and
the project sponsor or joint lead agen-
cy, as applicable.

(iv) DISSEMINATION.—A copy of a
schedule established under clause (i) shall
be—

(I) provided to each participating
and cooperating agency and the
project sponsor or joint lead agency,
as applicable; and

(II) made available to the public.

(2) COMMENT DEADLINES.—The Federal lead
agency shall establish the following deadlines for
comment during the environmental review process
for a project study:
(A) Draft Environmental Impact Statements.—For comments by Federal and State agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor or joint lead agency, as applicable, and all participating and co-operating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(B) Other Environmental Review Processes.—For all other comment periods established by the Federal lead agency for agency or public comments in the environmental review process, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

(i) a different deadline is established by agreement of the Federal lead agency,
the project sponsor, or joint lead agency, as applicable, and all participating and co-
operating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(3) Deadlines for Decisions Under Other Laws.—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (i)(5)(B), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(A) as soon as practicable after the 180-day period described in subsection (i)(5)(B), an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project study have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.
(4) Involvement of the Public.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

(5) Transparency Reporting.—

(A) Reporting Requirements.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal and State agencies, issue reporting requirements to make publicly available the status and progress with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval or action required for a project study for which this section is applicable.

(B) Project Study Transparency.—Consistent with the requirements established under subparagraph (A), the Secretary shall make publicly available the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for
each project study for which this section is applicable.

(i) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The Federal lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.

(2) FEDERAL LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The Federal lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socio-economic resources located within the project area and the general locations of the alternatives under consideration.

(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.
(3) Cooperating and Participating Agency Responsibilities.—Based on information received from the Federal lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project study.

(4) Accelerated Issue Resolution and Elevation.—

(A) In General.—On the request of a participating or cooperating agency or project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—

(i) delay completion of the environmental review process; or

(ii) result in denial of any approval required for the project study under applicable laws.
(B) MEETING DATE.—A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

(C) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

(D) ELEVATION OF ISSUE RESOLUTION.—If a resolution cannot be achieved within the 30-day period beginning on the date of a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall forward the dispute to the heads of the relevant agencies for resolution.

(E) CONVENTION BY SECRETARY.—The Secretary may convene an issue resolution meeting under this paragraph at any time, at the discretion of the Secretary, regardless of
whether a meeting is requested under subpara-

graph (A).

(5) Financial penalty provisions.—

(A) In general.—A Federal jurisdictional
agency shall complete any required approval or
decision for the environmental review process
on an expeditious basis using the shortest exist-
ing applicable process.

(B) Failure to decide.—

(i) In general.—

(I) Transfer of funds.—If a
Federal jurisdictional agency fails to
render a decision required under any
Federal law relating to a project study
that requires the preparation of an
environmental impact statement or
environmental assessment, including
the issuance or denial of a permit, li-
cense, statement, opinion, or other ap-
proval by the date described in clause
(ii), the amount of funds made avail-
able to support the office of the head
of the Federal jurisdictional agency
shall be reduced by an amount of
funding equal to the amount specified
in item (aa) or (bb) of subclause (II), and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C).

(II) Amount to be transferred.—The amount referred to in subclause (I) is—

(aa) $20,000 for any project study requiring the preparation of an environmental assessment or environmental impact statement; or

(bb) $10,000 for any project study requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.
(ii) Description of date.—The date referred to in clause (i) is the later of—

(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) Limitations.—

(i) In general.—No transfer of funds under subparagraph (B) relating to an individual project study shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

(ii) Failure to decide.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the
funds made available for the applicable agency office for that fiscal year.

