

115TH CONGRESS  
2D SESSION

# H. R. 6040

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2018

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To authorize the Secretary of the Interior to convey certain  
land and facilities of the Central Valley Project.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Contra Costa Canal  
3 Transfer Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ACQUIRED LAND.**—The term “acquired  
7 land” means land in Federal ownership and land  
8 over which the Federal Government holds an interest  
9 for the purpose of the construction and operation of  
10 the Contra Costa Canal, including land under the ju-  
11 risdiction of—

12 (A) the Bureau of Reclamation;

13 (B) the Western Area Power Administra-  
14 tion; and

15 (C) the Department of Defense in the case  
16 of the Clayton Canal diversion traversing the  
17 Concord Naval Weapons Station.

18 (2) **CONTRA COSTA CANAL AGREEMENT.**—The  
19 term “Contra Costa Canal Agreement” means an  
20 agreement between the District and the Bureau of  
21 Reclamation to determine the legal, institutional,  
22 and financial terms surrounding the transfer of the  
23 Contra Costa Canal, including but not limited to  
24 compensation to the reclamation fund established by  
25 the first section of the Act of June 17, 1902 (32  
26 Stat. 388, chapter 1093), equal to the net present

1 value of miscellaneous revenues that the United  
2 States would otherwise derive over the 10 years fol-  
3 lowing enactment of this Act from the eligible lands  
4 and facilities to be transferred, as governed by rec-  
5 lamation law and policy and the contracts.

6 (3) CONTRA COSTA CANAL.—

7 (A) IN GENERAL.—The term “Contra  
8 Costa Canal” means the Contra Costa Canal  
9 Unit of the Central Valley Project, which exclu-  
10 sively serves the Contra Costa Water District in  
11 an urban area of Contra Costa County, Cali-  
12 fornia.

13 (B) INCLUSIONS.—The term “Contra  
14 Costa Canal” includes pipelines, conduits,  
15 pumping plants, aqueducts, laterals, water stor-  
16 age and regulatory facilities, electric sub-  
17 stations, related works and improvements, and  
18 all interests in land associated with the Contra  
19 Costa Canal Unit of the Central Valley Project  
20 in existence on the date of enactment of this  
21 Act.

22 (C) EXCLUSION.—The term “Contra Costa  
23 Canal” does not include the Rock Slough fish  
24 screen facility.

1           (4) CONTRACTS.—The term “contracts” means  
2 the existing water service contract between the Dis-  
3 trict and the United States, Contract No. 175r-  
4 3401A-LTR1 (2005), Contract No. 14-06-200-  
5 6072A (1972, as amended), and any other contract  
6 or land permit involving the United States, the Dis-  
7 trict, and Contra Costa Canal.

8           (5) DISTRICT.—The term “District” means the  
9 Contra Costa Water District, a political subdivision  
10 of the State of California.

11           (6) ROCK SLOUGH FISH SCREEN FACILITY.—

12           (A) IN GENERAL.—The term “Rock  
13 Slough fish screen facility” means the fish  
14 screen facility at the Rock Slough intake to the  
15 Contra Costa Canal.

16           (B) INCLUSIONS.—The term “Rock Slough  
17 fish screen facility” includes the screen struc-  
18 ture, rake cleaning system, and accessory struc-  
19 tures integral to the screen function of the  
20 Rock Slough fish screen facility, as required  
21 under the Central Valley Project Improvement  
22 Act (Public Law 102-575; 106 Stat. 4706).

23           (7) ROCK SLOUGH FISH SCREEN FACILITY  
24 TITLE TRANSFER AGREEMENT.—The term “Rock  
25 Slough fish screen facility title transfer agreement”

1 means an agreement between the District and the  
2 Bureau of Reclamation to—

3 (A) determine the legal, institutional, and  
4 financial terms surrounding the transfer of the  
5 Rock Slough fish screen facility; and

6 (B) ensure the continued safe and reliable  
7 operations of the Rock Slough fish screen facil-  
8 ity.

