

115TH CONGRESS
1ST SESSION

H. R. 438

To direct the Administrator of the Environmental Protection Agency to establish a California New River restoration program to build on, and help coordinate funding for, restoration and protection efforts relating to the New River, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2017

Mr. VARGAS (for himself and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, 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 direct the Administrator of the Environmental Protection Agency to establish a California New River restoration program to build on, and help coordinate funding for, restoration and protection efforts relating to the New River, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “California New River
5 Restoration Act of 2017”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the New River was born out of the Colorado
4 River's occasional flows into the Salton Sink and the
5 erosion of the New River channel which formed the
6 deep river canyon between 1905 and 1907;

7 (2) the New River starts in Mexicali, Mexico,
8 flows north into the United States through Calexico,
9 passes through the Imperial Valley and drains into
10 the Salton Sea, roughly 66 miles north of the inter-
11 national boundary, and the sub-watershed covers ap-
12 proximately 750 square miles, with 63 percent of
13 that in Mexico and 37 percent in the United States;

14 (3) the New River has been widely recognized
15 for its significant water pollution problems, pri-
16 marily because of agricultural runoff, raw sewage,
17 pesticides, and discharges of wastes from domestic,
18 agricultural, and industrial sources in Mexico and
19 the Imperial Valley;

20 (4) by the 1980s, the New River acquired the
21 reputation of being one of the most polluted rivers
22 in the United States, with many of the pollutants
23 posing serious human health hazards to local popu-
24 lations, particularly those in Calexico and Mexicali;

25 (5) in 1992, the International Boundary Water
26 Commission's Treaty Minute No. 288 established a

1 sanitation strategy for the New River water quality
2 problems at the international boundary and divided
3 the sanitation projects into two immediate repairs
4 projects, the Mexicali I and the Mexicali II, which
5 totaled about \$50 million dollars and were funded by
6 both countries through the North American Develop-
7 ment Bank;

8 (6) in 1995, the Environmental Protection
9 Agency provided funds to the California Regional
10 Water Quality Control Board to monitor and docu-
11 ment the water quality at the international boundary
12 on a monthly basis;

13 (7) in the late 1990s, the United States and
14 Mexico spent \$100 million (45 percent paid by Mex-
15 ico and 55 percent paid by the United States) to
16 build the Las Arenitas and Zaragoza Wastewater
17 Treatment plants, and untreated New River water
18 passing through four microbial treatment cells at
19 Las Arenitas was then chlorinated and fed into a re-
20 forestation project along the desiccated Rio Hardy
21 which stretches to the Sea of Cortez;

22 (8) a 10-year effort by community groups, law-
23 yers, regulatory agencies, and politicians addressed
24 the problem at the source by federally funding a new

1 sewage treatment plant in Mexicali and developing a
2 site plan for the river on the United States side;

3 (9) in 2009, the State of California required the
4 California-Mexico Border Relations Council to create
5 a strategic plan to study, monitor, remediate, and
6 enhance the New River's water quality to protect
7 human health and develop a river parkway suitable
8 for public use;

9 (10) in 2012, the California-Mexico Border Re-
10 lations Council approved the strategic plan for the
11 New River Improvement Project prepared by the
12 New River Improvement Project Technical Advisory
13 Committee;

14 (11) in 2016, the New River Improvement
15 Project Technical Advisory Committee revised the
16 recommended infrastructure of the New River Im-
17 provement Project, and the State of California ap-
18 propriated \$1.4 million to provide grants or con-
19 tracts to implement the necessary planning, design,
20 environmental review, and permitting work;

21 (12) the revised New River Improvement
22 Project includes the installation of a large trash
23 screen, a conveyance system, aeration devices, a new
24 pump station and managed wetlands; and

1 (13) the existing and ongoing voluntary con-
2 servation efforts at the New River necessitate im-
3 proved efficiency and cost effectiveness, as well as
4 increased private-sector investments and coordina-
5 tion of Federal and non-Federal resources.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) MEXICAN.—The term “Mexican” refers to
12 the Federal, State, and local governments of the
13 United Mexican States.

14 (3) NEW RIVER.—The term “New River”
15 means the river that starts in Mexicali, Mexico,
16 flows north into the United States through Calexico,
17 passes through the Imperial Valley, and drains into
18 the Salton Sea.

19 (4) PROGRAM.—The term “program” means
20 the California New River restoration program estab-
21 lished under section 4.

22 (5) RESTORATION AND PROTECTION.—The
23 term “restoration and protection” means the con-
24 servation, stewardship, and enhancement of habitat
25 for fish and wildlife to preserve and improve eco-

1 systems and ecological processes on which they de-
2 pend.

3 **SEC. 4. CALIFORNIA NEW RIVER RESTORATION PROGRAM**
4 **ESTABLISHMENT.**

5 (a) ESTABLISHMENT.—Not later than 180 days after
6 the date of enactment of this Act, the Administrator shall
7 establish a program to be known as the “California New
8 River restoration program”.