(iii) **AGGREGATE.**—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under this title and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

(D) **NOTIFICATION OF TRANSFERS.**—Not later than 10 days after the last date in a fiscal year on which funds of the Federal jurisdictional agency may be transferred under subparagraph (B)(5) with respect to an individual decision, the agency shall submit to the appropriate committees of the House of Representatives and the Senate written notification that includes a description of—

(i) the decision;
(ii) the project study involved;

(iii) the amount of each transfer under subparagraph (B) in that fiscal year relating to the decision;

(iv) the total amount of all transfers under subparagraph (B) in that fiscal year relating to the decision; and

(v) the total amount of all transfers of the agency under subparagraph (B) in that fiscal year.

(E) NO FAULT OF AGENCY.—

(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the Federal lead agency, cooperating agencies, and project sponsor, as applicable, that—

(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;
(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why not enough funding is available to complete the review by the deadline.

(ii) Lack of financial resources.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

(I) conduct a financial audit to review the notice; and

(II) not later than 90 days after the date on which the review described
in subclause (I) is completed, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the audit conducted under subclause (I).

(F) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

(j) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State and local agencies, and Indian
tribes on environmental review and Bureau of Reclamation project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and project sponsors of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or project sponsor, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or project sponsor in carrying out early coordination activities.

(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or project spon-
sor, the Federal lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, Indian tribes, State and local governments, and other appropriate entities to carry out the early co-ordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

(k) LIMITATIONS.—Nothing in this section preempts or interferes with—

(1) any obligation to comply with the provisions of any Federal law, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other Federal environmental law;

(2) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

(3) any requirement for seeking, considering, or responding to public comment; or

(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has
with respect to carrying out a project or any other provision of law applicable to projects.

(I) Timing of Claims.—

(1) Timing.—

(A) In General.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 3 years after publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

(B) Applicability.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

(2) New Information.—

(A) In General.—The Secretary shall consider new information received after the close of a comment period if the information
satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

(B) SEPARATE ACTION.—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

(m) CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) survey the use by the Bureau of Reclamation of categorical exclusions in projects since 2005;

(B) publish a review of the survey that includes a description of—
(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

(ii) any requests previously received by the Secretary for new categorical exclusions; and

(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this Act, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment this Act based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

(n) REVIEW OF PROJECT ACCELERATION REFORMS.—
(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) assess the reforms carried out under this section; and

(B) not later than 5 years and not later than 10 years after the date of enactment of this Act, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the assessment.

(2) CONTENTS.—The reports under paragraph (1) shall include an evaluation of impacts of the reforms carried out under this section on—

(A) project delivery;

(B) compliance with environmental laws;

and

(C) the environmental impact of projects.

(o) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

(p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—For the repair, reconstruction, or rehabilitation of a Bureau of Reclamation surface water storage project that is
in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original Bureau of Reclamation surface water storage project as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this subsection.

SEC. 606. ANNUAL REPORT TO CONGRESS.

(a) In General.—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report, to be entitled “Re-
port to Congress on Future Water Project Development”,
that identifies the following:

1. **PROJECT REPORTS.**—Each project report that meets the criteria established in subsection (c)(1)(A).

2. **PROPOSED PROJECT STUDIES.**—Any proposed project study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

3. **PROPOSED MODIFICATIONS.**—Any proposed modification to an authorized water project or project study that meets the criteria established in subsection (c)(1)(A) that—
   (A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or
   (B) is identified by the Secretary for authorization.

4. **EXPEDITED COMPLETION OF REPORT AND DETERMINATIONS.**—Any project study that was expedited and any Secretarial determinations under section 804.

(b) **REQUESTS FOR PROPOSALS.**—

1. **PUBLICATION.**—Not later than May 1 of each year, the Secretary shall publish in the Federal
Register a notice requesting proposals from non-
Federal interests for proposed project studies and
proposed modifications to authorized projects and
project studies to be included in the annual report.

(2) Deadline for Requests.—The Secretary
shall include in each notice required by this sub-
section a requirement that non-Federal interests
submit to the Secretary any proposals described in
paragraph (1) by not later than 120 days after the
date of publication of the notice in the Federal Reg-
ister in order for the proposals to be considered for
inclusion in the annual report.