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

11 **SEC. 3. CONVEYANCE OF LAND AND FACILITIES.**

12 (a) IN GENERAL.—Not later than 180 days after the  
13 date of enactment of this Act, in consideration for the Dis-  
14 trict assuming from the United States all liability for the  
15 administration, operation, maintenance, and replacement  
16 of the Contra Costa Canal, consistent with the terms and  
17 conditions set forth in the Contra Costa Canal Agreement  
18 and subject to valid existing rights and existing recreation  
19 agreements between the Bureau of Reclamation and the  
20 East Bay Regional Park District for Contra Loma Re-  
21 gional Park and other local agencies within the Contra  
22 Costa Canal, the Secretary shall offer to convey and assign  
23 to the District—

24 (1) all right, title, and interest of the United  
25 States in and to—

1 (A) the Contra Costa Canal; and

2 (B) the acquired land; and

3 (2) all interests reserved and developed as of  
4 the date of enactment of this Act for the Contra  
5 Costa Canal in the acquired land, including existing  
6 recreation agreements between the Bureau of Rec-  
7 lamation and the East Bay Regional Park District  
8 for Contra Loma Regional Park and other local  
9 agencies within the Contra Costa Canal.

10 (b) ROCK SLOUGH FISH SCREEN FACILITY.—

11 (1) IN GENERAL.—The Secretary shall convey  
12 and assign to the District all right, title, and inter-  
13 est of the United States in and to the Rock Slough  
14 fish screen facility pursuant to the Rock Slough fish  
15 screen facility title transfer agreement.

16 (2) COOPERATION.—No later than 180 days  
17 after the conveyance of the Contra Costa Canal, the  
18 Secretary and the District shall enter into good faith  
19 negotiations to accomplish the conveyance and as-  
20 signment under paragraph (1).

21 (c) PAYMENT OF COSTS.—The District shall pay to  
22 the Secretary any administrative and real estate transfer  
23 costs incurred by the Secretary in carrying out the convey-  
24 ances and assignments under subsections (a) and (b), in-  
25 cluding the cost of any boundary survey, title search, ca-

1 dastral survey, appraisal, and other real estate transaction  
2 required for the conveyances and assignments.

3 (d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

4 (1) IN GENERAL.—Before carrying out the con-  
5 veyances and assignments under subsections (a) and  
6 (b), the Secretary shall comply with all applicable re-  
7 quirements under—

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

10 (B) the Endangered Species Act of 1973  
11 (16 U.S.C. 1531 et seq.); and

12 (C) any other law applicable to the Contra  
13 Costa Canal or the acquired land.

14 (2) EFFECT.—Nothing in this Act modifies or  
15 alters any obligations under—

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

18 (B) the Endangered Species Act of 1973  
19 (16 U.S.C. 1531 et seq.).

20 **SEC. 4. RELATIONSHIP TO EXISTING CENTRAL VALLEY**  
21 **PROJECT CONTRACTS.**

22 (a) IN GENERAL.—Nothing in this Act affects—

23 (1) the application of the reclamation laws to  
24 water delivered to the District pursuant to any con-  
25 tract with the Secretary; or

1           (2) subject to subsection (b), the contracts.

2           (b) AMENDMENTS TO CONTRACTS.—The Secretary  
3 and the District may modify the contracts as necessary  
4 to comply with this Act.

5           (c) LIABILITY.—

6           (1) IN GENERAL.—Except as provided in para-  
7 graph (2), the United States shall not be liable for  
8 damages arising out of any act, omission, or occur-  
9 rence relating to the Contra Costa Canal or the ac-  
10 quired land.

11           (2) EXCEPTION.—The United States shall con-  
12 tinue to be liable for damages caused by acts of neg-  
13 ligence committed by the United States or by any  
14 employee or agent of the United States before the  
15 date of the conveyance and assignment under section  
16 3(a), consistent with chapter 171 of title 28, United  
17 States Code (commonly known as the “Federal Tort  
18 Claims Act”).

19           (3) LIMITATION.—Nothing in this Act increases  
20 the liability of the United States beyond the liability  
21 provided under chapter 171 of title 28, United  
22 States Code.

23 **SEC. 5. REPORT.**

24           If the conveyance and assignment authorized by sec-  
25 tion 3(a) is not completed by the date that is 1 year after



1 the date of enactment of this Act, the Secretary shall sub-  
2 mit to Congress a report that—

3 (1) describes the status of the conveyance and  
4 assignment;

5 (2) describes any obstacles to completing the  
6 conveyance and assignment; and

7 (3) specifies an anticipated date for completion  
8 of the conveyance and assignment.

Passed the House of Representatives September 12,  
2018.

Attest:

KAREN L. HAAS,

*Clerk.*