9 (b) DUTIES.—In carrying out the program, the Ad-
10 ministrator shall—

11 (1) implement projects, plans, and initiatives
12 for the New River supported by the California-Mex-
13 ico Border Relations Council, and work in consulta-
14 tion with applicable management entities, including
15 representatives of the Calexico New River Com-
16 mittee, the California-Mexico Border Relations
17 Council, the New River Improvement Project Tech-
18 nical Advisory Committee, the Federal Government,
19 State and local governments, and regional and non-
20 profit organizations, to implement restoration and
21 protection activities relating to the New River;

22 (2) undertake activities that—

23 (A) support the implementation of a
24 shared set of science-based restoration and pro-

1 tection activities identified in accordance with
2 paragraph (1);

3 (B) target cost-effective projects with
4 measurable results; and

5 (C) maximize conservation outcomes with
6 no net gain of Federal full-time equivalent em-
7 ployees; and

8 (3) provide grants and technical assistance in
9 accordance with section 5.

10 (c) COORDINATION.—In establishing the program,
11 the Administrator shall consult, as appropriate, with—

12 (1) the heads of Federal agencies, including—

13 (A) the Secretary of the Interior;

14 (B) the Secretary of Agriculture;

15 (C) the Secretary of Homeland Security;

16 (D) the Administrator of General Services;

17 (E) the Commissioner of U.S. Customs
18 and Border Protection;

19 (F) the Commissioner of the International
20 Boundary Water Commission; and

21 (G) the head of any other applicable agen-
22 cy;

23 (2) the Governor of California;

24 (3) the California Environmental Protection
25 Agency;

1 (4) the California State Water Resources Con-
2 trol Board;

3 (5) the California Department of Water Re-
4 sources;

5 (6) the Colorado River Basin Regional Water
6 Quality Control Board;

7 (7) the Imperial Irrigation District; and

8 (8) other public agencies and organizations with
9 authority for the planning and implementation of
10 conservation strategies relating to the New River in
11 both the United States and Mexico.

12 (d) PURPOSES.—The purposes of the program in-
13 clude—

14 (1) coordinating restoration and protection ac-
15 tivities, among Mexican, Federal, State, local, and
16 regional entities and conservation partners, relating
17 to the New River; and

18 (2) carrying out coordinated restoration and
19 protection activities, and providing for technical as-
20 sistance relating to the New River—

21 (A) to sustain and enhance fish and wild-
22 life habitat restoration and protection activities;

23 (B) to improve and maintain water quality
24 to support fish and wildlife, as well as the habi-
25 tats of fish and wildlife;

1 (C) to sustain and enhance water manage-
2 ment for volume and flood damage mitigation
3 improvements to benefit fish and wildlife habi-
4 tat;

5 (D) to improve opportunities for public ac-
6 cess to, and recreation in and along, the New
7 River consistent with the ecological needs of
8 fish and wildlife habitat;

9 (E) to maximize the resilience of natural
10 systems and habitats under changing watershed
11 conditions;

12 (F) to engage the public through outreach,
13 education, and citizen involvement, to increase
14 capacity and support for coordinated restora-
15 tion and protection activities relating to the
16 New River;

17 (G) to increase scientific capacity to sup-
18 port the planning, monitoring, and research ac-
19 tivities necessary to carry out coordinated res-
20 toration and protection activities; and

21 (H) to provide technical assistance to carry
22 out restoration and protection activities relating
23 to the New River.

1 **SEC. 5. GRANTS AND ASSISTANCE.**

2 (a) IN GENERAL.—In carrying out the program, the
3 Administrator shall provide grants and technical assist-
4 ance to State and local governments, nonprofit organiza-
5 tions, and institutions of higher education, in both the
6 United States and Mexico, to carry out the purposes of
7 the program.

8 (b) CRITERIA.—The Administrator, in consultation
9 with the organizations described in section 4(c), shall de-
10 velop criteria for providing grants and technical assistance
11 under this section to ensure that such activities accomplish
12 one or more of the purposes identified in section 4(d)(2)
13 and advance the implementation of priority actions or
14 needs identified in the New River-wide strategy adopted
15 under section 4(b)(2).

16 (c) COST SHARING.—

17 (1) FEDERAL SHARE.—The Federal share of
18 the cost of a project for which a grant is provided
19 under this section shall not exceed 55 percent of the
20 total cost of the activity, as determined by the Ad-
21 ministrator.

22 (2) NON-FEDERAL SHARE.—The non-Federal
23 share of the cost of a project for which a grant is
24 provided under this section may be provided in the
25 form of an in-kind contribution of services or mate-
26 rials.

1 (d) ADMINISTRATION.—

2 (1) IN GENERAL.—The Administrator may
3 enter into an agreement to manage the implementa-
4 tion of this section with the North American Devel-
5 opment Bank or a similar organization that offers
6 grant management services.

7 (2) FUNDING.—If the Administrator enters into
8 an agreement under paragraph (1), the organization
9 selected shall—

10 (A) for each fiscal year, receive amounts to
11 carry out this section in an advance payment of
12 the entire amount on October 1, or as soon as
13 practicable thereafter, of that fiscal year;

14 (B) invest and reinvest those amounts for
15 the benefit of the program; and

16 (C) otherwise administer the implementa-
17 tion of this section to support partnerships be-
18 tween the public and private sectors in accord-
19 ance with this Act.

20 **SEC. 6. ANNUAL REPORTS.**

21 Not later than 180 days after the date of enactment
22 of this Act, and annually thereafter, the Administrator
23 shall submit to Congress a report on the implementation
24 of this Act, including a description of each project that
25 has received funding under this Act and the status of all

- 1 such projects that are in progress on the date of submis-
- 2 sion of the report.