(3) Notification.—On the date of publication
of each notice required by this subsection, the Sec-
retary shall—

(A) make the notice publicly available, in-
cluding on the Internet; and

(B) provide written notification of the pub-
lication to the Committee on Natural Resources
of the House of Representatives and the Com-
mittee on Energy and Natural Resources of the
Senate.

(e) Contents.—

(1) Project Reports, Proposed Project
Studies, and Proposed Modifications.—
(A) CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—

(i) are related to the missions and authorities of the Bureau of Reclamation;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;

(iv) have not been included in any previous annual report; and

(v) if authorized, could be carried out by the Bureau of Reclamation.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized water resources development project or project study included in the annual report, the benefits,
as described in clause (ii), of each such study or proposed modification.

(ii) Benefits.—The benefits (or expected benefits, in the case of a proposed project study) described in this clause are benefits to—

(I) the protection of human life and property;

(II) improvement to domestic irrigated water and power supplies;

(III) the national economy;

(IV) the environment; or

(V) the national security interests of the United States.

(C) Identification of Other Factors.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (b); and

(ii) for each proposed project study and proposed modification to a project or project study included in the annual re-
port, whether the non-Federal interest has
demonstrated—

   (I) that local support exists for
   the proposed project study or pro-
   posed modification to an authorized
   project or project study (including the
   surface water storage development
   project that is the subject of the pro-
   posed feasibility study or the proposed
   modification to an authorized project
   study); and

   (II) the financial ability to pro-
   vide the required non-Federal cost
   share.

(2) TRANSPARENCY.—The Secretary shall in-
clude in the annual report, for each project report,
proposed project study, and proposed modification to
a project or project study included under paragraph
(1)(A)—

   (A) the name of the associated non-Fed-
eral interest, including the name of any non-
Federal interest that has contributed, or is ex-
pected to contribute, a non-Federal share of the
cost of—

   (i) the project report;
(ii) the proposed project study;

(iii) the authorized project study for which the modification is proposed; or

(iv) construction of—

   (I) the project that is the subject of—

      (aa) the water report;

      (bb) the proposed project study; or

      (cc) the authorized project study for which a modification is proposed; or

   (II) the proposed modification to a project;

   (B) a letter or statement of support for the water report, proposed project study, or proposed modification to a project or project study from each associated non-Federal interest;

   (C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to a project or project study;

   (D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—
(i) the proposed modification to an authorized project study; and

(ii) construction of—

(I) the project that is the subject of—

(aa) the project report; or

(bb) the authorized project study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

(II) the proposed modification to an authorized project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—

(i) the project that is the subject of—

(I) the project report; or

(II) the authorized project study for which a modification is proposed, with respect to the benefits of such modification; or

(ii) the proposed modification to an authorized project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating
that each feasibility report, proposed feasibility study, and proposed modification to a project or project study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.
(c) *Publication.*—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) *Definition.*—In this section, the term “project report” means a final feasibility report developed under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

**TITLE VII—ACCELERATED REVENUE, REPAYMENT, AND SURFACE WATER STORAGE ENHANCEMENT**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Accelerated Revenue, Repayment, and Surface Water Storage Enhancement Act”.

**SEC. 702. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND CONTRACTORS OF FEDERALLY DEVELOPED WATER SUPPLIES.**

(a) *Conversion and Prepayment of Contracts.*—

(1) *Conversion.*—Upon request of the contractor, the Secretary of the Interior shall convert any water service contract in effect on the date of
enactment of this Act and between the United
States and a water users’ association to allow for
prepayment of the repayment contract pursuant to
paragraph (2) under mutually agreeable terms and
conditions. The manner of conversion under this
paragraph shall be as follows:

(A) Water service contracts that were en-
tered into under section 9(e) of the Act of Au-
gust 4, 1939 (53 Stat. 1196), to be converted
under this section shall be converted to repay-
ment contracts under section 9(d) of that Act
(53 Stat. 1195).

(B) Water service contracts that were en-
tered under subsection (c)(2) of section 9 of the
Act of August 4, 1939 (53 Stat. 1194), to be
converted under this section shall be converted
to a contract under subsection (c)(1) of section
9 of that Act (53 Stat. 1195).

(2) PREPAYMENT.—Except for those repayment
contracts under which the contractor has previously
negotiated for prepayment, all repayment contracts
under section 9(d) of that Act (53 Stat. 1195) in ef-
fect on the date of enactment of this Act at the re-
quest of the contractor, and all contracts converted
pursuant to paragraph (1)(A) shall—
(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedule, and properly assignable for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract, such amount to be discounted by 1⁄2 the Treasury rate. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days following receipt of request of the contractor;

(B) require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than
$5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(3) CONTRACT REQUIREMENTS.—Except for those repayment contracts under which the contractor has previously negotiated for prepayment, the following shall apply with regard to all repayment contracts under subsection (c)(1) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(B):

(A) Provide for the repayment in lump sum of the remaining construction costs identified in water project specific municipal and industrial rate repayment schedules, as adjusted to reflect payments not reflected in such sched-
ule, and properly assignable for ultimate return by the contractor. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days after receipt of request of contractor.

(B) The contract shall require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law.

(C) Continue so long as the contractor pays applicable charges, consistent with section 9(c)(1) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(4) CONDITIONS.—All contracts entered into pursuant to paragraphs (1), (2), and (3) shall—
(A) not be adjusted on the basis of the type of prepayment financing used by the water users’ association;

(B) conform to any other agreements, such as applicable settlement agreements and new constructed appurtenant facilities; and

(C) not modify other water service, repayment, exchange and transfer contractual rights between the water users’ association, and the Bureau of Reclamation, or any rights, obligations, or relationships of the water users’ association and their landowners as provided under State law.

(b) ACCOUNTING.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be not less than one year and not more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates
that the costs properly assignable to the contractor are
less than what the contractor has paid, the Secretary shall
credit such overpayment as an offset against any out-
standing or future obligation of the contractor.

(c) **APPLICABILITY OF CERTAIN PROVISIONS.**—

(1) **EFFECT OF EXISTING LAW.**—Upon a con-
tractor’s compliance with and discharge of the obli-
gation of repayment of the construction costs pursu-
ant to a contract entered into pursuant to subsection
(a)(2)(A), subsections (a) and (b) of section 213 of
1269) shall apply to affected lands.

(2) **EFFECT OF OTHER OBLIGATIONS.**—The ob-
ligation of a contractor to repay construction costs
or other capitalized costs described in subsection
(a)(2)(B), (a)(3)(B), or (b) shall not affect a con-
tractor’s status as having repaid all of the construc-
tion costs assignable to the contractor or the appli-
cability of subsections (a) and (b) of section 213 of
1269) once the amount required to be paid by the
contractor under the repayment contract entered
into pursuant to subsection (a)(2)(A) have been
paid.
(d) Effect on Existing Law Not Altered.—Implementation of the provisions of this title shall not alter—

(1) the repayment obligation of any water service or repayment contractor receiving water from the same water project, or shift any costs that would otherwise have been properly assignable to the water users’ association identified in subsections (a)(1), (a)(2), and (a)(3) absent this section, including operation and maintenance costs, construction costs, or other capitalized costs incurred after the date of the enactment of this Act, or to other contractors; and

(2) specific requirements for the disposition of amounts received as repayments by the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(e) Surface Water Storage Enhancement Program.—

(1) In General.—Except as provided in subsection (d)(2), three years following the date of enactment of this Act, 50 percent of receipts generated from prepayment of contracts under this section beyond amounts necessary to cover the amount of receipts forgone from scheduled payments under current law for the 10-year period following the date of
enactment of this Act shall be directed to the Reclamation Surface Water Storage Account under paragraph (2).

(2) SURFACE STORAGE ACCOUNT.—The Secretary shall allocate amounts collected under paragraph (1) into the “Reclamation Surface Storage Account” to fund the construction of surface water storage. The Secretary may also enter into cooperative agreements with water users’ associations for the construction of surface water storage and amounts within the Surface Storage Account may be used to fund such construction. Surface water storage projects that are otherwise not federally authorized shall not be considered Federal facilities as a result of any amounts allocated from the Surface Storage Account for part or all of such facilities.

(3) REPAYMENT.—Amounts used for surface water storage construction from the Account shall be fully reimbursed to the Account consistent with the requirements under Federal reclamation law (the law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093))) and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) except that all funds reimbursed shall be deposited in the Account established under paragraph (2).
(4) Availability of amounts.—Amounts deposited in the Account under this subsection shall—

(A) be made available in accordance with this section, subject to appropriation; and

(B) be in addition to amounts appropriated for such purposes under any other provision of law.

(5) Purposes of surface water storage.—

Construction of surface water storage under this section shall be made for the following purposes:

(A) Increased municipal and industrial water supply.

(B) Agricultural floodwater, erosion, and sedimentation reduction.

(C) Agricultural drainage improvements.

(D) Agricultural irrigation.

(E) Increased recreation opportunities.

(F) Reduced adverse impacts to fish and wildlife from water storage or diversion projects within watersheds associated with water storage projects funded under this section.

(G) Any other purposes consistent with reclamation laws or other Federal law.

(f) Definitions.—For the purposes of this title, the following definitions apply:
(1) ACCOUNT.—The term “Account” means the Reclamation Surface Water Storage Account established under subsection (e)(2).

(2) CONSTRUCTION.—The term “construction” means the designing, materials engineering and testing, surveying, and building of surface water storage including additions to existing surface water storage and construction of new surface water storage facilities, exclusive of any Federal statutory or regulatory obligations relating to any permit, review, approval, or other such requirement.

(3) SURFACE WATER STORAGE.—The term “surface water storage” means any federally owned facility under the jurisdiction of the Bureau of Reclamation or any non-Federal facility used for the surface storage and supply of water resources.

(4) TREASURY RATE.—The term “Treasury rate” means the 20-year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury existing on the effective date of the contract.

(5) WATER USERS’ ASSOCIATION.—The term “water users’ association” means—

(A) an entity organized and recognized under State laws that is eligible to enter into
contracts with reclamation to receive contract
water for delivery to and users of the water and
to pay applicable charges; and

(B) includes a variety of entities with dif-
ferent names and differing functions, such as
associations, conservatory district, irrigation
district, municipality, and water project con-
tract unit.

TITLE VIII—SAFETY OF DAMS

SEC. 801. AUTHORIZATION OF ADDITIONAL PROJECT BENE-

fits.

The Reclamation Safety of Dams Act of 1978 is
amended—

(1) in section 3, by striking “Construction” and
inserting “Except as provided in section 5B, con-
struction”; and

(2) by inserting after section 5A (43 U.S.C.
509) the following:

“SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BEN-
EFITS.

“Notwithstanding section 3, if the Secretary deter-
mines that additional project benefits, including but not
limited to additional conservation storage capacity, are
feasible and not inconsistent with the purposes of this Act,
the Secretary is authorized to develop additional project
benefits through the construction of new or supplementary works on a project in conjunction with the Secretary’s activities under section 2 and subject to the conditions described in the feasibility study, provided—

“(1) the Secretary determines that developing additional project benefits through the construction of new or supplementary works on a project will promote more efficient management of water and water-related facilities;

“(2) the feasibility study pertaining to additional project benefits has been authorized pursuant to section 8 of the Federal Water Project Recreation Act of 1965 (16 U.S.C. 4601–18); and

“(3) the costs associated with developing the additional project benefits are agreed to in writing between the Secretary and project proponents and shall be allocated to the authorized purposes of the structure and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902, 43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act.”.
TITLE IX—WATER RIGHTS PROTECTION

SEC. 901. SHORT TITLE.
This title may be cited as the “Water Rights Protection Act”.

SEC. 902. DEFINITION OF WATER RIGHT.
In this title, the term “water right” means any surface or groundwater right filed, permitted, certified, confirmed, decreed, adjudicated, or otherwise recognized by a judicial proceeding or by the State in which the user acquires possession of the water or puts the water to beneficial use, including water rights for federally recognized Indian tribes.

SEC. 903. TREATMENT OF WATER RIGHTS.
The Secretary of the Interior and the Secretary of Agriculture shall not—

(1) condition or withhold, in whole or in part, the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on—

(A) limitation or encumbrance of any water right, or the transfer of any water right (including joint and sole ownership), directly or
indirectly to the United States or any other designee; or

(B) any other impairment of any water right, in whole or in part, granted or otherwise recognized under State law, by Federal or State adjudication, decree, or other judgment, or pursuant to any interstate water compact;

(2) require any water user (including any federally recognized Indian tribe) to apply for or acquire a water right in the name of the United States under State law as a condition of the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement;

(3) assert jurisdiction over groundwater withdrawals or impacts on groundwater resources, unless jurisdiction is asserted, and any regulatory or policy actions taken pursuant to such assertion are, consistent with, and impose no greater restrictions or regulatory requirements than, applicable State laws (including regulations) and policies governing the protection and use of groundwater resources; or

(4) infringe on the rights and obligations of a State in evaluating, allocating, and adjudicating the waters of the State originating on or under, or flow-
ing from, land owned or managed by the Federal
Government.

SEC. 904. RECOGNITION OF STATE AUTHORITY.

(a) In General.—In carrying out section 903, the
Secretary of the Interior and the Secretary of Agriculture
shall—

(1) recognize the longstanding authority of the
States relating to evaluating, protecting, allocating,
regulating, and adjudicating groundwater by any
means, including a rulemaking, permitting, directive,
water court adjudication, resource management
planning, regional authority, or other policy; and

(2) coordinate with the States in the adoption
and implementation by the Secretary of the Interior
or the Secretary of Agriculture of any rulemaking,
policy, directive, management plan, or other similar
Federal action so as to ensure that such actions are
consistent with, and impose no greater restrictions
or regulatory requirements than, State groundwater
laws and programs.

(b) Effect on State Water Rights.—In carrying
out this title, the Secretary of the Interior and the Sec-
retary of Agriculture shall not take any action that ad-
versely affects—

(1) any water rights granted by a State;
(2) the authority of a State in adjudicating water rights;

(3) definitions established by a State with respect to the term “beneficial use”, “priority of water rights”, or “terms of use”;

(4) terms and conditions of groundwater withdrawal, guidance and reporting procedures, and conservation and source protection measures established by a State;

(5) the use of groundwater in accordance with State law; or

(6) any other rights and obligations of a State established under State law.

SEC. 905. EFFECT OF TITLE.

(a) Effect on Existing Authority.—Nothing in this title limits or expands any existing legally recognized authority of the Secretary of the Interior or the Secretary of Agriculture to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on Federal land subject to the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, respectively.

(b) Effect on Reclamation Contracts.—Nothing in this title interferes with Bureau of Reclamation contracts entered into pursuant to the reclamation laws.
(c) **Effect on Endangered Species Act.**—Nothing in this title affects the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) **Effect on Federal Reserved Water Rights.**—Nothing in this title limits or expands any existing or claimed reserved water rights of the Federal Government on land administered by the Secretary of the Interior or the Secretary of Agriculture.

(e) **Effect on Federal Power Act.**—Nothing in this title limits or expands authorities under sections 4(e), 10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e), 803(j), 811).

(f) **Effect on Indian Water Rights.**—Nothing in this title limits or expands any water right or treaty right of any federally recognized Indian tribe.